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EDITOR'S NOTE

Since its launch in 1999, *Disarmament Forum* has covered a wide variety of topics—from small arms and landmines to fissile materials and missiles, from Latin America to the Middle East, from technology to terrorism. We have aimed to produce clear, forward-looking and accessible analysis on security and disarmament issues—analysis for a worldwide readership comprising disarmament and arms control experts, government officials, diplomats, researchers, academics and students.

Over these five years, we have witnessed considerable re-armament on a global scale, the emergence of new threats as well as new awareness of some that previously existed. Terrorist attacks, a second war in Iraq, a hunt for weapons of mass destruction, and fundamental questions about the use of force, international law and the very relevance of the United Nations contextualize today's disarmament and security discussions. These events and uncertainties have helped to generate awareness of security and arms control issues—yet with this increased consciousness comes raised expectations concerning approaches and solutions to cope with them.

For our fifth anniversary issue, we reflect on the future of security, arms control and disarmament policies based upon current realities. Following the Special Comment by Secretary-General Kofi Annan, experts weigh in on a number of today's urgent issues, including the state of the nuclear non-proliferation regime, the role of the United Nations in disarmament and counter-terrorism, the necessity of increasing security literacy among young people, and the relationship between human security and human rights. We hope that you find these articles thought-provoking and informative.

The next issue of *Disarmament Forum* will focus on Indian-Pakistani relations. Despite other internal and transborder security challenges in South Asia, the relations between nuclear-armed India and Pakistan continue to exert a preponderant influence on the evolution of the security climate in the region. Issue number 2, 2004 will take stock of recent developments, especially in the years since the 1998 nuclear tests, and provide food for thought on possible trends. The issues it will address include the future of Kashmir, the performance and prospects of confidence-building measures between India and Pakistan as well as the roles of relevant regional organizations and of significant extra-regional powers.

One of the most exciting developments at the Institute in 2003 has been the significant increase in the number of UNIDIR publications available in languages other than English—the most recent of which are the Korean and Arabic editions of *Coming to Terms with Security*. Additionally, the Institute ended the year with several new publications in English. The second and third books in the Costs of Disarmament series, focusing on American-Russian arms control initiatives and on the case of India and Pakistan, respectively, are now available (see UNIDIR Focus on page 59) as well as an essay by Michael Friend entitled *After Non-Detection, What? What Iraq's Unfound WMD Mean for the Future of Non-Proliferation*. Detailed information on these and other publications is available on our website.

In response to the need to pursue new approaches to address increasingly complex international security issues that do not fall easily into the 'arms control' or 'humanitarian' tracks, UNIDIR is launching *Disarmament as Humanitarian Action: Making Multilateral Negotiations Work*. This two-year project will examine the international system's inability to deal effectively with arms control and disarmament problems that have very real human consequences. It will focus on identifying and developing the types of approaches that could enhance the prospect of effective humanitarian outcomes. The project adopts a problem-solving approach involving practitioners in the multilateral negotiating field and emphasizes practical, commonsense means grounded in the humanitarian dimensions of disarmament.

UNIDIR director Dr Patricia Lewis has been named to a fourteen-member international expert commission that will be meeting throughout the year to develop ideas of how to stop the spread of weapons of mass destruction, work toward their elimination and reinvigorate global cooperation on this issue. Supported by the Government of Sweden and chaired by Hans Blix, the commission will elaborate both short-term and long-term approaches to disarmament and non-proliferation.

For those of us at UNIDIR, five years of *Disarmament Forum* have passed quickly. Feedback from our readers has helped to shape each issue of the journal. We are delighted to know the variety of ways that *Disarmament Forum* is utilized—from being read by experts and practitioners, to serving as supporting material in high school and university classrooms, to being discussed on radio talk shows. We welcome your thoughts on topics for future issues and articles, as well as on the journal's format and readability. And don't forget that all back issues of *Disarmament Forum* are available in their entirety on our website (www.unidir.org).

On behalf of Valérie Compagnon and myself, we share with you our hopes for a peaceful new year.

Kerstin Vignard

SPECIAL COMMENT

For nearly half a century, the threat of nuclear annihilation hung over the Earth as two armed camps faced each other in a delicate balance of terror. Thankfully, that epoch has passed. But the dangers of the weapons developed during that period have not.

Indeed, in the twenty-first century, humankind remains threatened by weapons of mass destruction, which could be deployed by design or by mistake by a number of states, or spread to other states causing destabilization and tension, or fall into the hands of dangerous non-state actors who are difficult to deter and unlikely to show restraint.

At the same time, conventional weapons of various kinds, both large and small, continue to kill hundreds of thousands of people a year.

The need for progress in the field of disarmament is therefore as great today as it has ever been. Indeed, given the combination of old and new threats that we face, the world cannot safely endure another half century without major progress on disarmament.

After all, there are tens of thousands of nuclear weapons in existence. Treaties that ban chemical and biological weapons have still not achieved universal membership. There are few multilateral legal norms governing conventional arms and missiles. Weapons threaten to spread to outer space. Military expenditures are once again approaching US\$ 1 trillion a year while billions of people struggle to survive in conditions of abject poverty.

Disarmament offers much more than a means of dealing with weapons. It offers a safer world for future generations, resources liberated for economic development, and less degradation of our natural environment.

Winning these benefits will not be easy. Conflicting political priorities, technological complexities, and the scarcity of reliable information are among the obstacles. There is also a great need for in-depth research to assist both decision-makers and members of the general public.

Over the last five years, despite limited resources, *Disarmament Forum* has made an important contribution to meeting that need. In this fifth anniversary issue, the United Nations Institute for Disarmament Research has assembled an array of authors to examine the disarmament agenda of the next five years. That agenda encompasses both unfinished business and emerging challenges.

The unfinished business includes making real progress in efforts to eliminate all weapons of mass destruction, achieve universal membership in the treaties to ban such weapons as well as to prevent their proliferation, strengthen compliance and verification under these treaties, reduce military spending, and curb the production and sale of conventional arms. I would include in this category the enormous promise of defence conversion projects in both wealthy and developing countries.

Emerging challenges include the threat of terrorists acquiring weapons of mass destruction, the dangers of cyber-warfare, the consequences of ongoing improvements in conventional arms, the threat of an arms race in outer space, and challenges from several new and rapidly evolving technologies.

Progress in these fields will take both individual and collective action by states. It will also require the contribution and support of civil society. And it will not be achieved without the full utilization of a shared multilateral framework—the United Nations—to harmonize these efforts in the common interest.

UNIDIR plays an important role in advancing those efforts. I would like to thank UNIDIR for its work, including its stewardship of *Disarmament Forum*—a publication which I commend to all who seek a safer world.

United Nations Secretary-General Kofi Annan

The nuclear non-proliferation regime: back to the future?

John SIMPSON

It is now widely acknowledged that the nuclear non-proliferation regime is in a state of crisis. Opinions differ, however, on whether the crisis is a consequence of American attitudes and policies towards nuclear weapons constraints since 2000, or whether those American policies are responses to a series of changes related to the regime that can no longer be ignored and which in themselves could be described as a crisis. Put another way, is the crisis the result of changes in the international nuclear environment that have exposed widening gaps between that environment and existing international policy responses? And are American policies a new version of its traditional leadership role in this area of trying to drag the rest of the world behind it in responding to unwelcome changes in the global system?

If this state of crisis is believed to be a result of American actions, then it follows that the situation can be resolved by changes in its policy to make it more supportive towards multilateral arms control, and that the American electorate and the government's influential allies may be able to help produce such a change. If it is believed to be a product of changes in the environment in which nuclear arms constraints are operating, however, then the implication is very different: that states now need to assess and analyse the evolving situation, and to be prepared to change their attitudes towards nuclear weapons constraints and modify their policies accordingly.

The truth, of course, probably lies between these two extremes. The context in which nuclear arms constraints are operating has changed, and thus may demand new international security policies. However, the response of the United States towards these changes could have placed a higher priority on reducing the confusion and negative reactions that have surrounded its actions. This has been compounded by its attempts to inject new language into the traditional debate—to supplement, if not supplant, the language of non-proliferation with terms such as counter-proliferation and proliferation prevention, not to mention proliferation pre-emption. Indeed some would argue that, in practice, the policy of the Clinton Administration did not differ appreciably from that of the current administration on key issues. Rather, it was simply presented in a more diplomatic manner by arguing that traditional multilateral non-proliferation tools were not enough in themselves to handle the emerging proliferation challenges.

There is no doubt that the international proliferation environment has changed, and that this has exposed gaps in the existing non-proliferation arrangements. At the same time, the debate between

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the United States and others over policies towards nuclear proliferation and their implementation has taken on a form which suggests that these policies are revolutionary, rather than evolutionary. Yet, at heart the legal regime, however inflexible and outdated it may appear, offers an essential foundation for nuclear anti-proliferation policies: a normative and legal framework to legitimize national and international action against proliferators as well as provide incentives for non-proliferation.

Cloaked by the ongoing debate over policies to prevent proliferation are a series of more basic, overlapping dichotomies. One concerns the nature of the world order that is now emerging. Is it one of international anarchy moderated by mutual self-interest, tactical alliances and military strength—a political realist world—or is it one of expanding security communities created around cooperation, common values, conflict-resolution mechanisms and arrangements to manage armaments? More specifically, is this management activity to occur on the basis of imposed rules and power or agreed rules and consensus? And should arms management policies revolve around the political alignment of states, or the principles of universality and non-discrimination? If it is to be the former, it follows logically that implementation becomes a matter of deeming that those that are 'against us' are not safe to possess nuclear weapons and should be denied them by all effective means available, including preventive military actions. If the latter, international law and norms, the United Nations, treaties or political agreements, and international verification and non-compliance mechanisms come into play.

Of course, in practice states, including the United States, tend to migrate towards a centre position between these extremes. The use of raw power without legitimacy generates the anarchy it may be claiming to moderate. Arms management based on universality and non-discrimination will fail without effective non-compliance mechanisms. Policies based upon concepts of 'us and them' are likely to generate self-fulfilling prophecies. Policies that put national self-interest before international verification

The use of raw power without legitimacy generates the anarchy it may be claiming to moderate. Arms management based on universality and non-discrimination will fail without effective non-compliance mechanisms.

and norms are likely to damage the growth of security communities. The trick to sustaining international stability is to find ways of reconciling these dichotomies, and not allow them to migrate to the extremes.

Over the last thirty-three years, these dichotomies have been reconciled in the nuclear area by the checks and balances inherent in the international arrangements created in the ten years from 1965 to 1975. The problem is that in the last ten years the nuclear environment has changed and these checks and balances have not changed with them. The remainder of this paper will therefore attempt to identify the key changes that have occurred, the gaps that they have created in the existing legally based regimes, the attempts that are now being made to close these gaps, and the possibilities of new checks and balances being created.

The old checks and balances

It is worth recalling that the text of the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was based upon one assumption and, many would argue, a balance between commitments in three distinct areas of nuclear activity. The assumption was that there would be no additional nuclear-weapon states beyond those that had exploded a nuclear device before 1 January 1967. The three areas of activity were the non-proliferation of nuclear weapons to those that did not possess them; nuclear disarmament by those that did; and the peaceful uses of nuclear energy. Unlike in the treaties dealing with chemical and biological weapons, two classes of states were created with differing obligations, and it was left to an existing nuclear energy organization, the International Atomic Energy Agency (IAEA), to decide what verification/safeguarding arrangements were to be put in place to deter states

from diverting fissile materials from peaceful to military uses. Like the other regimes dealing with weapons of mass destruction (WMD), however, the underlying principles of the NPT were non-discrimination and universality.

In practice, since its entry into force in 1970 the NPT has been supported by a range of associated demand- and supply-side multilateral and unilateral measures. On the demand side, most of the prospective proliferators of the period lay under the nuclear deterrence 'umbrellas' provided by the United States or the Soviet Union, while those that did not had more limited security assurances provided through unilateral statements or United Nations Security Council resolutions. The *quid pro quo* was non-acquisition of national nuclear weapons, or at least keeping efforts to develop them opaque. The IAEA safeguards system, agreed in 1973, had limited inspection powers due to concerns that a more intrusive system would privilege the American nuclear industries and deter key target states from becoming parties to the NPT. Also, the first two regional agreements banning nuclear weapons from land areas had been negotiated to cover Latin America and the Caribbean and Antarctica, and were in the process of being implemented.

On the supply side, India's test in 1974 highlighted the fact that military and peaceful atoms were generated by the same dual-use facilities and materials, while the oil supply crisis in 1973 created a rapidly lengthening order book in several countries for nuclear power reactors. The Nuclear Suppliers Group (NSG) was therefore constituted to deny the two key military enabling technologies, reprocessing and enrichment, to states outside (and inside?) the NPT. During the 1980s this was supplemented by similar controls on nuclear missile delivery systems through the Missile Technology Control Regime (MTCR).

Bilateral arms limitation agreements were negotiated between the United States and Soviet Union starting in 1972, and could be presented as moves to deliver on the nuclear disarmament commitments, while hope persisted that the Partial Test-Ban Treaty of 1963 would be superseded by a Comprehensive Test-Ban Treaty (CTBT). Above all, non-proliferation was driven by a mutual American-Soviet interest in preventing their allies, who then comprised most of the world's nuclear capable states, from acquiring nuclear weapons. Both policed their blocs to ensure that this did not happen.

This was the patchwork of treaties, political agreements and understandings designed to prevent nuclear proliferation, usually referred to as the nuclear non-proliferation regime, that existed in 1990. It was based upon four streams of activity: unilateral constraints; bilateral agreements between the United States and the Soviet Union; multilateral non-proliferation and disarmament agreements; and multilateral guidelines on national legislation to deny transfers of relevant materials and technology to suspected proliferators. In a general sense, all of these activities continued to be pursued after 1990: it was only the balance between them that subsequently changed. But significant alterations have occurred within each set of activities, which have in themselves affected the other streams of activity and policies to prevent nuclear proliferation.

Although together they were termed a 'regime', in practice some of the elements were seen by many states to be in conflict with each other (e.g. the NPT and export controls). In practice, what had been created was a fragmented system of unilateral and multilateral international governance of nuclear energy, particularly given the IAEA's much wider promotional role in this area. This system covered a broad range of nuclear-related activities, some of which appeared to have only a peripheral connection to the prevention of nuclear proliferation. The spread of this governance system could be witnessed in successive NPT review conferences, where issues such as transport of nuclear waste and safety of nuclear power stations appeared on the agenda. Indeed one might argue that this treaty review process, plus the IAEA general conferences, was by 1990 becoming the visible core of a system of global nuclear governance.

Past structures, old and new gaps and current changes

In the years since 1990, major changes have taken place in the international environment that spawned the NPT. This has produced a series of contrasting effects upon the dynamics of nuclear proliferation, as well as threat perceptions both globally and nationally. In particular, there has been the development of suicide terrorist threats from transnational non-state actors, and thus the need to factor this new type of WMD threat into the nuclear governance system. In practice this has meant its expansion into the management and accounting of radioactive sources and placing greater emphasis on physical security of nuclear materials and preventing nuclear smuggling. In addition, evidence has

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now emerged of changes in the procurement strategies of state proliferators. The Libyan case, for example, appears to have involved 'freelancing' nuclear engineers from Pakistan's national nuclear programme providing the information required to enable parts for a clandestine uranium enrichment plant to be manufactured in a third country (Malaysia), and then trans-shipped with the aid of a network of middleman to Libya via at least one additional state (Dubai). One implication of these changes is that state and non-state actor proliferation routes are now starting to merge, with pressures growing for states to more effectively police all possible nuclear-related activities taking place within their borders.

A second major change has been geographical: the proliferation dynamics have ceased to be global and have become regional. Nuclear weapons have been withdrawn from surface ships, and nuclear-weapon-free zones (NWFZ) now cover much of the Southern Hemisphere. The reintegration of Europe in a peaceful manner and its transformation into an increasingly effective security community with few external military threats has reduced, but as yet not eliminated, the salience of nuclear weapons to the states within it. Elsewhere, however, the crumbling of Cold War security relationships and the lack of a 'balancer' to the United States following the normalization of its relations with the Russian Federation appear to have generated added regional insecurity and new proliferation pressures. The result is that proliferation concerns are now focused on discrete groups of states in the Middle East, East Asia and South Asia. Evidence for this can be found in the prolonged stand-off over WMD disarmament in Iraq, the North Korean threats of withdrawal from the NPT, and the nuclear tests in India and Pakistan in 1998—which moved them from their globally convenient recessed position to declared nuclear-weapon status.

A third major change concerns attitudes towards the use of nuclear weapons. On the one hand, changes in delivery system technology have increased the accuracy and lethality of such weapons, and appeared to make nuclear weapons unnecessary for performing many of the war-fighting tasks allocated to them previously. At the same time this has led some states with no access to advanced conventional weapons to view nuclear weapons as substitutes for them. Indeed the Russian Federation argued at the 2003 session of the Preparatory Committee for the 2005 NPT Review Conference that any negotiation on reducing stocks of non-strategic nuclear weapons should be linked to negotiations on constraints on conventional capabilities—a mirror image of the NATO position prior to 1990.

One logical consequence of the end of the American-Soviet confrontation is that nuclear weapon use in 2004 is likely to be non-cataclysmic, in contrast to the case in 1964, 1974 or 1984. Indian, Pakistani and North Korean capabilities are not such that their use will result in the type of catastrophic global environmental and human consequences that were discussed in the 1960s and 1970s in the context of an East-West conflict. At the same time, a nuclear war between them is highly unlikely to escalate into nuclear intervention by other states. Moreover, the response of the other established nuclear-weapon states (NWS) to use of a nuclear weapon in a manner which produces few civilian

casualties would be one of extreme shock, but concerns would focus more on the precedent involved and its political consequences, and above all the threat it would pose to the normative WMD basis for the existing nuclear regime, rather than its direct human or environmental consequences.

Linked to these changes has been the evolution of the debate over nuclear disarmament since 1990. It now seems clear that much of the popular and interstate pressure for nuclear disarmament prior to 1990 was a direct product of perceptions that the existing world was in danger of being destroyed by the actions of a very small number of states and their leaders. The simple and obvious way of preventing this was to remove the weapons from them. This in turn meshed with the 'balance' perceived by many states within the NPT between non-proliferation and nuclear disarmament, namely that the norm underlying both non-proliferation and disarmament was the elimination of nuclear weapons. The end of the Cold War led to a process of significant reductions in the arsenals of the majority of the legally recognized NWS. Allied to this, however, was a realization that the physical dismantling of those weapons and the 'denaturing' of the nuclear materials within them was going to take years, if not decades, to achieve.

One consequence of these contextual changes is that nuclear disarmament no longer appears to be a priority objective of many states within the Non-Aligned Movement (NAM). For them, their major security threats are elsewhere, such as lack of economic development, the globalization of commerce, the collapse of effective state structures, internal war and starvation, and—in the case of some island states—global warming. One consequence of this is a heightened sensitivity to issues surrounding the peaceful uses of nuclear energy, and in relative terms a lower concern with nuclear weapons. The result of this can be seen at the regional level in the difficulty in collecting enough ratifications to bring the Treaty of Pelindaba, and thus the NWFZ in Africa, into force. On a global level, the driving force for nuclear disarmament is now the New Agenda Coalition (NAC) and a number of western states, rather than the NAM. In addition, the NAM is now confronted by a situation where two of its number are self-declared nuclear-weapon states; where its name and rationale appear obsolete, as it is no longer clear what it is aligned against; and its constituent regional groups have differing interests. In short, it has problems with its identity and cohesion.

The paradox has been that as the recognized NWS appear to have moved towards a political situation where nuclear weapons are less significant in their political relationships, they should have been more open to arguments about the desirability of disarmament, especially given the priority threats from global terrorist movements that now confront them. In practice, however, pressure for disarmament appears to be less intense, both internationally and domestically, than in the period from 1955 to 1990. Disarmament is now a long-term, back-burner issue to be conducted in an incremental fashion. One explanation for this is that it was not disarmament that solved the Cold War insecurity problem as well as the Argentinean, Brazilian and South African proliferation issues, but changed political relationships. Nuclear disarmament has thus been slowly moving from being a solution to the consequences of political conflict to being a consequence of the solution to such conflict, and thus less significant and urgent. The key change has been in perceptions of the motivations of states in acquiring these weapons. To use 1970s language, problem countries have ceased to be problem countries and, in the process, problem technologies have become of reduced, if any, concern.

Nuclear disarmament has thus been slowly moving from being a solution to the consequences of political conflict to being a consequence of the solution to such conflict, and thus less significant and urgent.

A fourth major change has been that while membership of the NPT has moved numerically closer toward universality, the possibilities of achieving this desired end-state appeared to have receded, and to have brought with it a new set of problems. Given that India and Pakistan (and North Korea?) are declared nuclear-weapon states, and Israel a state which most analysts assume is an undeclared one, this raises the questions of where the NPT and regime can go from here. There is no expectation

that India, Israel and Pakistan are going to disarm unless their perceived security threats dissolve, and their disarmament is linked to that of the five recognized NWS. At the same time, one key policy issue is whether they can be persuaded to act in the non-proliferation policy area as though they were recognized nuclear-weapon states, in the way that France chose to do from 1974 onwards. Another is whether the NPT and the regime can operate indefinitely on the basis of a legal agreement that is patently at odds with the situation on the ground (i.e. that there are no additional nuclear-weapon states beyond the NPT five, and those outside can only enter the treaty as non-nuclear-weapon states).

A further difficulty that became more transparent as the NPT moved closer to universality was that proliferation problems were likely to arise within the NPT membership, as well as outside of it. This was highlighted in 1991 with the release of information on the nuclear-weapon programme of Iraq, an NPT member of long standing that had a safeguards agreement with the IAEA. Although the possibility of renegade states had been apparent since the early 1980s, and was highlighted by the Israeli raid on Iraq's Tamuz reactor in 1981, the Iraq case energized the international community to the need to enhance IAEA safeguards. In parallel, the possibility emerged that the next proliferator was almost certainly going to be from within the NPT, rather than outside of it. Indeed when Cuba acceded to the NPT in late 2002, there were no more potential proliferators outside of the NPT.

At this stage, a fifth series of contextual changes and gaps in the regime became more apparent as the issues of compliance and non-compliance with the NPT and IAEA safeguards agreements moved to centre stage. The Iraq case demonstrated how limited were the powers given to the IAEA safeguards organization when its work on providing assurances to NPT parties started in 1974. They were not to be significantly enhanced until after 1991, when a series of decisions by the IAEA Board of Governors extended those powers. One consequence was that the safeguarding mandate expanded from giving early warning of diversion to detecting clandestine activities, aided by additional legal powers provided by a 1997 Additional Protocol to the standard bilateral agreements on the implementation of safeguards between the IAEA and states parties. The recent activities of the IAEA in Iran offer some indication of what is now possible with these additional powers, but there remain areas where the role of the agency is still opaque, such as whether it should be concerned with weaponization as well as the nuclear fuel cycle, and whether and how its safeguards might be strengthened on key nuclear dual-use facilities, such as those for enrichment and reprocessing.

Prior to Iraq, there had been no case of alleged non-compliance with an IAEA safeguards agreement being referred by the IAEA Board of Governors to the UN Security Council for action. When this happened in 1991 there was unanimity on the Security Council on the need for action, but in the specific context of a war to return Kuwait to its independent status and to disarm Iraq of its WMD. However, when the Board of Governors referred the case of North Korea's alleged non-compliance with its safeguards agreement to the Security Council, and North Korea then gave notice of its decision to withdraw from the NPT in March 1993, there were disagreements within the Security Council on how to act. Eventually it was left to the United States to negotiate a Framework Agreement with North Korea, which some saw as rewarding proliferation. This unsatisfactory situation of the Security Council being unable to act was compounded from the mid-1990s onwards by the split over how to coerce or persuade Iraq to complete its WMD disarmament and set up a disarmament monitoring process. Subsequently, similar disagreements occurred over UNSCOM and Iraq in 2002–2003, as well as the Security Council's response to North Korea's NPT withdrawal claim in early 2003 (though in this case a regional approach may have been a preferable option).

Experience since 1990 suggests that what constitutes non-compliance with an IAEA safeguards agreement usually rests on very specific technical analysis, but there still remains the judgmental issue of whether the situation is one of an accidental breach or minor technical one, or is part of a national proliferation strategy. In the case of the NPT, the issue is complicated by the existence of its balance

between three sets of commitments, and the threat that any attempt to engage in discussion of proliferation will also generate non-compliance charges against the recognized NWS, not to mention export control arrangements in the peaceful uses context. Thus although proposals have been made for its parties to create non-compliance committees or similar executive bodies, it is highly unlikely that the parties would be able to agree on limiting their scope to the non-proliferation area. So even if a proliferator were to be caught red-handed by the IAEA, there would be no guarantee that either the Security Council or any newly created NPT non-compliance committee would agree on the need to act or the action to be taken. This in itself considerably reduces the deterrent effect sought through the existence of IAEA safeguards in their upgraded form.

One last gap truly returns the non-proliferation debate to its beginnings: the assumption that it was possible to distinguish between military and peaceful nuclear activities. Two technical distinctions are possible: that of the isotopic composition of the nuclear material involved in both, and that based upon commercial considerations of the economies of scale involved in large production plants. Specifically, uranium enriched in the isotope U235 above 20% and plutonium containing a high percentage of Pu238 are deemed to be weapon-grade material, though in practice all reactor plutonium is normally regarded as falling into this category. Politically, the assumption is that as all non-nuclear-weapon states in the NPT have committed themselves to use materials for peaceful purposes, to question their activities in this area is implicitly to question their trustworthiness.

Politically, the assumption is that as all non-nuclear-weapon states in the NPT have committed themselves to use materials for peaceful purposes, to question their activities in this area is implicitly to question their trustworthiness.

The realization that the structures of the NPT and of the IAEA safeguards arrangements meant that it was a sovereign decision of individual states what nuclear facilities they built and operated was the background to the creation of the NSG following the Indian test in 1974. One of its underlying aims was to block two pathways to proliferation that existed within these NPT/IAEA arrangements and one outside of it. The internal pathways were diversion of materials from existing 'legitimate facilities' or giving the required three months notice of withdrawal from the NPT (and IAEA safeguards arrangements), and then operating existing facilities to manufacture 'weapon-grade' nuclear materials. The path for those outside of them was to acquire by transfer 'civil' facilities, and then to use such unsafeguarded plants to manufacture weapon materials. The NSG effectively closed these gaps through a tacit policy of technology denial. Neither uranium enrichment plants nor plants to reprocess used reactor fuel and separate the plutonium contained within them were to be transferred to non-technology holders. To back this up, the United States then unilaterally started a campaign to remove weapon-grade uranium from all research reactors, starting with American-supplied ones, thus plugging another way of accessing weapon-grade material. Other holes effectively plugged themselves. It was accepted that the commercial value of 'peaceful' explosions was negligible and the environmental problems huge, and that neither nuclear ship or submarine reactors, nor mobile barge-mounted nuclear power plants, were attractive to non-nuclear-weapon states. In 2002, however, the Iranian enrichment programme appeared to demonstrate that it had been able to circumvent existing denial policies both by indigenous activities and acquiring technology from states not bound by non-transfer commitments.

This survey of the changes in the nuclear non-proliferation context since 1990 illustrates that new gaps in the regime have opened, and old ones that were thought to have been closed have now reappeared. The priorities generated by these changes suggest that we are in a new non-proliferation context, but at the same time the central structure of the policy apparatus needed to prevent further proliferation remains as relevant as ever. As the South Africans argued in 1995 at the NPT Review and Extension Conference, non-proliferation is like human rights. It cannot be one law for the rich and one for the poor, or one for the friends of the United States and one for its enemies. If it is to survive in the long run, it must be a set of norms and rules applicable to all.

At the same time, it is clear that the issues raised above go much wider than those related to a regime solely to prevent nuclear proliferation. It is essentially a multifaceted system for nuclear governance that we are dealing with, in which many different tools are being used to address specific issues, and only infrequently does one size fit all. And at the centre of this governance system, although many of those involved do not yet realize it, is the dual decision-making systems of the IAEA General Conference and the NPT Review Conference process plus, if it reforms itself, the UN Security Council.

Key policy issues for the future

The new policy environment generates an obvious question—does the change in the policy context demand different strategies to address proliferation? And if so, what might they be, and how far should they go? Do they require changed treaties and norms to underpin them? Do they require the identification of ways to amend the existing ones by consensual political agreements on new interpretations? And are the current policy disagreements centred upon the consensual norms that underpin the system, or the rules that follow from them and the way those rules are interpreted?

CONVERSING IN A COMMON LANGUAGE

The NTP contains commitments to the norms that underpin the main aspects of the international nuclear guidance and governance system. These are non-proliferation, disarmament, peaceful uses and universality/non-discrimination. Some of these are now being challenged, both in absolute and relative terms.

One challenge is that of a discriminatory, rather than non-discriminatory, approach to nuclear non-proliferation. The Soviet Union discovered the potential risks of such a policy in relation to China in the early 1960s. Yet in the new international environment, there appears to be a distinct tendency to focus non-proliferation policies upon what constitutes the current threats to the United States and its allies, and regard as secondary the need to sustain the structure that may provide long-term solutions to nuclear-weapon control and elimination.

A second challenge is that diplomatic policies that focus upon striking a bargain through ‘sticks and carrots’ with a potential or actual proliferator may have the longer-term effect of undermining the non-proliferation regime by appearing to demonstrate that proliferation pays: that it leads to states displaying proliferation traits being rewarded for their activities, while those who conform are not. The obvious example of this is North Korea, where the provision of two nuclear reactors and heavy fuel oil to ensure non-proliferation is now in danger of being built upon by the provision of security assurances to that state, but not to other NAM members, by the United States.

A third challenge is in the disarmament area. Since 1954, almost fifty years ago, the nominal objective of international nuclear constraint policies has been to manage existing nuclear weapons with a view to their elimination in the longer term, while preventing additional states acquiring them in the short term. The assumption behind these policies has been that further proliferation would make the eventual elimination of nuclear weapons more complex and difficult. The core question that is now emerging is whether elimination has now moved so far into the distance as to be no longer the practical aim of policy. Finally, it is only states that the United States regards as not being ‘of concern’ which are now regarded as safe to have a complete nuclear fuel cycle: others are regarded with suspicion, and it is denied to them.

This switch in relative emphasis from universal technology controls to state-based denial policies has been paralleled by changes in the language of non-proliferation policies. In a similar fashion to the way disarmament has disappeared into the background, so too has non-proliferation. With three, if not four additional nuclear-weapon states plus global terrorists armed with radiological—perhaps even nuclear—weapons, the relative emphasis has switched from long-term control to short-term defence. Counter-proliferation strategies involving enhanced intelligence of possible threats, defensive missiles, military pre-emption and planned responses to use of radiological and nuclear weapons are now to the fore. As options of conventional defence and pre-emption have yet to be used, it remains unclear to what extent this activity is intended to generate a deterrent effect, rather than be an active defence strategy. But what is clear is that there has been a switch from relying on legal agreements and diplomatic activities to more active strategies of denial, for which consensual language has yet to be invented. At the same time, there is concern that the new language used to articulate these policies is not just an exercise of manipulating the existing tools within the regime, but also changing its aims and objectives.

This switch in relative emphasis from universal technology controls to state-based denial policies has been paralleled by changes in the language of non-proliferation policies.

COMPLIANCE AND GOVERNANCE

The issue of compliance with the norms of the regime has taken centre stage in international debates at the same time as those norms appear in practice to be changing, and to some extent the rules related to them as well. One consequence of this is to make it more difficult for a potential proliferator to forecast in advance how to develop a nuclear-weapon programme, yet still stay within the rules of the regime, as both North Korea and Iran have discovered. But the major question now emerging is who is to judge the technically non-compliant and determine the action to be taken against them: the United States, the Security Council or some other, perhaps NPT-based body?

It is clear that one of the main stimulants to the active American policies of imposing compliance upon allegedly non-compliant states has been frustration at the inability of the international community, and more particularly the Security Council, to act in a timely and effective manner in this area. The answer probably does not lie in the NPT parties creating an executive body to handle such issues. While this would serve a similar function to the General Assembly in permitting all states to participate in discussions, it would not necessarily achieve effective action unless the permanent members of the Security Council were to choose to act through this body rather than the UN—an extremely unlikely occurrence. Rather, the solution would appear to lie in reforms of the Security Council mechanism to enable it to act.

What appears necessary is action in three areas. One is to create a mechanism within the UN organization to bring together the monitoring of all the WMD threats, as well as linking the IAEA and the Organisation for the Prohibition of Chemical Weapons more positively into it, and preserving the experience of UNMOVIC and the IAEA as inspection organizations for use in responding to such threats. The second is to create a Counter-Proliferation Committee linked to the Security Council (similar to the Counter-Terrorism Committee) to create a focus for continuous political monitoring and action on WMD threats. The third is for the Security Council to enhance its 1992 declaration on WMD proliferation by agreeing upon a set of predetermined responses to any attempt by a state with complete fuel-cycle facilities to withdraw from the NPT, and in particular to deter such moves by making it necessary for the withdrawing state to justify its action to the Security Council members, with agreed sanctions if they do not. Last, since any action of this type is liable to be in the context of a regional conflict or tensions, the Security Council should be prepared to treat the matter as one of conflict

resolution as well as non-proliferation, as it is only by resolving the conflicts that the motivations for proliferation will be neutralized and its dynamics brought under control.

Although the Security Council is clearly the body to deal with acute and specific proliferation crises, there is also a need for a more general nuclear governance body to deal with long-term proliferation and non-proliferation issues, as well as the large number of adjacent and linked issues of nuclear energy governance. In the age of potential radiological and nuclear terrorism, nuclear safety and physical security issues, criminalization of terrorist WMD use, and doubts over the efficacy of distinctions between the civil and military atom, a more coordinated approach is needed towards these problems. The need is not so much a UN 'Conference on Nuclear Dangers', but one on the 'International Governance of the Atom'. Such governance is now emerging in a disaggregated fashion: the time is ripe to try to consolidate it and connect it more tightly to national legislation—as it is at the national level that the majority of international controls on the atom will be implemented.

In the current environment, it is probable that such a governance body would have to progress through political rather than legal agreements, as well as through coalitions of the willing such as the Global Partnership and the Proliferation Security Initiative. In so doing it would expose itself to non-compliance problems, which may be more difficult to handle than if it was based on multilateral legal agreements. Yet at the same time it would offer a more adaptive approach than legally based solutions. And even treaties are open to changed interpretations, if states parties are prepared to use review mechanisms for this purpose.

FACING UP TO THE NEUTRALITY OF THE NUCLEAR FUEL CYCLE

The cases of North Korea and Iran have both demonstrated the need to revisit the set of issues surrounding the lack of agreed constraints on the acquisition of nuclear technologies and materials contained in the NPT and in IAEA safeguards agreements. They have also highlighted the lack of any international machinery, other than the as yet unimplemented CTBT, to directly address the process of converting weapon-usable nuclear material into a weapon. A series of initiatives, many originally proposed in the 1970s, have potential for addressing these issues.

On the supply side, one is to develop technical fixes to the proliferation problem in the shape of 'proliferation-proof' (or at least proliferation resistant) fuel cycles. The type of idea suggested in the 1970s was to treat fuel reprocessing and fuel fabrication as a single integrated operation, which could only take place behind the radioactive walls of a single plant, to eliminate the possibility of diversion to explosive use. However, this is likely to be a long-term rather than near-term option. Another is to create a series of regional fuel cycle centres or regional nuclear organizations on the EURATOM or Argentina-Brazil ABACC model, so that all regional states participate in the running and operation of sensitive fuel cycle facilities. One issue here is whether all states would have the unrestricted right to withdraw any weapons-usable material they owned from such multilateral facilities. A further idea being revived is to supply nuclear energy on a mobile 'package' basis, using power plants on barges which remain the property of, and are operated by, the supplying nuclear-weapon state and are moored offshore.

Another option is to negotiate agreements between the IAEA and user states, through which ownership of nuclear fuel would be transferred to the IAEA, who would in turn lease it for power and research use to all states on the basis of an internationally agreed set of rules, and then repatriate it back to the original owners or agreed reprocessors for disposal.

Other new initiatives on the supply side might be to give the IAEA positive authority to investigate allegations of nuclear weaponization—as opposed to illegitimate fuel-cycle—activities, and to bring India and Pakistan into the NSG. Whether NPT parties would be prepared to implement these initiatives, however, is debatable, as many would argue that the latter in particular would imply recognition of the nuclear-weapon status of these two states.

On the demand side, making withdrawal from the NPT more difficult has already been mentioned as a way of deterring states from going down the path to proliferation some believe Iran is attempting to pursue. Enhancing the ability of the Security Council to act against proliferators would have a similar effect. Providing enhanced security assurances to NPT non-nuclear-weapon states might also reduce demand for nuclear weapons. So too would monitoring and inspection mechanisms to address openly the issue of weaponization activities within states, however intrusive and technically difficult this might be. There is therefore no lack of possible new (or old) initiatives to plug the gaps and strengthen existing activities: what is lacking is a willingness and a mechanism to investigate them and negotiate on their implementation.

The discussion above leaves one with an obvious question: how might states be persuaded to innovate in this way, and more particularly how might they be persuaded not to develop full fuel cycles despite these being apparently legitimate under the NPT. The obvious answer to this is provided by the North Korean case, where the solution arose out of treating the issue in part as an energy supply issue, with the long-term solution being more ‘proliferation-proof’ nuclear power and the short-term one of provision of heavy fuel oil. Thus to negotiate on non-proliferation in association with energy supply may prove to be the solution to this global governance problem, and enable a new bargain to be struck between nuclear non-proliferation and the peaceful uses of energy.

Back to the future

The discussion above has attempted to demonstrate that as the Cold War environment has given way to one of a globalized world, the non-proliferation context has gone through major changes—some of which require positive responses in the shape of new international initiatives. Real challenges exist and innovative solutions are needed to deal with them. Many of the basic problems with the non-proliferation regime first identified in the early 1970s have now emerged thirty years later as active problems, and the solutions developed during that period, but not implemented, may now need to be reconsidered. Also, it is unclear whether the three-pillar political bargain inherent in the NPT text is operative in the current decade in the form it was envisaged in the 1960s.

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At the same time, the focus of the non-proliferation debate appears to be moving in two directions: from non-proliferation to counter-proliferation and from non-proliferation to global governance of all nuclear energy activities. The former debate is partly one over the political impact of differing linguistic formulations, and partly about assumptions concerning the current and potential future possessors of nuclear weaponry. This debate has the ability to undermine one of the key foundations of the past non-proliferation regime—that of non-discrimination—by focusing attention on problem states rather than problem technologies, and by focusing on unilateral and limited group actions, rather than multilateral legal agreements. It has also exposed the frustration over the lack of effective mechanisms to take action against proliferators and a desire to remedy this by direct action.

The latter debate has been spurred on by the need to respond effectively to the new terrorist dangers generated by the attacks of 11 September 2001. It has created a need for a mechanism to encourage all states to impose effective internal and external controls on radiological sources, and arguably to criminalize nuclear material possession by terrorist non-state entities. But it has also connected with existing debates that have been taking place within both an NPT and IAEA context over nuclear transport, physical security and nuclear safety; the need to account effectively for all weapons-usable material generated by the Soviet Union and to prevent nuclear smuggling; and the development and national implementation of effective export controls. One result is that both the NPT and the IAEA appear through their meetings to be engaged in a process of global governance of nuclear energy, not just non-proliferation, which begs the question of whether the objective of non-proliferation is now best addressed by developing global governance methods and national guidelines for nuclear energy, rather than focusing on proliferation as a security problem. In short, are we now engaged in not only going back to the past to provide solutions to current problems, but also redefining the problem as part of a set of wider nuclear energy concerns, through which it may now be more effectively tackled?

Arms control, disarmament and the United Nations

Patricia LEWIS and Ramesh THAKUR

The subject of arms control, disarmament and proliferation is back on the international agenda with a vengeance. The list of concerns includes the issue of what happened to the weapons of mass destruction (WMD) in Iraq that were the primary stated justification for a war unauthorized by the United Nations, the proclamation of a weaponized nuclear capability by North Korea, the concerns expressed by the International Atomic Energy Agency (IAEA) about Iran's nuclear programme, press reports that other countries may be contemplating developing nuclear weapons or buying them 'off-the-shelf', and fears that the United States is lowering the threshold of normative barriers and developing a new generation of nuclear weapons that some in the current administration see as 'useable'.

Since the creation of the United Nations in 1945, the goal of containing the spread and enlargement of weapons and arms stockpiles has rested on three pillars—norms, treaties and coercion—each of which has been under attack in the last few years.

Norms are efficient mechanisms for regulating social behaviour from the family and village to the global setting. They enable us to pursue goals, challenge assertions and justify actions.¹ One of the most powerful norms since 1945 has been the taboo on the use of nuclear weapons. Norms, not deterrence, have anathematized the use of nuclear weapons as unacceptable, immoral and possibly illegal under any circumstance—even for states that have assimilated them into military arsenals and integrated them into military commands and doctrines. Respect for this norm is evident in the fact that there have been many occasions since 1945 when nuclear weapons could have been used without fear of retaliation but were not, even at the price of defeat on the battlefield.²

There exists a very large number of treaties and conventions regulating the use, spread and possession of armaments. The WMD trinity is regulated by the Chemical Weapons Convention (CWC), the Biological and Toxin Weapons Convention (BTWC), the Nuclear Non-Proliferation Treaty (NPT, the arms control treaty with the widest adherence of all with India, Israel and Pakistan being the only countries never to have joined it), the Comprehensive Test-Ban Treaty (CTBT), several regional nuclear-weapons-free zones (NWFZ), and a whole series of bilateral and multilateral treaties and agreements. It is worth noting that Article 6 of the NPT is the only explicit nuclear disarmament commitment undertaken by all five nuclear-weapon states (NWS). There are even more agreements imposing curbs and controls on conventional weapons including, for example, the Ottawa Convention on anti-personnel landmines—which has the dual distinction of banning a class of weapons already in widespread use and being a disarmament treaty rooted in humanitarian concerns.

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Although the United States, along with other major mine-producing countries like China and India, has not signed the Ottawa Convention, it is perhaps even more worrying that it has also retreated from a series of arms control and disarmament agreements, including the Anti-Ballistic Missile (ABM) Treaty and the CTBT. In doing so, the United States contributes to a worsening of the proliferation challenge. It is difficult to convince others of the futility of nuclear weapons when some demonstrate their utility by the very fact of hanging on to them and developing new doctrines for their use. Simply put, *treaty* setbacks contribute to a weakening of *norms*, which then sets in train a vicious cycle, since the heightened risk of proliferation is used to justify a further scaling back of treaty or voluntary commitments (such as no nuclear weapons testing).

A norm cannot control the behaviour of those who reject its legitimacy. India had argued for decades that the most serious breaches of the anti-nuclear norm were being committed by the five nuclear powers who simply disregarded their disarmament obligations under the NPT. The non-fulfilment of treaty obligations (specifically Article 6 of the NPT) by the NWS weakens the efficacy of the anti-nuclear norm in controlling the threat of proliferation. It defies history, common sense and logic to believe that a group of five countries can maintain a permanent monopoly on any class of weaponry, particularly when they have made promise after promise to nuclear disarmament.

Norms and laws are alternative and, in the normal course of events, complementary mechanisms for regulating social behaviour. If both should fail, then the question arises of how to enforce compliance on the actors deviating from the socially prescribed norms and legal obligations. Within countries,

The universe of compliance-enforcing tools is slighter, more contentious and divisive, and usually less efficacious.

there are any number of social and legal mechanisms to ensure compliance and punish outlaws, from ostracism and corporal punishment to imprisonment and capital punishment. Among countries, the universe of compliance-enforcing tools is slighter, more contentious and divisive, and usually less efficacious. Compliance is especially problematical in relation to the production, exchange and use of arms, for they are at the very heart of national security. The core of the international law enforcement system is the UN Security Council.

Roles played by the UN

In relation to disarmament and arms control, the United Nations plays three linked but analytically distinct roles:³

- A *funnel* for processing ideas into norms and policies and for transmitting information from national sources to the international community;⁴
- A *forum* for discussion and negotiation of common international positions, policies, conventions and regimes; and
- A *font* of international legitimacy for the authoritative promulgation of international norms, appeals for adherence to global norms and regimes, and coercive measures to enforce compliance with them.

THE UNITED NATIONS AS A FUNNEL

It could be argued that the United Nations has not been the chief architect of arms control and disarmament. Most of the key treaties and regimes—not just bilateral treaties signed by the Soviet

Union and the United States during the Cold War on intermediate range and strategic forces, but even multilateral regimes like the NPT, CWC, BTWC and the various regional NWFZ—were negotiated outside the UN framework, such as in the Conference on Disarmament.

At one level, this is of course true. At another level, the literal truth masks a deeper underlying reality. The ideas behind many of the existing regimes were often first funnelled through the UN system. Thus the idea for a total cessation of nuclear testing was proposed by India at the General Assembly in December 1954, although not put to a vote.⁵ In January 1957, the United States submitted a five-point plan to the General Assembly proposing an end to the production of nuclear weapons and testing. Throughout the 1980s to the mid-1990s, pressure for a comprehensive test ban was funnelled through the General Assembly.⁶ Similarly, the idea of negotiating a South Pacific NWFZ was submitted to the General Assembly for endorsement in 1975 under the joint sponsorship of Fiji, New Zealand and Papua New Guinea, and the Rarotonga Treaty (1985) links the regional verification system for the South Pacific to the global IAEA inspections regime within the UN system. Indeed the closest approximation to a widely accepted definition of the NWFZ concept was contained in criteria identified in 1975 by a Group of Experts commissioned by the General Assembly.⁷

The United Nations has thus historically been the funnel for processing arms control and disarmament proposals and this role continues today. The New Agenda Coalition (NAC), a group which cuts across traditional regional groupings, has used the United Nations essentially as the funnel through which to advance the twin agendas of non-proliferation and disarmament. The basic policy positions are agreed among the NAC countries (Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden), and then are taken to the international community through the structures of the United Nations.

As described in detail below, treaty negotiations may well be held in forums outside the United Nations, however this should not take away due credit from the Organization for its invaluable funnel role.

THE UNITED NATIONS AS A FORUM

The United Nations is the chief expositor of international norms. The international moral code is embodied in its Charter. General Assembly resolutions are the most commonly cited and widely accepted code of conduct, litmus test of international progress and metric of state compliance with internationally prescribed behaviour. The reconciliation of divergent interests by the UN has procedural as well as representational legitimacy: it is authenticated by the procedures that have been accepted by the authorized representatives of states.

The General Assembly is the arena where contested norms can be debated and reconciled. Such a role was true historically for the General Assembly in delegitimizing colonialism, even though decolonization resulted from policy decisions taken in the national capitals of the colonial powers. It was the United Nations more than any other institution or organization which proclaimed racial equality as a global norm and delegitimized apartheid as an ideology and system of government. The Organization has been at the forefront of the universalization of the human rights norm and the internationalization of the human conscience. And it is the General Assembly that civil society actors look to and Member States go to when they wish to proclaim and reaffirm arms control and disarmament norms. This is the chief explanation why so many declarations and resolutions are first adopted in the United Nations before producing conventions and treaties—norms followed by laws—in UN as well as non-UN forums.

If the General Assembly is the Organization's normative centre of gravity, the Security Council, the only enforcement part of the Organization, is its geopolitical centre of gravity. Faced with a challenge

to the norms and laws governing the acquisition, production, transfer and use of arms, the five permanent members of the Security Council (P5) may have to resort to measures of coercion ranging from diplomatic and economic to military. The non-proliferation norm became potentially enforceable in January 1992 when, in the context of the discovery of an advanced clandestine nuclear weapons programme in Iraq and threats and defiance from North Korea, the UN Security Council declared proliferation to be a threat to international peace and security (which can trigger enforcement action under Chapter 7 of the Charter).⁸

With the General Assembly having little substantial power and the Security Council often deadlocked, the weight of UN decision-making frequently falls on the shoulders of the Secretary-General. He may be ignored, but he is not easily delegitimized. However, on the issue of armaments and weapons platforms involving national security, the Secretary-General is not able to issue judgments and edicts against Member States, unless perhaps they have violated specific and binding obligations.

The remaining two structures within the United Nations to tackle disarmament and security issues are the First Committee of the General Assembly and the Disarmament Commission.

The First Committee is charged with considering disarmament and international security. In the latter part of each year, Member States gather together to discuss resolutions put forward by one or more states. The resolutions cover the gamut of disarmament and security issues—landmines, small arms, terrorism, biological weapons, information technology security and nuclear weapons. Many resolutions are mere repeats of previous years' resolutions, but new resolutions are introduced every year and serve as a gauge of progress or lack of it, and weathervanes of current international thinking on disarmament and international security. Voting is by a simple majority. Resolutions may be adopted by acclamation, without objection or without a vote, or the vote may be recorded or taken by roll-call. After the committee has completed its consideration of items and submitted draft resolutions, all issues are voted on through resolutions passed in plenary meetings of the General Assembly, usually towards the end of the regular General Assembly session.⁹

The UN Disarmament Commission is the body where all Member States can come together to set the framework for disarmament. It is a deliberative body, an intersessional organ of the General Assembly, mandated to consider and make recommendations in the field of disarmament and to follow up the decisions and recommendations of the first UN Special Session on Disarmament (SSOD I) held in 1978. Unlike the First Committee, the Disarmament Commission does not pass resolutions. It focuses on a limited number of agenda items each session to allow for in-depth discussion.

There are several international bodies set within the UN framework as part of the implementation mechanism for disarmament: the IAEA (Vienna), the Organisation for the Prohibition of Chemical Weapons (OPCW, the Hague) and the Preparatory Commission of the CTBT Organization (Vienna). Finally there is the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) (and before that the United Nations Special Commission, UNSCOM) charged with the disarmament of the WMD in Iraq under Security Council resolutions 687, 715, 1284 and 1441 among others.

In addition, although not a UN body *per se*, the Conference on Disarmament (CD) is serviced by the UN Secretariat and is based at the UN in Geneva. The Final Document of SSOD I described the CD as the world's 'single multilateral disarmament negotiating forum'. Its origins lie in the Ten-Nation Committee on Disarmament of 1959 (five members each from NATO and the Warsaw Pact), which was subsequently expanded to include eight neutral and non-aligned countries and then further enlarged to its present strength of sixty-six, recognizing the increasing number of independent states that wished to participate in the CD. Nevertheless, its budget is included in the UN budget, its meetings are serviced by the UN, its Secretary-General is the Director-General of the UN Office in Geneva, its Deputy-Secretary-General is the head of the Geneva Branch of the UN Department for Disarmament Affairs, and it submits its annual report to the General Assembly.

However, the CD does not follow UN procedures—it has its own rules and procedures. For example, the CD operates by consensus; there is no voting procedure. In addition, the political groupings—the machinery that is in place to assist decision-making—have not changed since the end of the Cold War. There is a Western Group (which includes Japan and Israel), an Eastern Group (which includes some NATO states) and the G21 (comprising countries from the Non-Aligned Movement and now including two self-declared nuclear powers, India and Pakistan). Reaching agreement within each of these groups is often impossible. This means that the group chairpersons report to the CD presidency (which rotates alphabetically by country on a monthly basis) and state week in and week out that there is no agreement in the group, without having to expose the states that are causing/having difficulties.

The United Nations also serves as a forum for a number of processes such as the UN Programme of Action on the illicit trade in small arms and light weapons. Negotiated in July 2001, the Programme of Action has the full support of all Member States, the support of the UN and the UN family of organizations, and a large group of NGOs under the umbrella of the International Action Network on Small Arms. The Programme of Action divides its work into global, regional and national arenas and has an effective means of follow-up. The first Biennial Meeting of States to report on the implementation of the Programme of Action was held in July 2003. Of particular note at the first Biennial Meeting of States was the large number of reports made by states, NGOs and international organizations; the degree and scope of partnership between the three sectors; and the volume of work that had been carried out within two years.¹⁰

In addition to the UN Programme of Action, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime was also agreed upon in 2001.¹¹ This instrument covers solely commercial transactions, not state-to-state transactions and thus does not address military weapons. However, it puts in place a system of authorizations for commercial transactions and a mechanism for tracing and marking firearms. Following in its lead, the UN Programme of Action, which does deal with military weapons, will beget a negotiation on the tracing and marking of small arms and light weapons, to begin in February 2004. Plans for international instruments on the regulation of brokering and trading and on arms exports are also under discussion.

Multilateral treaties do not have to be negotiated within standing international machinery. They can just as usefully be negotiated at conferences called specifically for the purpose. Unfortunately major world summits have become increasingly discredited in recent years, becoming battlegrounds for carrying out political trench warfare by other means, occasions for finger-pointing rather than problem-solving. Better focused, practical meetings to negotiate a specific instrument often have more success.

THE UNITED NATIONS AS A FONT

Treaties, even if negotiated outside UN forums, are often submitted to the UN machinery for formal endorsement, which has no bearing on the legal standing of the treaty but does substantially enhance its moral weight. This has been true, for example, of the various regional NWFZ. India's protestations notwithstanding, probably the clearest example of the United Nations as a font of authority for global arms control treaties came with the CTBT in 1996. When India vetoed the final product in the CD in Geneva, Australia took the initiative to use a constitutional manoeuvre to move the text from the CD in Geneva to the General Assembly in New York. On 10 September 1996, the General Assembly approved the text of the CTBT by a vote of 158–3. Only Bhutan and Libya supported India in rejecting it.

In September 1997, nearly 100 'like-minded' states meeting in Oslo agreed on a text of a treaty banning anti-personnel landmines; the signing ceremony was held in Ottawa in December 1997. The

four countries most active in the Ottawa Process—Austria, Belgium, Canada and Norway—are members of the CD and indeed played an active role in taking the landmine negotiation out of the CD. The States Parties to the Ottawa Convention are careful not to organize the treaty's intersessional meetings or the Meetings of States Parties along UN lines. In so doing, they are keen to establish a modus operandum in which states, NGOs and international organizations can work in partnership with no barriers between them in terms of legitimacy and the right to speak. Although the treaty is integrated within the UN system through depositary functions and conference services, the States Parties set up an Implementation Support Unit that operates under the wing of the Geneva International Centre for Humanitarian Demining (an independent foundation), not within the United Nations.

Calling on the moral authority of the United Nations to ensure compliance with global norms is particularly needed when behaviour considered to be unacceptable is not in fact proscribed by any treaty to which a state may be party. In May 1998, India and Pakistan conducted nuclear tests. In doing so, they broke no treaty commitments, for neither had signed the NPT. But they violated the global anti-nuclear norm, and were roundly criticized for doing so. But the Security Council was in a peculiarly difficult position, for the simple reason that the P5 are caught in a particularly vicious conflict of interest with regard to nuclear non-proliferation, in that they are also the NPT-defined NWS. The

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In these circumstances, for the Security Council to condemn the 1998 Indian and Pakistani tests—when not one of the over 2,000 previous tests had ever been so condemned by the Council—inflamed opinion in the subcontinent. The Security Council's presidential statement of 14 May 1998, strongly deploring India's tests, was rejected by the Indian government as 'completely unacceptable'.¹² Security Council Resolution 1172 of 6 June 1998, condemning India's and Pakistan's tests and demanding that they stop, was similarly dismissed by Indian spokesmen as 'coercive and unhelpful in respect of the objectives it seeks to address.'¹³

Lessons from Iraq

The case of Iraq since the 1991 Gulf War illustrates the UN's roles as a font, a funnel and a forum. However, the case also throws into sharp relief the limits of the UN in the face of lack of agreement in the Security Council.

Despite incredible hurdles, UNSCOM and the IAEA were successful in determining the extent of the Iraqi WMD programme and in disarming Iraq even without the cooperation of the Iraqi government. But, following a 1998 cruise missile attack on Iraq by the United States, damning revelations about the abuse of UNSCOM by American intelligence brought about its downfall. UNMOVIC was established as a clean slate, a new mandate inspection body for Iraq. But it was not until the 2002 showdown with the United States—backed by the threat of massive military action—that Iraq allowed Hans Blix and the UNMOVIC inspectors into the country to carry out their mandate (although months passed before Iraq began to show genuine procedural cooperation). Concerned that Saddam Hussein had failed to honour his obligations to the United Nations, the United States, backed by the United Kingdom and others, went to war in early 2003 without UN authorization.

In the case of Iraq, a few things are now clear that have important implications for the UN and disarmament. First, UNSCOM did a very good job. Despite all the cat-and-mouse games, obfuscation, subversion and evasion by Iraq, UNSCOM did find and destroy most of the WMD in possession of the

Iraqi establishment between 1991 and 1998. Second, it appears that UN sanctions and national export controls may well have worked better than expected to prevent the purchase, acquisition and development of WMD by Iraq. Third, the painstaking analysis of all the UNSCOM data that UNMOVIC carried out in the period 1999–2002 paid off. UNMOVIC found more evidence of WMD in the few months of in-country inspections with very little useful intelligence information and very limited cooperation from the Iraqi government than the American-led Iraq Survey Group has been able to achieve since the end of the war. The Iraq Survey Group's interim report to the United States Congress in October 2003 stated that, at least so far, it had not found any substantive evidence of large-scale programmes for WMD in Iraq. The failure to find WMD since the war cannot eradicate the known historical record of Saddam Hussein's past pursuit of WMD and his will to use them against outsiders as well as Iraqis. So while the investigation continues, the success of UNSCOM and UNMOVIC still stands.

Most importantly, perhaps, the whole Iraq experience shows the enormous difficulty of enforcing compliance with international norms and commitments. Since 1998, the international community has been unable to agree on the appropriate response to one of the world's most odious regimes pursuing some of the world's most destructive weapons.

If an international pariah like Saddam Hussein cannot be confronted by a demonstration of collective will, then clearly it is simply not credible to threaten friends and allies who neither accept the validity of the norm nor can be accused of breaching treaties they have not signed. India today is being increasingly accepted back into the fold as a *de facto* nuclear power, which weakens the anti-nuclear norm still further. American policy has shifted *de facto* from universal non-proliferation based on the NPT to differentiated proliferation based on relations of the regimes in question with the United States. Countries friendly to the United States, like Israel, will be ignored; 'rogue regimes' hostile to the United States, like Iraq, will be threatened and punished.

However, such a dramatic deterioration of the security environment hardens the determination of the 'rogues' to acquire the most lethal weapons precisely in order to check armed attacks they fear (with or without good cause) will be launched by the United States. Some countries, not the least North Korea, may have concluded that only nuclear weapons can deter the United States from pre-emptive military action. Thus as the United States throws off fetters on the unilateral use of force and the universal taboo on nuclear weapons, it could well strengthen the attraction of nuclear weapons for others while weakening the restraining force of global norms and treaties.

The reality of contemporary threats—a virtual nuclear-weapons capability that can exist inside non-proliferation regimes and be crossed at too short a notice for international organizations to be able to react defensively in time, and non-state actors who are outside the jurisdiction and control of multilateral agreements whose signatories are limited to states—means that significant gaps exist in the legal and institutional framework to combat them.

Reform of the international disarmament machinery

SSOD IV

Because much of the programme of action for disarmament agreed at SSOD I in 1978 remains to be achieved—such as banning the production of fissionable material for weapons purposes, phased elimination of nuclear weapons, a NWFZ in the Middle East, a convention on radiological weapons, measures to prevent an arms race in outer space, limitation and reduction of conventional arms—a comprehensive review of the disarmament programme and machinery has met with fierce resistance.

A number of states want to reformulate the disarmament agenda in the light of political developments since the end of the Cold War, whilst others fear that dearly held and hard-won ambitions could fall prey to the revisionists and the goal of nuclear disarmament could be undermined. Consequently, the proposal to hold a fourth special session of the General Assembly devoted to disarmament in order to update the disarmament programme and machinery in the UN has not, as yet, led to anything.¹⁴

In 2002, a resolution on convening a fourth special session established an open-ended working group to consider the objectives, agenda and possible establishment of a fourth special session. The group reported on its work in July 2003. It had met thirteen times, prepared a working paper and reached no agreement. In the 2003 First Committee, the draft resolution on a fourth special session was withdrawn by its Non-Aligned Movement sponsors. Instead, a draft decision was adopted that took note of the report of the open-ended working group to consider the objectives and agenda, including the possible establishment of the preparatory committee, for the fourth special session. The decision requested states to continue consultations and to include the issue on the 2004 First Committee agenda.

THE CD

In the CD, every treaty is hostage to the veto of any one of its sixty-six members. All negotiators are national. Most are under instructions to close all the loopholes of the adversary but keep their own open. Most are reluctant to concede anything in negotiation from a position of weakness, fearing that they will be relegated to a permanent position of inferiority. But most are also reluctant to concede any advantage from a position of strength, seeing no virtue in giving up their relative superiority. Hence the alienation of public support from the intergovernmental forums of international arms control agreements.

The consensus rule, originally designed to help states find agreement, is now providing a convenient cover for countries that want to block progress. Ironically, in the Ottawa Convention the possibility of an item being put to the vote leads to consensus, whereas in the CD the insistence on consensus leads

To many outside the inner disarmament circle it seems bizarre that at a time of international crisis, the CD cannot get down to business and deal with one of the key issues at the heart of that crisis—WMD.

to stalemate. Since the completion of the CTBT in 1996, the CD has been unable to begin negotiations on a fissile materials ban or any other issue. To many outside the inner disarmament circle it seems bizarre that at a time of international crisis, the CD cannot get down to business and deal with one of the key issues at the heart of that crisis—WMD. Apart from a few weeks in August 1998, the CD has been unable to agree even on a programme of work. This dreadful state of affairs has been due to a few countries (sometimes only one or two) thwarting the majority. In the process the CD is bringing the whole of the multilateral disarmament process into disrepute.

The CD has spent a good deal of time over the last few years considering its effective functioning. The issues of consensus, political groupings and the role of NGOs have been discussed with little outcome. A large part of the problem is that inaction suits a numbers of countries and because consensus would be needed to change the rules and procedures of the CD, attempts to reform the working practices are effectively blocked. Of course, in the end it is political will that is required to make progress in the CD, nonetheless when such political will does not exist in all participating governments, then the rules and procedures of the CD act as a convenient shield behind which to hide. In the current debate on reforming the workings of the First Committee (described below), new proposals are also being brought forward for reforming the functioning of the CD.

THE FIRST COMMITTEE

In October 2003, United States Assistant Secretary of State Stephen Rademaker accused the First Committee of being stuck in obsolete Cold War-era thinking that had produced 'years of disappointing drift and growing irrelevance.' In its 2003 session, however, there were serious attempts to address the working of the First Committee, with a number of states proposing radical overhauls. For example Norway has suggested that the duration of the Committee should be shortened through more efficient time management such as focusing each session on key topics, that the number of resolutions and decisions could be drastically reduced and that the chair should be elected a year in advance so that better planning for the First Committee could be undertaken. The United States has suggested reforms such as rotating consideration of many of the resolutions on a biennial or triennial basis, having regional foci, limiting the number of studies that can be carried out to one per year, limiting the number of resolutions and instituting sunset provisions for actions generated by the First Committee. The European Union has suggested ways in which the time can be better managed such as limiting the speaking time in general debate, a rolling list of statements, increasing the interactivity, limiting the reporting requirements in resolutions and eliminating resolutions that do not have their main focus on the mandate of the First Committee. Sierra Leone put forward a proposed work plan and timetable with suggestions for deadlines and the amount of time spent on general debate, thematic discussions and action.

In the end a draft resolution on enhancing the contribution of the First Committee to the maintenance of international peace and security, put forward by the United States and forty other states, was adopted without a vote. The resolution requests the UN Secretary-General to seek the views of Member States and prepare a report on appropriate options for consideration at the fifty-ninth session of the General Assembly.

As a follow-up to the proposals for reforming the First Committee, the Government of Norway held a small workshop in Oslo in December 2003 to discuss the possibilities. Reform was discussed, not for its own sake but in the context of a means to strengthen global security. A number of proposals were put forward that will be discussed more widely in 2004, with a view to finding agreement on the way ahead.

THE DISARMAMENT COMMISSION

The work of the Disarmament Commission has become so moribund that the 2002 session was postponed to 2003 and, despite all hopes to the contrary, the Disarmament Commission concluded its 2003 session without concrete proposals to advance either nuclear disarmament or confidence-building in the field of conventional arms—thereby departing from its usual practice of completing consideration of two items in three years, with the consensus adoption of guidelines and recommendations. In the 2003 First Committee, a resolution on the Disarmament Commission was adopted without a vote.¹⁵ The resolution requested the Disarmament Commission to continue its work and meet for a period not exceeding three weeks in 2004 on topics that have yet to be determined.

Although the Disarmament Commission went through reforms of its working practices in 1989 and again in 2000—which resulted in limiting its substantive agenda to a maximum of two issues for in-depth consideration—there are calls for further reform. In the context of consultations over reforming the First Committee and the CD, options for the Disarmament Commission are concurrently being discussed.

NEW APPROACHES

The attainment of arms control treaties flounders on the insistence of each country on its maximum preferred goal as its minimum, irreducible position.

Arms control and disarmament agreements are negotiated outcomes among governments, with many compromises and give-and-take over a protracted period of time. Negotiation entails difficult technical and political judgments on reciprocity, mutuality and relative balance. Negotiators tend to exaggerate their own calculus of the balance of risks, threats and vulnerabilities, while downplaying that of their opponents. Arms control negotiations can also become hostage to cross-issue linkages and domestic political battles between rival political parties, competing centres of power or bureaucratic turf battles. Often, the attainment of arms control treaties flounders on the insistence of each country on its maximum preferred goal as its minimum, irreducible position. By definition, a *negotiated* international treaty entails compromises and accommodation of one another's interests. Convinced of the moral rectitude of its principled position, a self-righteous country can wreck the prospect of a multilateral treaty.

The preference for and success of the Ottawa Process and the Ottawa Convention shows why the standard static model of international agreements—'years of negotiations leading to a weak final product'—needs to be replaced by a fluid and dynamic model—'a rolling process of intermediate or self-adjusting agreements that respond quickly to growing scientific understanding'¹⁶ and, one might add, public opinion. A major factor behind the international support for the Ottawa Process was mounting frustration with the limitation of the Convention on Certain Conventional Weapons (CCW) and the painfully slow rate of progress in the CD. International organizations have their roots in the desire of states to collaborate in the pursuit of common goals. The United Nations is a forum for the harmonization of national actions and the reconciliation of national interests. Deadlock and stalemate on critically urgent issues of armaments delegitimize established international machinery; they do not detract from the credibility of creative ad hoc solutions that go outside the agreed framework of negotiations.

In order to address the existing gaps in the legal and institutional framework, a group of eleven like-minded countries (Australia, France, Germany, Italy, Japan, the Netherlands, Poland, Portugal, Spain, the United States, and the United Kingdom) has launched the Proliferation Security Initiative (PSI). The premise is that the proliferation of WMD deserves to be criminalized by the civilized community of nations. The goal is to be able to interdict air, sea and land cargo linked to WMD on the basis of a set of agreed principles. It signifies a broad partnership of countries that, using their own national laws and resources, will coordinate actions to halt shipments of dangerous technologies and materiels. The group has met several times, conducted some joint exercises and has plans for several more.

Questions remain about the legal basis for searching and interdicting ships in international waters. It runs the risk of being seen as a vigilante approach to non-proliferation by an eleven-strong posse led by a self-appointed world sheriff. Yet the very fact that the PSI has been launched and combined exercises have been held indicates a new determination to overcome an unsatisfactory state of affairs. Moreover, the involvement of Australia and Japan alongside the United States in the Pacific, plus eight European countries, signals a welcome return to multilateralism in trying to deal with the proliferation problem. But there is a long way to go before the PSI develops into a robust counter-proliferation strategy in which there is general confidence.

Over the last decade, two high-profile international commissions have reaffirmed and attempted to strengthen the international norms related to WMD. The Canberra Commission on the Elimination of Nuclear Weapons, established in 1995, argued that the case for the elimination of nuclear weapons was based on three propositions: their destructive power robs them of military utility against other

NWS and renders them politically and morally indefensible against non-NWS; it defies credulity that they can be retained in perpetuity and never used either by design or inadvertence; and their possession by some stimulates others to acquire them.¹⁷ Its conclusion has been amply vindicated.¹⁸ The 1999 Tokyo Forum for Nuclear Non-Proliferation and Disarmament sounded the alarm saying: 'To deal effectively with international security problems in the twenty-first century, the Security Council reform, new normative principles, operational arrangements, financial compliance and new sources of financing are urgently needed'.¹⁹ The WMD Commission, due to begin in 2004 under the chairmanship of Hans Blix and the sponsorship of Sweden, will again address the serious issue of WMD in the changing international security environment.²⁰ The new WMD Commission aims to avoid the problems that its predecessors encountered by having a robust follow-up mechanism to encourage the international community to take up its recommendations.

Conclusion

The crisis of legitimacy and credibility of the global arms control and disarmament regimes is not unrecognized within the United Nations. On 23 September 2003, in his address to the General Assembly, Secretary-General Kofi Annan announced his intention to set up a high-level panel to study global security threats. In so doing, the Secretary-General said that the past year had shaken the foundations of collective security and undermined confidence in the possibility of collective responses to common problems and challenges. The sixteen-strong panel is being asked to make clear and practical recommendations for ensuring effective collective action to meet future threats to peace and security. The supplementary note on the panel's terms of reference states that 'there may be a need to review and strengthen the international regimes ... such as [those related to] the proliferation of nuclear, chemical and biological weapons.'

In the past several decades, at least since the signing of the NPT in 1968, there has been great merit in relying on an integrated strategy of norms, treaties and coercion to keep the nuclear threat in check. Relying solely on coercion with little basis any longer on norms (morality) and treaties (legality) simply creates fresh problems. In order to enhance their credentials as critics and enforcers of the norm, the NWS need to move more rapidly from deterrence to disarmament.

Relying solely on coercion with little basis any longer on norms (morality) and treaties (legality) simply creates fresh problems.

Norms cannot successfully regulate the behaviour of those who reject the legitimacy of the existing order. Their compliance with such norms will be a function of their incapacity to break out, not of voluntary obedience. And the *de facto* position of nuclear might equals right is an inducement to join the club of nuclear enforcers.

Sometimes it is possible to be mesmerized by the illusion of a numerical majority in the United Nations when, in reality, decisions are based on the weight of national security calculations in the real world of power politics. The three pillars of norms, treaties and coercion are mutually reinforcing in holding up the structure of global arms control. The edifice began falling apart in 1998 because ultimately the logic of non-proliferation is inseparable from the logic of disarmament. Hence the axiom of non-proliferation: as long as any one country has them, others, including terrorist groups, will try their damndest to get them. This, if nothing else, should convince those that have WMD to either give them before time and patience runs out—or else give up on the idea of an exclusive nuclear monopoly and any long-term prevention of proliferation.

Notes

1. Friedrich V. Kratochwil, 1989, *Rules, Norms, and Decisions: On the conditions of practical and legal reasoning in international relations and domestic affairs*, Cambridge, Cambridge University Press, pp. 10–11.
2. Richard Price and Nina Tannenwald, 1996, Norms and Deterrence: The Nuclear and Chemical Weapons Taboos, in Peter J. Katzenstein (ed.), *The Culture of National Security: Norms and Identity in World Politics*, New York, Columbia University Press, pp. 114–52.
3. This conceptual terminology comes from Margaret Joan Anstee, a former Under-Secretary-General of the United Nations, who proposed the categorization in the context of the United Nations Intellectual History Project.
4. For example the UN publishes an annual *Disarmament Yearbook*. For the latest, see United Nations, 2003, *The United Nations Disarmament Yearbook Volume 27: 2002*, New York, United Nations Department for Disarmament Affairs.
5. Savita Pande, 1996, *India and the Nuclear Test Ban*, New Delhi, Institute for Defence Studies and Analyses, p. 25.
6. Ironically, it was India in the CD that vetoed the transmittal of the text of the negotiated CTBT to the General Assembly in 1996 and it is now the United States that emphatically repeats that the CTBT is no longer in its interests. See the American explanation of vote on the 2003 draft resolution on the CTBT in the First Committee of the General Assembly (A/C.1/58/L.52 of 15 October 2003): ‘The US delegation has again voted “no” on draft resolution L.52 because, as we have made clear before, the United States does not support the Comprehensive Nuclear Test-Ban Treaty and will not become a party to that treaty. The United States also intends, however, to maintain its moratorium on nuclear testing, in effect since 1992, and urges all states to maintain existing moratoria on nuclear testing’.
7. United Nations, 1976, *Comprehensive Study of the Question of Nuclear-Weapon-Free Zones in All of its Aspects*, New York, United Nations, Special Report of the Conference of the Committee on Disarmament, United Nations document A/10027/Add.1.
8. UN Security Council Declaration on Disarmament, Arms Control and Weapons of Mass Destruction, Security Council document S/PV.3046 of 31 January 1992.
9. It is worth remembering that, unlike Security Council resolutions, General Assembly decisions are not legally binding.
10. For a sense of the scale of the implementation of the Programme of Action on Small Arms see the database project of UNIDIR, The Small Arms Survey and IANSA through the Geneva Process on small arms, available at < <http://www.smallarmssurvey.org> > .
11. Known as the Vienna Firearms Protocol, General Assembly resolution A/RES/55/255 of 8 June 2001.
12. This statement, along with other official Indian pronouncements after the May 1998 tests, are available at < <http://www.meadev.gov.in> > .
13. See < <http://www.meadev.gov.in> > .
14. A second Special Session devoted to disarmament was held in 1982; a third in 1988. SSOD II confirmed the validity of the final document of SSOD I, and SSOD III failed to reach consensus on a final document.
15. United Nations, 2003, *Report of the Disarmament Commission*, United Nations document A/C.1/58/L.20 of 15 October 2003.
16. Jessica Tuchman Matthews, 1989, Redefining Security, *Foreign Affairs*, vol. 68, no. 2 (Spring), p. 176. Matthews was writing in the context of environmental negotiations.
17. Australia, 1996, *Report of the Canberra Commission on the Elimination of Nuclear Weapons*, Canberra, Department of Foreign Affairs and Trade, pp. 18–22. Ramesh Thakur was a consultant to the Commission and Patricia Lewis served as a reviewer.
18. As an editorial in the *Japan Times* put it, ‘Nuclear stockpiles must be reduced and then eliminated. ... As the cycle of action and reaction in South Asia has proven, nuclear stockpiles feed on themselves’. See South Asia’s Nuclear Chain Reaction, *Japan Times*, 30 May 1998.
19. The full report of the Tokyo Forum is available at < <http://www.mofa.go.jp/policy/un/disarmament/forum/tokyo9907/index.html> > . Patricia Lewis was a member of the Tokyo Forum.
20. Patricia Lewis is a member of the Weapons of Mass Destruction Commission.

The United Nations and the campaign against terrorism

Chantal DE JONGE OUDRAAT

Many policy-makers, analysts and commentators appear unaware of the important steps the United Nations has taken to combat terrorism. In fact, the UN Security Council has been at the centre of the international campaign against terrorism. It has made—and it can continue to make—important contributions to this effort. The United Nations can enhance the legitimacy of military actions and increase the effectiveness of economic and political sanctions. The UN can strengthen and sustain multilateral cooperation in the fight against terrorism, and it can be instrumental in establishing and maintaining international standards of accountability. Finally, through its efforts to resolve regional conflicts, foster economic and social development, develop the rule of law and standards of good governance, the UN can improve the political, economic and social conditions that terrorists seek to manipulate to their own advantage. The United Nations, therefore, has critical roles to play in combating terrorism and promoting international security.

I develop three sets of supporting arguments in this article. First, terrorism has been high on the agenda of the UN Security Council for years. Starting in the early 1990s—and guided by the United States—the Security Council started to impose economic sanctions in response to terrorist acts. These sanctions regimes were effective in changing the attitudes of state sponsors of terrorism. They were also important in stigmatizing terrorism as an illegitimate activity that needed to be countered through international action.

Second, after 11 September 2001 the UN Security Council became even more active in counter-terrorism. It made the fight against terrorism a global one by ordering every UN Member State to implement a wide array of measures that will help to stop terrorist activities. The Security Council also militarized the response to terrorism by legitimizing unilateral military actions by states in response to terrorist threats.

Third, the UN can continue to be an effective force against terrorism if the permanent members of the UN Security Council—particularly the United States—show leadership. This will require political restraint by the United States and a willingness to listen to the concerns of others. The UN's track record since the end of the Cold War shows that when the United States demonstrates leadership and determination it frequently convinces other Council members to follow its lead and take effective multilateral action. Others will need to be receptive to such overtures. Only then will the diplomatic standoff in the UN over the 2003 war in Iraq remain an exception.

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Dangerous developments

Although every permanent member of the Security Council has been the object of terrorist attacks, the United States has been the driving force behind the Security Council's increasingly activist stance on terrorism. The greater attention paid by the United States and the Security Council to the issue of terrorism was motivated by new developments in international terrorist activities. Five trends stood out.

First, the average number of casualties per terrorist incident was increasing. Statistics from the United States State Department show that there was a four-fold increase in the number of casualties per attack in the latter half of the 1990s.¹

Second, an increasing proportion of terrorist attacks were aimed at American facilities or citizens. According to some calculations, attacks on American targets increased from about 20% of total attacks in 1993–1995 to almost 50% of the total in 2000.²

Third, terrorist groups seemed to be operating globally as part of a worldwide network. The attacks in 1998 on the American embassies in East Africa underscored the global reach of the Al-Qaeda network. In the mid- and late 1990s this network was estimated to have 4,000–5,000 well-trained fighters scattered around the world. Compared to the 500 members of the Abu Nidal organization, the 200–400 activists of the IRA and ETA, and the 50–75 hard-core members of the Red Brigades, Al-Qaeda was a significant larger and qualitatively different type of terrorist organization.³ After 11 September 2001 American officials estimated that 15,000–20,000 terrorists had been trained in Al-Qaeda camps in Afghanistan since 1996.⁴

Fourth, fears that terrorists might one day use chemical, biological or nuclear weapons were increasing. The 1995 sarin nerve-gas attack in the Tokyo subway by Aum Shinrikyo made such fears less of a theoretical proposition. The possibility of terrorists obtaining biological, chemical or nuclear weapons—either by buying, stealing or through collusion with states developing weapons of mass destruction (WMD)—was a growing concern.

Fifth, the United States was—and is—particularly concerned by the role played by certain states in supporting and sponsoring terrorism. State support enhances the reach and power of terrorist groups. It might also provide them with WMD. Additionally, states could use terrorist groups as proxies in their own fights.

In sum, the changing nature of the terrorist threat in the 1990s made it imperative to deal with this problem in concert with other states.

UN counter-terrorism actions in the 1990s

Throughout the 1990s economic sanctions were the main policy instrument in the fight against terrorism. In January 1992, at the Security Council's first ever meeting of Heads of State and Government, the members of the Security Council 'expressed their deep concern over acts of international terrorism and emphasized the need for the international community to deal effectively with all such acts.'⁵ In March 1992, the Security Council backed up its rhetorical commitment with action—adopting mandatory economic sanctions against Libya, accused of involvement in the 1988 and 1989 bombings of Pan Am flight 103 and UTA flight 772. This was a first. The Security Council went on to impose mandatory (as described in Chapter VII of the UN Charter) sanctions to fight terrorism on two other occasions in the 1990s: in 1996 against Sudan and in 1999 against the Taliban regime in Afghanistan.

By imposing sanctions the Security Council not only sought the extradition of certain individuals, it also hoped to send a more general message and change the behaviour of state sponsors of terrorism. The United States in particular viewed 'this type of concerted multilateral response to terrorism ... as an important deterrent to states considering support for terrorist acts or groups.'⁶

The UN sanction regimes were quite effective in the case of Libya and Sudan. The sanction regimes made the support of terrorist activities more costly, and both states were responsive to these changing incentives.⁷ More generally, sanctions helped to change the public (declaratory) attitudes of states towards terrorism—particularly, state sponsors of terrorism. This was recognized by the United States State Department in the late 1990s and again in 2001 when it noted the continuation of a slow trend away from state sponsorship of terrorism.⁸

Sanctions against the Taliban in Afghanistan were not effective. Afghanistan under the Taliban regime was not an active member of the global aboveboard economy. Its revenues derived mostly from the illegal opium and heroin trade and increasingly from Al-Qaeda—the terrorist group it had given safe haven. Hence sanctions had no impact on the Taliban's economic situation. After 11 September 2001, sanctions were strengthened and since January 2002 sanctions no longer exclusively target Al-Qaeda and Taliban associates in Afghanistan, but cover designated operatives of Al-Qaeda and the Taliban wherever they may be.⁹

The most important effect of the UN sanction regimes of the 1990s was to stigmatize terrorist activities and consolidate a growing international consensus that saw terrorism as an illegitimate activity that needed to be countered through collective international actions. By designating terrorist activities 'threats to international peace and security', UN sanctions regimes also paved the way for more forceful international responses to terrorism after 11 September 2001.

UN counter-terrorism actions after 11 September 2001

The terrorist attacks of 11 September 2001 made terrorism a top priority for the Security Council. The Security Council reacted swiftly—within hours of the attacks—and with determination. Two resolutions were key in this regard—resolution 1368 adopted on 12 September 2001 and resolution 1373 adopted two weeks later. The first paved the way for military action (even if unwittingly), the second globalized the fight against terrorism and obligated all 191 UN Member States to take far-reaching domestic legislative and executive actions in order to prevent and suppress future terrorist activities.

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MILITARIZING RESPONSES

With the passage of resolution 1368, the Security Council for the first time recognized the right of states to individual or collective self-defence in response to terrorist acts. In other words, it recognized the right of a unilateral or multilateral military response. In the past, such responses had often led to condemnations in the UN General Assembly. Most states (as well as most legal scholars) had condemned the use of force in self-defence against terrorist attacks.

In the 1960s, 1970s and 1980s discussions to come to a consensus on the phenomena of terrorism made little progress. Agreement was impeded mainly because of differences of opinion

about the use of violence by national liberation and self-determination movements. Recognizing the depth of these ideological divides, Member States agreed to disagree on the big picture and settled instead on a piecemeal approach to the problem.

The General Assembly elaborated several conventions that addressed specific terrorist acts—such as aircraft hijacking, the kidnapping of diplomats and the taking of hostages—and considered such acts as criminal offences. It favoured a domestic law enforcement approach that obligated states to either prosecute or extradite those accused of terrorist acts.

The changing nature of terrorism in the 1990s—in particular, its more global reach—exposed this approach as less than effective. The increased lethality of terrorist acts also dampened long-standing definitional and ideological disagreements. As terrorism became increasingly seen as a threat to international peace and security, states started to favour a more muscular approach that allowed for the use of economic sanctions and military force.¹⁰ The Security Council's resolutions in the 1990s, and especially resolution 1368, codified this approach.

Resolution 1368 therefore became a very important instrument—if not a blank check—legitimizing the unilateral use of force in response to terrorist acts.¹¹ The United States indeed seemed to think of resolution 1368 as a blank check. In its letter to the UN Security Council informing the latter of its action against Al-Qaeda and the Taliban—as it is required to do by Article 51 of the UN Charter that allows for the use of force in self-defence—the United States hinted that action might be taken against other targets. It stated, 'Our inquiry is in its early stages. We may find that our self-defence requires further actions with respect to other organizations and other States.'¹²

Significantly, China and the Russian Federation were quick to endorse this view. China believed that it helped to legitimize its suppression of opposition groups in Xinjiang. The Russian Federation saw it as a useful precedent in its fight against Chechen rebels. Russian President Vladimir Putin invoked the resolution and its right to individual and collective self-defence in September 2002 when justifying Russia's right to military intervention against Chechen rebels operating in Georgia, with or without authorization of the latter.¹³

While the right to self-defence is recognized in the UN Charter as an inalienable right of states, it is generally accepted that this right is not open-ended. In particular, it ceases to operate when the UN Security Council takes action. In addition, the use of force in self-defence is subject to conditions. Four questions are critical in judging the lawfulness of self-defence actions: Was there an armed attack? Was the response necessary? Was the response proportionate? Was the response timely?

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The broader implications of resolution 1368 on the legality of the use of force have received little attention to date. Taken together with the debate in the 1990s on humanitarian intervention, it is clear that the general prohibition on the use of force is weakening. This is not necessarily a bad thing when there is a clear international political consensus on when and how to intervene militarily. Unfortunately, there is no such consensus at present—especially with respect to terrorism.

GLOBALIZING THE BAN AGAINST TERRORISM

On 28 September 2001 the UN Security Council adopted an American-sponsored resolution that obligated all 191 UN Member States to take a wide range of measures to prevent future terrorist activities. Resolution 1373 required states to change and/or adopt domestic legislation to:

- Criminalize terrorist acts, including the support and financing of such acts;
- Deny safe haven to terrorists and prohibit any other support for terrorists, such as the provision of arms; and
- Cooperate with other states in the implementation of these measures.

Many of the measures mentioned in the resolution were present in two important conventions negotiated in the late 1990s—the 1997 Convention for the Suppression of Terrorist Bombings, which entered into force in May 2001, and the 1999 Convention on the Suppression of Financing of Terrorism, which at that time had not yet entered into force.¹⁴ Resolution 1373 nonetheless made many of the provisions of these conventions binding on all states.

To monitor implementation, the Security Council established the Counter-Terrorism Committee (CTC). Jeremy Greenstock, the United Kingdom's Permanent Representative to the UN, was elected by the Security Council as the CTC's first chairman. In April 2003 Ambassador Inocencio Arias of Spain took over the chairmanship of the CTC.

Greenstock emphasized the technical nature of the CTC. In his words, the functions of the CTC 'were to monitor, to be analytical and to report facts to the Security Council for consideration.' The goal, he said was 'to help the world system to upgrade its capability to deny space, money, support, haven to terrorism, and to establish a network of information-sharing and cooperative executive action.'¹⁵

The CTC initiated a multi-stage programme. In the first stage, it reviewed existing legislative and executive measures in Member States to combat terrorism. Resolution 1373 had ordered states to provide the CTC with information on their counter-terrorism measures by 27 December 2001. The second stage focused on institutional mechanisms and assistance. By January 2002 the CTC had received 117 reports—a remarkable response by historical standards. By April 2003 only three states—Sao Tome and Principe, Swaziland and Vanuatu—had not filed reports with the CTC.¹⁶

An initial reading of these reports pointed to several problems.¹⁷ First, states often had different interpretations of key terms and provisions. For example, the financing of terrorist activities and groups was frequently equated with money laundering and dealt with in that context. However, money used to finance terrorism is not necessarily generated by illegal business transactions; on the contrary, much of this money is legal and is acquired by legitimate means. Similarly, there was confusion about freezing, seizing, confiscating and suspending accounts. Second, many states dealt with terrorist activities on their own territories, but were silent with respect to terrorist acts carried out by their nationals elsewhere. Third, information on international cooperation was sketchy. It focused mainly on formal judicial issues—particularly extradition. Fourth, although many states lacked the legislative and administrative capacity to implement resolution 1373, few states requested implementation assistance from the CTC.

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Some of these problems had surfaced in UN sanction regimes in the 1990s.¹⁸ For example, in their review of the UN sanctions regimes in the 1990s, two noted scholars estimated that only twelve countries had laws that enabled them to enforce financial sanctions.¹⁹ The UN group monitoring sanctions on the Taliban and Al-Qaeda reported in September 2002 that the latter continued to have access to considerable financial and other economic resources. It noted that while US\$ 112 million was frozen in the first three months after the 11 September 2001 attacks, only US\$ 10 million was blocked in the following eight months. It concluded 'al-Qaeda is by all accounts "fit and well" and poised to strike again at its leisure.'²⁰ One year later its assessment was similarly pessimistic. It concluded that many of Al-Qaeda sources of funding still needed to be uncovered and frozen. In addition, the UN monitoring group argued that most of the funds frozen thus far were attributable to Al-Qaeda

'supporters or facilitators, rather than to the network's own direct assets.'²¹ Further reports also showed serious shortcomings in identifying and blocking Al-Qaeda assets other than bank accounts.²²

The safe haven provisions of 1373 are similarly hampered by implementation problems. Border controls are weak in many countries. Indeed, many countries do not have the capacity to effectively police the territories under their jurisdiction. The travel bans imposed on members of Al-Qaeda, the Taliban and associated groups are also difficult to implement because of the widespread use of false and forged travel documents and lack of details regarding the individuals concerned. Many states pointed to the deficiencies of the 'consolidated list', that is the list with individuals and entities associated with Al-Qaeda. Problems ranged from uncertain spellings of names, to lack of details with regard birth dates, addresses or other identifying information.

Finally, as the work of the CTC becomes more complicated it takes more time to review follow-on reports. States—developing states, in particular—are also increasingly late in submitting their follow-on reports.²³

Problems and recommendations

By ordering all UN Member States to take legislative and executive measures to combat terrorism at home and abroad, the UN Security Council has made the fight against terrorism a global one. This resolve is to be applauded. Unfortunately, important problems remain.

First, although a consensus exists at the declaratory level on the importance of outlawing terror, states continue to have widely divergent views on the exact nature of these threats. The United States has designated seven states 'state sponsors of terrorism'—Cuba, Iran, Iraq, Libya, North Korea, Syria and Sudan—but not everyone agrees with this designation.²⁴ In addition, each of these states represents a unique policy challenge that calls for unique policy responses.

The United States should take the lead in forging a consensus on the nature of the terrorist threat. Sustained attention to the concerns of other states, consultation and genuine efforts to come to a multilateral understanding will help convince other states that the United States is concerned not only about its own national interests, but the international community as a whole.

Second, who will have the authority to determine if Security Council resolution 1373 is being violated, and who will have the authority to decide on policy responses to non-compliance? The United States and the Russian Federation have been the most outspoken in stating that the UN Security

Unilateral responses to non-compliance with Security Council resolutions can set dangerous precedents: they can lead to abuse and provoke serious rifts among Security Council members.

Council does not have an exclusive right to determine policy on this issue. They have argued that they can unilaterally decide whether other states are complying with resolution 1373, and that a unilateral determination of non-compliance would allow them to exercise their right to self-defence. However, unilateral responses to non-compliance with Security Council resolutions can set dangerous precedents: they can lead to abuse and provoke serious rifts among

Security Council members. The contentious Security Council debate in early 2003 could be a forerunner of other debates as the campaign against terrorism unfolds.

The leading powers on the Security Council should not dodge discussion of this issue. They should recognize that when non-compliance with UN Security Council resolutions leads to imminent and direct security threats, individual states always retain the right to self-defence. However, if non-compliance does not lead to imminent and direct threats, states have an obligation to develop collective responses. The Security Council should define minimum compliance standards with respect to resolution

1373 and develop guidelines on how to respond to cases of non-compliance. Behaviour below the minimum standard should trigger punitive measures such as political, economic and even military sanctions. Performance above and beyond minimum international standards should reap rewards. To avoid suspicion that punitive measures and rewards would be controlled by the political agenda of any one state—the United States, for example—the Security Council should decide on these matters collectively.

Third, the long-term implications of recent Security Council actions with respect to the use of force are problematic. By legitimizing the unilateral use of military force in response to terrorist attacks, the Security Council has broadened the conditions under which states can use military force in self-defence. Since there is no commonly accepted definition of terrorism, the possibilities for abuse are obvious and dangerous. American officials have argued that terrorist threats require pre-emptive and possibly covert military actions, which further complicates the issue of using military force for self-defence.²⁵

The United States should take the lead in defining criteria for the use of force in self-defence, and it should engage the members of the Security Council in a discussion of this issue. When are terrorist acts the equivalent of armed attacks? Do imminent threats of attack always justify a military response? What constitutes an appropriate response? The United States needs to be careful in its handling of this issue: weakening the existing norm on the prohibition of the use of force is not in its long-term interest as it could lead to widespread regional and international instabilities.

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Fourth, implementation of the UN's counter-terrorism measures will continue to be difficult. Resolution 1373's financial and safe haven provisions require monitoring and enforcement capabilities that most countries do not possess and may be too expensive for them to acquire. The Security Council's response to this problem has been inadequate. The technical assistance that the CTC is able to provide is minimal because it too lacks resources. Most of this assistance therefore comes through bilateral channels. It will therefore be ad hoc and selective.

To minimize this problem, the CTC should be given more resources. The Security Council should also push for the establishment of a UN mechanism that could help finance counter-terrorism programmes in states that have capacity problems. Ultimately, if the members of the Security Council are serious in their determination to fight terrorism, they should provide the resources that will help states to implement counter-terrorism measures. This will entail equipping the CTC with more manpower, financial resources and analytical capabilities. Transforming the CTC into a Counter-Terrorism Organization—an independent UN agency—could address these technical and implementation issues and should therefore be considered. Such an organization should include the Terrorism Prevention Branch of the UN Office on Drugs and Crime and possibly the entire Office. Indeed, the links between organized crime and terrorism are growing. In many instances funds generated from these criminal activities help finance terrorist activities.

Fifth, as counter-terrorism measures become more complex and as more international organizations become involved in the fight against terrorism it is important to retain unity of purpose. It is imperative that the UN (particularly the CTC) retains a central coordinating role, so as to provide synergy—not duplication of efforts—and to make sure that measures are mutually reinforcing.

In recognition of this problem, in March 2003 the CTC organized a special meeting with some fifty-seven regional and other international organizations. This a good beginning, but deepening cooperation with these organizations will require resources and the political support of all concerned.

Finally, the fight against terrorism is a long-term fight against the 'underlying conditions that promote the despair and the destructive visions of political change that lead people to embrace,

rather than shun, terrorism.’²⁶ This involves tackling broader societal problems—poverty, social disorder, the lack of democracy and poor governance.

The UN has a limited but promising track record in dealing with these problems. Its capacities in these areas should be enhanced. Investing in social and development programmes will ultimately have significant payoffs in the campaign against terrorism. Terrorism is not just a military problem: it will require a wide range of policy responses. The United Nations can make important contributions in many of these areas.

Investing in social and development programmes will ultimately have significant payoffs in the campaign against terrorism.

The United States, as the most powerful state in the world, has a special responsibility—and a special interest—in making the UN Security Council an effective instrument in the fight against terrorism. The UN has great political and operational value in the war against terrorism, and the UN Security Council has been extremely responsive to American concerns since the end of the Cold War. The story of the UN’s involvement in the fight against terrorism attests to this. The UN could do more, however. Whether it does will depend to a large degree on the United States.

Notes

1. See Audrey Kurth Cronin, 2002, Rethinking Sovereignty: American Strategy in the Age of Terrorism, *Survival*, vol. 44, no. 2 (Summer), pp. 123 and 136.
2. Cronin, 2002, *ibid.*, p. 123; and Audrey Kurth Cronin, 2003, Transnational Terrorism and Security, in Michael E. Brown (ed.), *Grave New World: Security Challenges in the 21st Century*, Washington, DC, Georgetown University Press, pp. 279–301.
3. See Bruce Hoffman, 1999, Terrorism Trends and Prospects, in Ian O. Lesser et al., *Countering the New Terrorism*, Santa Monica, RAND, p. 10.
4. See Calvin Woodward, 2002, How Many Terrorists Remain? Estimates Vary, *Associated Press*, 30 January.
5. See Note by the President of the UN Security Council, United Nations document S/23500 of 31 January 1992.
6. See United Nations document A/48/267/Add.1 of 21 September 1993, para. 6.
7. Sanctions on Libya were lifted on 12 September 2003; see Security Council resolution 1506. Sanctions on Sudan were lifted on 28 September 2001; see Security Council resolution 1372. For details on the sanctions record see Chantal de Jonge Oudraat, forthcoming, The Role of the UN Security Council, in Jane Boulden and Thomas Weiss (eds.), *Terrorism and the UN: Before and After September 11th*, Bloomington, Indiana University Press.
8. See United States, Department of State, 2002, *Patterns of Global Terrorism 2001*, available at < <http://www.state.gov/s/ct/rls/pgtrpt/2001/>> .
9. UN Security Council resolutions require states to submit names of individuals and organizations associated with Al-Qaeda and the Taliban to the Security Council. These names are then placed on a so-called ‘consolidated list’ and subjected to a travel ban, financial sanctions and an arms embargo. The list is regularly updated. In November 2003 the list contained names of 273 individuals and ninety-nine entities.
10. This also explains why in the 1990s action moved from the General Assembly to the Security Council.
11. It must be noted that this had not been France’s intent when introducing resolution 1368. On the contrary it had wanted to underscore the role of the UN Security Council in this case.
12. See Letter from the U.S. to the President of the UN Security Council, Security Council document S/2001/946 of 7 October 2001.
13. See Putin’s letter to the UN Security Council and the Organization for Security and Cooperation in Europe and *U.N. Wire*, 12 September 2002, available at < <http://www.unfoundation.org/unwire/>> .
14. This convention entered into force in April 2002. Prior to September 2001 only two states had ratified both conventions: Cuba and the United Kingdom.
15. See Press Briefing by the Chairman of the CTC, 19 October 2001.
16. They would do so subsequently. By 30 September 2003 all Member States of the United Nations had submitted their initial reports.
17. See Briefing for Member States on 4 April 2002 by Walter Gehr, available at < <http://www.un.org/Docs/sc/committees/1373/rc.htm>> .

18. See Chantal de Jonge Oudraat, 2000, Making Economic Sanctions Work, *Survival*, vol. 42, no. 3 (Autumn), pp. 105–27.
19. See David Cortright and George Lopez (eds), 2000, *The Sanctions Decade: Assessing UN Strategies in the 1990s*, Lynne Rienner, p. 234.
20. Cited in Terrorism: Efforts to Freeze Al-Qaeda's Funds Stalled, U.N. Report Says, *U.N. Wire*, 3 September 2002, available at <http://www.unfoundation.org/unwire/util/display_stories.asp?objid=28644> .
21. United Nations, *Report of the Monitoring Group established pursuant to Security Council resolution 1363 (2001) and extended by resolutions 1390 (2002) and 1455 (2003)*, United Nations document S/2003/669 of 8 July 2003, pp. 10–18.
22. United Nations, *Second report of the Monitoring Group established pursuant to resolution 1363 (2001) and extended by resolutions 1390 (2002) and 1455 (2003), on sanctions against Al-Qaida, the Taliban and individuals and entities associated with them*, United Nations document S/2003/1070 of 1 December 2003; See also Edward Alden and Mark Turner, 2003, UN Says Lack of Cooperation is Aiding Al-Qaeda, *The Financial Times*, 14 November, p. 1.
23. By 30 September 2003, forty-eight states were late in submitting their reports. All were mentioned in a report to the UN Security Council (see UN document S/2003/1056 of 31 October 2003) and, except for Sweden, all were developing countries. The committee overseeing sanctions on the Taliban and Al-Qaeda operatives (known as the 1267 Committee) also complained about the few numbers of states reporting. See UN documents S/2003/669 and S/2003/1070, *op. cit.*
24. See United States, Department of State, 2003, *Patterns of Global Terrorism 2002*, available at <<http://www.state.gov/s/ct/rls/pgtrpt/2002/>> . In May 2003 the United States government sought to remove Iraq from the list.
25. See United States, 2002, *National Strategy of the United States of America*, Washington, DC, The White House, September; see also U.S. Moves Commandos to Base in East Africa, *The New York Times*, 18 September 2002, p. A14.
26. United States, Department of State, 2003, *National Strategy for Combating Terrorism*, available at <<http://usinfo.state.gov/topical/pol/terror/strategy/>> , p. 29.

Human rights and human security

Bertrand RAMCHARAN

United Nations Secretary-General Kofi Annan emphasized the strategic importance of human security and human rights to the fundamental objectives of the Organization in his address to world leaders at the General Assembly on 10 November 2001. He stressed that the United Nations must always stand for the rule of law in international and domestic affairs: 'The United Nations must place people at the centre of everything it does'—enabling them to meet their needs and realize their full potential. In presenting 'four burning issues', the Secretary-General cited the eradication of extreme poverty, the struggle against HIV/AIDS, the prevention of deadly conflict, and tackling the root causes of political violence—issues that threaten human security around the world. He declared, 'The common thread connecting all these issues is the need to respect fundamental human rights'.

The challenges facing the international community at the present time are such that, without respect for human rights and fundamental freedoms, the attainment of lasting peace would be impossible and human security would remain illusory. This essay explores the relationship between human rights and human security and then turns to the challenges currently facing the United Nations—challenges that cannot be met without the central involvement of human rights approaches and strategies.

Security requires the protection of human rights

The Charter of the United Nations was signed on 26 June 1945 in San Francisco at the conclusion of the United Nations Conference on International Organization, and came into force on 24 October 1945. However, the idea of human rights did not begin with the establishment of the United Nations—its roots can be found in different world cultures and religions. The adoption of the Universal Declaration of Human Rights by the UN General Assembly in 1948 was a landmark achievement in world history as it was the first time that the international community set down formal standards of human rights and freedoms that should be enjoyed by everyone, everywhere. The Universal Declaration proclaims that respect for human rights is 'the foundation of freedom, justice and peace in the world.' The vision outlined in the Charter of the United Nations and in the Universal Declaration of Human Rights is that everything we do in the governance of human affairs must have in view the promotion and protection of basic human rights.

It was a major breakthrough of the Universal Declaration of Human Rights to provide basic guarantees regarding food, health, education, housing, protection of the family, democracy, participation,

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the rule of law, and protection against enslavement, torture, cruel or inhuman or degrading treatment or punishment. These seminal provisions were amplified in subsequent human rights conventions¹ and they have a simple rationale: human rights and fundamental freedoms must be respected, assured and protected if the individual human being is to be secure, to develop to the fullness of his or her potential and to breathe the air of liberty.

Security is a condition or feeling of safety, of being protected. International human rights norms define the meaning of human security. The Universal Declaration of Human Rights and the wider body of human rights instruments are all meant to make human beings secure in freedom, in dignity, with equality, through the protection of their basic human rights. Article 28 of the Universal Declaration of Human Rights is of crucial importance from this point of view. It provides that everyone is entitled to a social and international order in which the rights recognized in the Declaration can be realized.

The linkages between individual, national and international security can be stated quite simply.² Individual security must be the basis for national security, and national security grounded in individual security must be the basis of international security. National security and international security cannot be achieved without respect for individual security in the form of respect for human rights and fundamental freedoms. In the contemporary world, there are many situations where oppression leads to gross violations of human rights, occasioning conflicts, occasioning displacement, occasioning the movements of refugees and migrants, and occasioning human suffering on massive scales. So many societies are riven with strife and poverty because democracy, the rule of law and respect for human rights are illusory.

It is important to be clear about the strategic importance of respect for human rights in establishment and maintenance of peace and security. In the first place, conflicts cannot be prevented or peace maintained in a world of wanton violations of human rights. In the second place, development strategies that have as their key objectives the realization of core economic, social and cultural rights and civil and political rights have the best prospect of leading to tangible improvements in the lives of human beings: people-oriented development and human security. In the third place, respect for human rights is the requirement for efficiency and effectiveness in governance. One is all too familiar with societies which, in the past half-century of international cooperation, have squandered vast amounts of resources and aid basically because the government was unrepresentative and, as a direct consequence, inefficient and often corrupt. Put simply, development is illusory without freedom.³ In the fourth place, the principle of non-discrimination, a bedrock principle of international human rights law, enables one to strive for more equitable societies even within the level of resources available.

The responsibilities of the international community, governments and civil society

The core concept of the United Nations when the Charter was drafted was that the Security Council would act for the maintenance of international peace and security. Alongside this, the Organization would promote development and the universal realization of human rights.

Peace, justice, respect for human rights, and economic and social progress in an interlocking relationship was, and remains, the vision of the United Nations. Alas, it is a vision under challenge in a world of power disequilibria, of uneven quality of governance, of economic and social disparities, of contending value systems, and of shocking violations of human rights. The protection of human rights is at the heart of the Charter's strategy of a world of peace grounded in the rule of law and economic and social progress. If we are to vindicate and achieve the vision of the Charter, policies and strategies of

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governance must be rooted in respect for human rights. Without protection of human rights the Charter's vision cannot be achieved. Without human rights, there can be no real and durable human security. Without human rights the United Nations cannot accomplish its mission.

It cannot be forgotten that the United Nations is comprised of individual Member States. Governments—working at the national, regional and international levels—must help realize the rights and freedoms that are contained in the international human rights conventions. In those instruments, they have defined what they consider to be the elements of human security. Governments should therefore be asking how they can devise policies and methods of governance that can help realize the specific rights and freedoms in the main human rights conventions. In essence, this requires human rights strategies of governance: a conscious decision by governments and subjects that the aim of governance is to advance achievement of the key human rights—civil and political, economic, social and cultural.

The United Nations is founded upon the principle of government through consent of the governed. However, there is sometimes a gap between 'the peoples' as envisioned in the UN Charter and their respective states. Not all states are responsive and responsible to their constituencies. It is for this reason that the United Nations places much value on its relations with civil society and that it is one of the cornerstones for its action in the future. The Secretary-General has recently established a panel on relations with civil society. It will be important to draw insights from this experience into ways of strengthening the relationship between the United Nations and its base in the peoples of the world.

Human rights and the challenges facing the United Nations

While much has been achieved in the first half century of the United Nations, one should not underestimate the enormity of the challenge that remains ahead. The difficulties of advancing human security through human rights in a world of tyrants, rampant poverty, conflicts, displacements, refugee outflows, and trafficking in human beings should not be underestimated. Some of the challenges confronting the United Nations in its efforts to bring about peace and security are considered below.

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POVERTY AND DEVELOPMENT

In the Millennium Declaration, world leaders committed themselves to '... spare no effort to free our fellow men, women and children from the abject and dehumanizing conditions of extreme poverty, to which more than a billion of them are currently subjected. We are committed to making the right to development a reality for everyone and to freeing the entire human race from want.' In addition, they resolved to 'create an environment—at the national and global levels alike—which is conducive to development and to the elimination of poverty.'

Respect for human rights is critical for a successful development strategy. The United Nations Development Programme's 2000 *Human Development Report* forcefully argued that development strategies have to be anchored in human rights reasoning and have to be influenced in their conception and implementation by international human rights norms.

The rationales behind a human rights-based approach to development are many, but much of the impetus for it springs from the Secretary-General's reform programme of 1997, which called for

the 'mainstreaming' of human rights within the substantive areas of the UN's work. This necessarily entails a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. The objectives of a human rights-based approach are to address the discrimination, powerlessness and weaknesses in systems of accountability that lie at the root of poverty and other development problems by applying the standards and related principles and values of human rights throughout development policies, activities and programming cycles.

Additionally, the linkages between development and freedom are well-known.⁴ One can point to situation after situation in different parts of the world where the lack of freedom saps the creative capacity of the people and impoverishes them. Where people are free, they are inspired to create and to produce. They can be more efficient as they draw upon individual and corporate enterprise and explore new ways of doing things. Controlled economies are well-known to be inefficient economies. Where there is oppression and corruption, development can hardly take place. The centrality of human rights strategies of governance is therefore of the utmost importance.

Those who live in poverty strive for dignity as much as anyone else and their voice must be acknowledged and listened to. The Universal Declaration of Human Rights provides a guideline for collective action towards the eradication of poverty. The accomplishment of this goal requires good governance, democracy, the rule of law, non-discrimination, and constant attention to the implementation of basic human rights. It also calls for continued efforts, both by the UN and within each society, to identify the needs of the poor and the vulnerable and to respond to those needs tangibly. The Organization needs to be a moral voice drawing attention to the plight of the poor and promoting policies and strategies that can help relieve that plight.

NEW SECURITY CHALLENGES: TERRORISM

Our future consideration of security challenges must recognize that what is perceived to be the nature of a threat for states has changed. The state-centered, geo-strategic political prism has been complemented by global, socio-ecological, developmental and cultural perspectives. This has led to a new category of challenges and conflicts that stem from an ideological and ethnic base.

One of the most crucial challenges facing the international community today is assuring respect for human rights in the context of the struggle to defeat terrorism. The UN remains convinced that tolerance and respect among peoples, the foundation tenets of the Charter of the United Nations, are the most essential components of any security strategy for the future. The crux of our position is that terrorism must be fought within the prescribed boundaries of the international legal system and within the principle of proportionality.

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The United Nations has undertaken many important initiatives in the struggle to defeat terrorism, one of the principal ones being the establishment, at the behest of the Secretary-General, of the Policy Working Group on the United Nations and Terrorism, in October 2001. The Group's report, issued in 2002,⁵ identifies the policy dimensions of terrorism for the United Nations, and offers a series of thirty-one specific recommendations on steps the Organization can take to further address the problem and on how the UN system might function more coherently and effectively in this respect. In short, it aims to provide a strategic conceptual framework for future efforts.

The Working Group has focused on practical actions that the UN might perform in the following areas of activity and its recommendations fall into the same three categories: activities to dissuade

disaffected groups from embracing terrorism (twelve recommendations), activities to deny groups and individuals the means to carry out terrorist acts (twelve recommendation), and efforts to sustain broad-based international cooperation in the struggle against terrorism (seven recommendations).

The urgent need for the UN human rights mechanisms to pay priority attention to the subject of the protection of human rights while countering terrorism is also clear. As a result, the Office of the High Commissioner for Human Rights (OHCHR) has supported the treaty bodies and mechanisms in addressing this issue more actively in their work by specifically including counter-terrorism measures on the list of issues taken up regularly with countries reporting to the Human Rights Committee. (Although a practical dilemma in this respect is that the Committee can only examine some forty country reports per year.) In addition, OHCHR supports the Special Procedures in their interventions on this issue. Another initiative taken by the UN in response to the struggle against terrorism has been the appointment of Ms Kalliopi Koufa as the Special Rapporteur on Terrorism and Human Rights in 1998.

Ensuring respect for human rights while struggling against terrorism is essential as it is only through the protection and promotion of human rights under the rule of law that terrorism can be prevented. The UN must project a clear and principled message that terrorism, whatever the cause in whose name it is undertaken, is unacceptable and deserves universal condemnation but that basic human rights standards must be respected in the fight against it.

What will be the role of the United Nations in dealing with the security challenges of the future? One of the major contributions of the United Nations Security Council since the end of the Cold War has been to consider security challenges in their classical context of war and peace issues as well as non-military threats. Today, issues such as HIV/AIDS, gross violations of human rights and terrorism are seen to fall within the Security Council's charge as it strives for the maintenance of international peace and security. Recent emphasis in the international community on human security has supported this trend by framing the diverse threats faced by humankind as questions of security.

CONFLICT PREVENTION

Leaving aside the debate over the proposition that democracies usually do not wage war on one another, one can point to many situations in today's world where different ethnic groups or different parts of a population have ended up in conflict because the ground rules in the society do not provide them with decent or equitable life chances or where one group within a society feels that it is the victim of unfair treatment. A society that is striving in good faith for human rights, that is imbued with the spirit of respect for human rights, that is aspiring for a culture of human rights, is one that can lessen the risks of conflict. Strategies of conflict prevention must therefore be built integrally upon strategies of promoting and protecting human rights. The best conflict prevention strategy, at the end of the day, is a strategy of respecting human rights.

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As conflict prevention is central to the future of the United Nations, one might ask what the United Nations should be doing to promote it. A lot is already happening in this regard within the Organization. For example, the Department of Political Affairs has a Framework Team to help identify situations of concern. The Secretary-General's contacts with members of the Security Council and Secretariat briefings to the Council in informal consultations are important contributions to conflict prevention. Cooperation between the United Nations and regional organizations for conflict prevention has also been developing.

More could be done within the Organization to promote conflict-prevention strategies based in human rights. The Secretary-General could brief the Security Council informally once a fortnight or once a month on situations giving rise to concern. The Security Council might consider a system of regional rapporteurs who could present situations of concern to it, drawing upon information gathered by the Secretariat or provided by Member States and NGOs. A regular briefing to the Security Council from the Chairman of the Commission on Human Rights would be one way of ensuring that human rights inputs are injected into conflict prevention efforts. In addition, OHCHR briefs the incoming President of the Security Council on a monthly basis, on human rights-related issues. This indicates a growing acceptance on the part of the Security Council that human rights issues fall within the purview of its work.

PEACE-MAKING

The incorporation of human rights in peace-making has been the subject of much discussion, and one should be careful about laying down too many strictures upon a peace-maker as each situation is unique. However, while not underestimating the complexity of the peace-making task, it would be a fair proposition

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to say that a peace that is not accompanied by strategies for the promotion and protection of human rights is unlikely to be a lasting one.

Peace-making must be built on human rights foundations. In situations as diverse as in Central America, in Cambodia, in the former Yugoslavia and elsewhere, the peace-maker's package has included strategies to uphold human rights. One must build upon these experiences and try to provide practical human rights tools to peace-makers.

By its very nature and essence, the United Nations is a pre-eminent peace-maker. Some claim that the United Nations has drawbacks as a peace-maker, stemming largely from its lack of power. One cannot gainsay this. The fact remains, however, that it falls to the United Nations to do whatever it can to help promote peace regardless of the colour or stripe of the nations in conflict.

What more can the United Nations do to develop its capacity and skills for peace-making? It is important to develop a pool of lessons learned from past peace-making experiences. The United Nations Staff College has developed some relevant training exercises for United Nations personnel. It might be useful to envisage an annual course or courses for serving, potential or past peace-makers. Human rights insights would be an invaluable part of such courses. International research institutes such as the International Peace Academy complement the role of the United Nations.

PEACE-KEEPING AND PEACE-BUILDING

The peace that is put together by a peace-maker must be taken forward and safeguarded by peace-keepers and by peace-builders. Peace-keeping and peace-building would be devoid of meaning unless they incorporated a human rights component. This is why peace-keeping operations nowadays have human rights staff as standard components and peace-building packages have increasingly included human rights.

Historically United Nations peace-keepers were interposed between warring nations when they were willing to agree to the presence of a neutral party. Nowadays, however, most conflicts are internal in nature and the combatants often do not respect the laws and customs of war or of the neutrality of the United Nations.

Where should United Nations peace-keeping and building be headed? Could it be that the time has come to concentrate on rapidly deployable contingents of United Nations observers to trouble spots where the deployment might serve to mitigate the excesses of conflict? The Organization appears to be moving along those lines as it distils the lessons learned from past peace-keeping experiences, identifies best practices and incorporates other vital aspects such as gender, disarmament and demobilization into the peace-keeping equation.

The August 2000 'Report of the Panel on United Nations Peace Operations' was the first comprehensive review of UN peace-keeping operations in the Organization's history.⁶ Drafted by a panel of experts headed by former Algerian Foreign Minister Lakhdar Brahimi, it recommends specific improvements in the way the UN Secretariat, Security Council and participating Member States conceive and implement peace and security activities. Such reforms are necessary, the panel argues, because peace-keeping missions are increasingly responding to 'complex' conflicts within states rather than 'traditional' conflicts between states. The consent of local parties, impartiality and use of force only in self-defence should remain core principles. Where one or more parties is an 'obvious aggressor', however, peace-keeping troops must not 'cede the initiative to their attacker. ... Impartiality must mean adherence to the principles of the UN Charter, not equal treatment of all parties at all times.' Where local actors' intentions are suspect, peace-keeping missions must be larger and better equipped to act as credible deterrents with 'robust' rules of engagement.

Since the concept of peace-building was first introduced in 1992, the United Nations has had peace-building offices in Liberia, Central African Republic, Burundi, Burma, Great Lakes Region, Guatemala, Guinea-Bissau, the Middle East, Somalia and Tajikistan. There are currently twelve on-going missions of a peace-building nature (Afghanistan, Bougainville, Burundi, Central African Republic, Guatemala, Great Lakes Region, Guinea-Bissau, Occupied Territories, Somalia, Tajikistan, West Africa and Côte d'Ivoire).

The United Nations peace-building offices can be instrumental in supporting and closely collaborating with the country teams and non-resident United Nations agencies/offices, as well as in developing multifaceted programmes that address many of the root causes of conflict. These offices work closely with government ministries, national assemblies, political parties, civil society and other local actors to support national peace-building efforts.

It should be kept in mind that a real and lasting peace among nations cannot be established solely on the basis of a balance of political forces and interests and on an equal supply of armaments. This is merely the absence of war. True peace can only be founded on mutual trust achieved through the inculcation of the basic values upon which the Universal Declaration and the UN Charter are founded.

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HUMANITARIAN STRATEGIES

In the negotiations that led up to the establishment of a position of United Nations Emergency Relief Coordinator within the Office for the Coordination of Humanitarian Affairs, the General Assembly laid down some principles to guide the United Nations in the humanitarian sphere. These included, among others, that humanitarian assistance must be provided in accordance with the principles of humanity, neutrality and impartiality. In addition, the sovereignty, territorial integrity and national unity of states must be fully respected in accordance with the Charter of the United Nations.

In this context, humanitarian assistance should be provided with the consent of the affected country and, in principle, on the basis of an appeal by the country. Each state has the responsibility first and foremost to take care of the victims of natural disasters and other emergencies occurring on its territory. Hence, the affected state has the primary role in the initiation, organization, coordination and implementation of humanitarian assistance within its territory.

The United Nations has a central and unique role to play in providing leadership and coordinating the efforts of the international community to support the affected countries and should ensure the prompt and smooth delivery of relief assistance in full respect of the above-mentioned principles.

Some of the central challenges facing the United Nations in the humanitarian area have been the debate on the 'right of humanitarian intervention' tied to the problem of access and the increasingly common and deliberate targeting of humanitarian workers. The former is now generally viewed as more of a 'responsibility to protect' rather than a 'right to intervene' while the latter continues to be of the gravest concern for United Nations action in the humanitarian sphere.

HUMAN RIGHTS PROTECTION AT THE NATIONAL LEVEL

Democracy, the rule of law and respect for human rights are important not only as intrinsic values but also because they are crucial for the prevention of conflicts and for the alleviation of poverty. In his report 'Strengthening of the United Nations', Secretary-General Kofi Annan called upon the organizations and agencies of the United Nations system to concert their efforts to respond to requests from Member States for assistance in the strengthening of their national human rights protection systems.⁷ This will be one of the central challenges of the United Nations in the coming period. As the Secretary-General stressed, building strong human rights institutions at the national level is what will ensure that human rights are protected and advanced in a sustained manner in the long run. The emplacement or enhancement of a national protection system in each country, reflecting international human rights norms, should therefore be a principal objective of the Organization. These activities are especially important in countries emerging from conflict.

OHCHR is giving priority to the establishment and strengthening of national human rights institutions in accordance with the relevant international standards.⁸ It continues to provide practical advice to the growing number of countries requesting it, works for the improvement of United Nations system-wide coordination in the work of national institutions, and supports an increased participation of national institutions in appropriate United Nations human rights and other international fora. OHCHR encourages the sharing of best practices among national institutions and facilitates their access to relevant information. It also supports the strengthening of regional networks of national institutions.

CHALLENGES OF MINDSETS

One of the major challenges that humanity faces is that of mindsets. Mindsets include the way people think about one another, the principles of tolerance and respect, the issue of cultural diversity, and consumption patterns in the North. It will be important to rally the peoples of the world behind global values rooted in the Universal Declaration of Human Rights. As these values are based on the fundamental dignity inherent in the human condition, we profess the freedom, equality and unity of all peoples. We must continue to do our utmost to promote these values and to change the attitudes and mindsets that are contrary to them. In this respect, education—particularly of the young—is crucial.

Education is meant to lead to liberation and peace, to share the knowledge and insights that each individual possesses and to bring a person to a greater awareness of personal dignity. In short, education should aim to instil an appreciation of the dignity of every person irrespective of race, creed or colour, communicate the interconnectedness of all and teach how to accept one's past, be committed to the future and thus live at peace in the present.

Concluding observations

The attainment of human security is contingent upon respect for human rights, which is at the centre of all United Nations activities. It is my profound conviction that the United Nations can only fulfil its mission by giving a central place to human rights. The Secretary-General has stated his determination to integrate human rights even more fully into every aspect of the work of the Organization. It is my hope that we can achieve a secure world through confronting the challenges of the future in as courageous and ethical a manner as possible and by maintaining the human being as the reference point for all UN policies.

Notes

1. In addition to the Universal Declaration of Human Rights (1948), this body includes the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the International Convention on the Elimination of Racial Discrimination (1965), the Convention on the Rights of the Child (1989), and the Convention on the Rights of Migrant Workers and Their Families (1990).
2. See Barry Buzan, 1991, *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era*, Harvester.
3. Amartya Sen has made this case convincingly in his work *Development as Freedom*, 2000, Anchor.
4. *Ibid.*
5. United Nations, *Report of the Policy Working Group on the United Nations and Terrorism*, United Nations document A/57/273 of 6 August 2002.
6. United Nations, *Report of the Panel on United Nations Peace Operations*, United Nations document A/55/305 of 21 August 2000.
7. United Nations, *Strengthening of the United Nations: an Agenda for Further Change*, United Nations document A/57/387 of 9 September 2002.
8. The 'Paris Principles' adopted in 1993 by the General Assembly.

Disarmament education: practicing what you preach

Miguel MARÍN-BOSCH

Over the past five years this publication has made a solid contribution to the education of both practitioners and students of disarmament. In the following pages one will see why I have found it to be a valuable source of information and analysis in the field.

For more than thirty years I was a member of the Mexican Foreign Service. I went to work in the Ministry of Foreign Affairs in February of 1969, two years after the signing of the Treaty of Tlatelolco, and was assigned to the office of the principal architect of that treaty, Deputy Foreign Minister Alfonso García Robles. My first task was to edit and translate his article on the treaty which appeared in one of the first editions of the *SIPRI Yearbook*.

Two years later I was sent to our permanent mission in Geneva where I was a junior officer in charge of the Conference of the Committee on Disarmament (CCD). This was the beginning of my disarmament education. As an undergraduate at Yale University I had taken one political science course that covered in part the arms race between the United States and the Soviet Union. But in Geneva, the CCD provided me with a crash course on disarmament and I was soon privy to the negotiations that led to the 1972 Biological Weapons Convention (BWC).

By some quirk of fate, I was to serve two more tours of duty in Geneva (1977–1979 and 1989–1995) and was posted twice to our mission in New York (1975 and 1983–1988). In both places I followed disarmament matters, a task I continued when I was private secretary to Foreign Minister García Robles in 1976 and chef de cabinet of Foreign Minister Jorge Castañeda from 1979 to 1982. But it was as Consul General in Barcelona (1995–2000) that I began to develop a course on the subject, which I taught to both graduate and undergraduate students at the Universitat Pompeu Fabra. Now, at the Universidad Iberoamericana in Mexico City I am teaching a similar course—which will soon become a requirement for students seeking a degree in international relations. Given the relatively large number of students in the department (almost 600), this means I teach a course for which I will also have to train a number of future instructors.

When President Vicente Fox took office in December of 2000, I was appointed Deputy Foreign Minister in charge of Africa, Asia-Pacific, Europe and multilateral affairs, including disarmament. In late 2002 I resigned because I disagreed with the form and substance of the foreign policy decisions of Foreign Minister Jorge G. Castañeda (son of the former foreign minister). One of my last official duties was to travel to UN headquarters in New York and participate in the launching of the study by the group of experts appointed by the Secretary-General on disarmament and non-proliferation education. It was an honour and a pleasure to chair that group. It was also a good way to end my government service and return to university teaching and research. Now, I am once again practicing what I preached for so many years.

Miguel Marín-Bosch teaches at the Universidad Iberoamericana in Mexico City where he directs a research programme on poverty, peace and disarmament. He also writes a bi-weekly column for the *La Jornada* newspaper.

A basis for action—the UN study on disarmament education

The UN study on disarmament and non-proliferation education¹ seeks to rekindle interest in a subject that has received sporadic attention over the past three decades. Two of the most prominent efforts were the 1980 UNESCO World Congress on Disarmament Education and the launching, in 1982, of the UN World Disarmament Campaign.

The study begins with this paragraph:

Science and technology transformed the world in the twentieth century. Living standards improved but warfare was rendered more deadly. Weapons of mass destruction—biological, chemical and nuclear—and their means of delivery were developed, as ever more sophisticated conventional armaments were produced and disseminated. The horrors and destruction of armed conflict persist. The need for disarmament and non-proliferation education and training has never been greater. Indeed, changing concepts and perceptions of security and threat magnify the urgency for new thinking to pursue disarmament and non-proliferation goals.²

As the Secretary-General noted in his foreword to the study, the goal of disarmament education is to ‘inform and empower citizens to work with their Governments for positive change.’³ To achieve this, one must ‘combat ignorance, complacency and a culture of violence.’⁴ That is one of the first things I stress in my course. And, in order to demonstrate it, I give my students a short, ten-question quiz. They are asked, for example, what are weapons of mass destruction? Which countries have nuclear weapons? Or, what does the acronym ‘PESC’ stand for? Most scores are low, yet occasionally the results are encouraging.

Although the UN study on disarmament and non-proliferation education was prepared by a group of only ten experts, a relatively small number compared to other UN reports, it drew upon the knowledge and experience of a broad range of institutions and individuals. The group began its work by conducting a qualitative survey among states, academic research institutions and NGOs in order to assess where we are in the field.⁵ In preparing the report, the group broke new ground by involving representatives from the UN family, other international organizations, educational and research institutions, academic experts, NGOs and civil society in general. Throughout its deliberations, the group benefited from their advice and proposals. In a sense, the ten experts were the core of a much wider group that participated in the study.⁶

After defining contemporary disarmament and non-proliferation education, the study takes stock of existing experience in the field and spells out the need for education and training at all levels—the family, schools, universities, the media, the community, NGOs, governments, parliaments and international organizations.

After defining contemporary disarmament and non-proliferation education, the study takes stock of existing experience in the field and spells out the need for education and training at all levels—the family, schools, universities, the media, the community, NGOs, governments, parliaments and international organizations. It then identifies ways to utilize evolving pedagogical methods, particularly the revolution in information and communications technology. It describes ways to introduce the subject into post-conflict situations as a contribution to peace-building and underlines the need for coordination among United Nations and other international organizations with special competence in disarmament, non-proliferation or education.

The study concludes with thirty-four practical recommendations for the promotion of disarmament and non-proliferation education and training. While underlining the importance of all the

recommendations, the experts identified those that can and should be implemented rapidly and at a relatively low cost. The experts were well aware that disarmament and non-proliferation education and training is:

... a lifelong and multifaceted process, in which the family, schools, universities, the media, the community, NGOs, Governments, parliaments and international organizations all participate. It is a building block, a base of theoretical and practical knowledge that allows individuals to choose for themselves values that reject violence, resolve conflicts peacefully and sustain a culture of peace.⁷

The experts were also conscious that disarmament and non-proliferation education and training means different things to different people. One thing is dealing with children, women or former combatants in a post-conflict situation, and quite another is raising the awareness of the nuclear threat among students in the developed world.

The UN Department for Disarmament Affairs will oversee and coordinate the international efforts of the various multilateral institutions, while national governments are expected to do the same by designating a focal point, which, in turn, will inform the UN of the steps taken to implement the study's recommendations. This follow-up mechanism should help governments to move forward in this endeavour.

Disarmament and non-proliferation education and training means different things to different people

Curriculum outline

The purpose of my one-semester course on disarmament and international security is to introduce students nearing the end of their undergraduate studies to a subject that is absent from most university curricula. Wars, weapons and conflict were a prominent feature of the twentieth century. Disarmament efforts and agreements were also an important chapter. Nevertheless, students of international relations only deal with these subjects in passing—in courses in international law, international organizations, history and multilateral negotiations. My course seeks to fill a gap and interest students in a subject that in the future may become a larger part of the international relations curriculum.

In most universities it is not easy to introduce new courses. Yet my experience in Barcelona and Mexico City has been different. In each case the university president invited me to give a course on disarmament and international security. In both places the faculty and student reacted very positively. At the Universidad Iberoamericana, the course was introduced as the international relations programme was being modified and it was decided that it should become a requirement for graduation. Let me briefly describe it. Comments from readers would be welcome.⁸

The course comprises thirty-two two-hour classes. The syllabus is arranged by subject and chronologically.

As I first discovered in Barcelona and later confirmed in Mexico, there is much material available on disarmament and security, but many university libraries seem to have overlooked acquiring it. Moreover, the literature is mostly in English and often too specialized for undergraduates. In my case, the answer was to provide the students with the texts of both the required and optional reading lists. They also have access to my own collection of disarmament material, including books, articles, periodicals, videos and official UN documents and conference records.

Students are required to attend class. Participation in the discussions is of fundamental importance. They are also asked to write two short papers of no more than 1,500 words on a subject of their

choosing, which they first present orally to their peers for comments and suggestions. There are two more oral presentations: one is a description of a disarmament periodical, NGO, or national or international institution; the other is an analytical summary of news items regarding the course's subject matter that have appeared in a newspaper over a given fortnight. There is no final exam or term paper.

The period covered by the course is mostly the twentieth century, from the Hague peace conferences at the close of the nineteenth century to the present. It is divided as follows: 1899–1945; 1945–1948; 1948–1962; 1962–1978; 1979–1989; 1989–2001; and the period since 11 September 2001.

The first two classes are devoted to a discussion of what is meant by disarmament and international security, the role of the nation-state, the agreed codes of international conduct, including the UN Charter, the various concepts of security, and an overview of the twentieth century and the appearance of weapons of mass destruction and their delivery vehicles together with the development of ever more sophisticated conventional weapons. In 2003 the situation in Iraq served to focus our discussions. The students read newspaper clippings on these subjects, as well as articles on the nation-state and the new Europe, by Flora Lewis and Fritz Stern, respectively.⁹

For the next class, where we cover the period to 1945 with emphasis on the various disarmament conferences and the codification of the rules concerning the use of force, the students read the pertinent chapter of Charles Rousseau's textbook on international law.¹⁰ As optional reading, they are given excerpts from the works of Francisco Vitoria and Jean-Jacques Rousseau.

We then move to the UN Charter and the brief period before 1948 when it seemed that the newly founded organization would fulfil its promise by maintaining international peace and security. That is followed by one class devoted to the onset of the Cold War and the emergence of parallel security structures (NATO and the Warsaw Pact). They read a chapter on the origins of war from Kenneth N. Waltz's classic book, *Man, the State and War*,¹¹ Lester R. Brown's 1977 groundbreaking essay, *An Untraditional View of National Security*,¹² the UN Charter's provisions on disarmament and international security, and the concluding chapter of the 1985 UN study on concepts of security. If they so wish, they can also examine two pamphlets published in 1947 and 1948 that reflect the interest of one segment of the American public in strengthening the role of the UN in the fields of security, disarmament and collective self-defence.¹³

In five classes we cover the period from 1962 to 1978. Here we look at the various disarmament fora, beginning with the establishment of the Eighteen-Nation Disarmament Committee. We discuss unilateral, regional and multilateral disarmament efforts, the meetings of the parties to existing treaties, the agreed bases and objectives for an effective disarmament process, multilateral disarmament diplomacy, the role of NGOs and, finally, we analyse the provisions of multilateral treaties. The reading list includes the pertinent provisions of the 1977 Additional Protocols to the 1949 Geneva Conventions, the Final Document of the first Special Session on Disarmament (SSOD I), the scope of the prohibitions of some disarmament treaties, the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed Excessively Injurious or to Have Indiscriminate Effects (CCW), the 1997 convention on anti-personnel landmines, the 1998 Oslo text containing elements of a common understanding regarding an international agenda on small arms and light weapons, and an article of mine on the UN and disarmament.

The eleventh class is devoted to the first of two discussions on where we have been and where we are going in the course. Students are encouraged to take stock of the course and suggest changes. For that class they read the UN study on disarmament and non-proliferation education. Feedback has indicated that at first the students find the course's subject somewhat exotic but soon, especially when it is related to current events and relations among states, they begin to appreciate its relevance.

The next two classes cover the 1979–1989 period: Afghanistan, Ronald Reagan, Margaret Thatcher, advances in science and technology and their application in such areas as outer space (for example, the Strategic Defense Initiative, also known as Star Wars).

In the following class we look at the years from 1989 to 10 September 2001: the end of the Cold War, the United States and the so-called new international order, the first Gulf War, the proliferation of weapons of mass destruction and the cases of Iraq, the Democratic People's Republic of Korea and Iran. The war on international terrorism is discussed in the following class.

For those classes, the students read Charles E. Hermann's 1977 article *Defining National Security*,¹⁴ Madeleine Albright's *A Diplomatic Framework for Disarmament*,¹⁵ an article on international terrorism,¹⁶ Michael Ignatieff's recent article *Why Are We In Iraq? (And Liberia? And Afghanistan?)*,¹⁷ and a number of newspaper stories from the 1990s on Russia's difficulties in ridding itself of rotting chemical weapons, on how the United States is dealing with its own chemical weapon stockpiles, the work of UNSCOM in Iraq, the supply of anthrax to Iraq by France and the United States in the 1980s, and the anthrax scare in Las Vegas, Nevada in 1998.

Six classes are devoted to nuclear weapons. Here we divide the nuclear age into four periods: 1945–1949; 1950–1968; 1968–1995; and 1995 to the present. We focus on 1945 and 1950 with the acquisition and use of the first atomic bombs and the move to thermonuclear weapons, respectively, and on the main players (United States, Soviet Union, United Kingdom, France and China), as well as others which played or thought of playing the nuclear card (Canada, Sweden, India, Pakistan, Israel, South Africa, Argentina and Brazil). We review the history of nuclear testing, the nuclear arms race, changing nuclear doctrines, nuclear energy (uranium, enriched uranium and plutonium), the negotiations that led to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the treaty's provisions, its five-year review conferences, its indefinite extension in 1995 and the results of the 2000 Review Conference.

Required reading for the classes on nuclear weapons include the NPT, excerpts from the memoirs of some of the individuals involved in the decisions regarding the development and use of atomic weapons (and nuclear energy) and later thermonuclear ones (including Truman, Churchill, Baruch and Acheson), recent resolutions of the UN General Assembly on nuclear disarmament, charts on existing nuclear arsenals and fissionable material, reflections on the evolution of the international community's reaction to the Indian and Pakistani tests in 1998 (in the Conference on Disarmament, the P5 and the Security Council), statistics on the place of nuclear energy in the world's energy consumption, newspaper reports on the transport of nuclear materials on land and by sea, Rebecca Johnson's article summarizing the international debate on eliminating nuclear weapons, Jozef Goldblat's article on the legality of nuclear weapons and Thérèse Delpech's reflections on the future of nuclear weapons.¹⁸ Students are also provided with additional, but not required, reading material on Bertrand Russell's reflections on nuclear weapons and the birth of the Pugwash movement, a study on why countries play the nuclear card,¹⁹ a critique of the NPT in 1968, and a review of the Partial Test-Ban Treaty amendment conference.

Students are required to read the International Court of Justice's 1996 advisory opinion on the legality of nuclear weapons and familiarize themselves with the individual position of one of the judges.

Four classes refer to security arrangements and non-military threats to security. Two cover the different aspects of security in the Americas, from the 1945 Chapultepec Conference to the 2003 Special Conference on Security of the Organization of American States. Required reading includes the Declaration on Security in the Americas.²⁰ Here we trace the evolution of the concept of security from a strictly military one to the present multidimensional approach.

Two more classes are devoted to NATO and the European Union (EU). We discuss the transatlantic tension between the United States and Europe, as well as the problems of the four non-NATO members of the EU. The material read includes the provisions of the Treaty on European Union (the 'Maastricht Treaty') on a common foreign and security policy, an article on the Organization for Security and Co-operation in Europe, excerpts from Esther Barbé's 1981 study on NATO,²¹ a summary of the Paris Summit of 27 May 1997, several articles on the EU and NATO, and newspaper reports on Europe's military industry and arms trade. There is also a text on world military spending.

The role of the UN Security Council (before and after the Cold War) is the subject of one class. We review the subjects of the Council's resolutions from 1946 to the present, the vetoes of its permanent members, the texts of resolutions 1422, 1487, 1502 and 1511, and Mexico's role as a non-permanent member in 2002 and 2003.

We then devote two classes to peace-keeping operations, humanitarian intervention, poverty and conflict, and ethnic wars in Africa, Asia, Latin America and the Caribbean, and Europe. Special emphasis is placed on the effects of conflict on civilians and the role of children. The texts read include an article on small countries and the transcript of a discussion on poverty and conflict organized by the Worldwatch Institute. Optional reading includes an article by Richard Holbrooke on Bosnia.²²

In two classes we discuss the forces that undermine disarmament efforts (geopolitical and economic interests) and fuel the arms race (its root causes, the international market for conventional weapons). We also discuss the impact of armaments on the environment. Here the students read the relevant provisions of the Statute of the International Criminal Court, a document by the ICC Coalition, an article on civilian-military relations, another on the Kyoto Conference, one on human rights and the environment, and one on the UN and international law.²³ There is also a selection from one of Ruth Leger Sivard's many publications and excerpts from the 1972 UN study on the social and economic consequences of the arms race. Optional reading includes two articles on the UN Secretary-General.²⁴

In the last class, students are asked to consider the question of transparency in armaments, the culture of peace and tomorrow's international security. Students read UN General Assembly resolutions A/53/243 (1999) and A/57/6 (2002) on a culture of peace.

Quite obviously, the course syllabus needs much work. Some of the existing reading material will have to be discarded or replaced. Texts on other questions will have to be added. For example, I am now preparing a lecture on a subject that has received increasing attention over the past decades: the violent nature of ancient societies and the myth of the noble savage.²⁵

Plans for the future

Students of international relations want practical experience in a field that is often characterized by theoretical and historical analysis. Students of international relations want practical experience in a field that is often characterized by theoretical and historical analysis. For them, I am organizing a semester in New York, in and around the United Nations. The plan is to take some forty to fifty students to observe the workings of the UN, especially the Security Council and the annual session of the General Assembly. They will take a number of courses with local professors on subjects that are treated superficially in the department. They will also do an internship in a permanent mission to the UN, an NGO or perhaps even in the UN Secretariat itself. There will be about a dozen weekly talks on specific UN-related topics given by individual experts.

Disarmament and international security issues will be a major part of their exposure to the UN in New York. Hopefully, this on-site experience will serve to open new avenues when they consider their

professional careers. Perhaps they will opt for the foreign service, become international civil servants or work for an NGO. The important thing is to introduce them to a world they hardly know exists.

Throughout the course I draw upon my foreign service experience. The students learn how the Conference on Disarmament works and how in 1978, during SSOD I, the *Disarmament Times* was born.²⁶ They are encouraged to assess the importance of the impact of civil society, especially NGOs, on the disarmament process. They are told of how a Mexican diplomat, who was present in the basement meeting rooms of the UN during the negotiations of the Final Document of SSOD I, would emerge in the evening and cross First Avenue to the offices of *Disarmament Times* and recount the details of what was transpiring at the UN so that delegations could read about it the next day.

NGOs are slowly becoming more directly involved in multilateral disarmament negotiations. For decades they were not permitted to observe, let alone contribute, to the negotiating process. Unlike in other areas of the UN, especially in the field of human rights and other social issues, disarmament NGOs were kept at bay. Now, in light of the experience of the convention on anti-personnel landmines, governments have a better appreciation of the potential role that NGOs (and civil society in general) can play as partners in disarmament efforts.

The UN study on disarmament and non-proliferation education is but a small step in a long journey. It will take a sustained effort over many years to raise the public's awareness on these issues. Today, the need to protect the environment is part of one's education at home and at school. Children and young adults throughout the world are increasingly conscious of the dangers posed by the irrational use of natural resources and many are intent on saving our planet by tackling environmental problems such as pollution of sources of drinking water or climate change. Except for those directly involved in armed conflict and war, most people are largely unaware of matters relating to weapons. In decades to come, education may make people more conscious of threats posed by weapons of mass destruction and conventional armaments, as well as the need to pursue genuine disarmament and promote a culture of peace.

Notes

1. United Nations document A/57/124 of 30 August 2002, available on the page <<http://disarmament2.un.org/education/study.html>>.
2. *Ibid.*, para. 1.
3. *Ibid.*, foreword.
4. *Ibid.*, para. 2.
5. The study's four annexes are available on the page <<http://disarmament2.un.org/education/study.html>>. Annex 2 contains the survey.
6. A list of participants appears in Annex 1.
7. United Nations document A/57/124, *op. cit.*, para. 20.
8. The author may be contacted at <mmarinbosch@hotmail.com>.
9. Flora Lewis, 1998, New Attention to National Status Could Make the World Safer, *International Herald Tribune*, 10 July, p. 9, and Fritz Stern, 1998, A Century of Building Blocks for the New Europe, *International Herald Tribune*, 8 July, p. 9.
10. Charles Rousseau, 1966, *Derecho Internacional Público*, 3rd ed., Barcelona, Ariel. The original in French, *Droit international public*, appeared in 1957.
11. Kenneth N. Waltz, 1965, *Man, the State and War—a Theoretical Analysis*, New York, Columbia University Press.
12. Excerpted with minor revisions from Lester R. Brown, 1977, *Redefining National Security*, Worldwatch Paper 14 (October), Washington, DC, Worldwatch Institute.
13. American Association for the United Nations, Commission to Study the Organization of Peace, 1947, Fifth Report, *Security and Disarmament under the United Nations*, New York; and American Association for the United Nations, Commission to Study the Organization of Peace, 1948, Sixth Report, *Collective Self-Defense under the United Nations: Memorandum and Draft Treaty for Implementation of Article 51*, New York.

14. Charles F. Hermann, 1977, Are the Dimensions and Implications of National Security Changing?, *Mershon Center Quarterly Report* 3, no. 1 (Autumn), pp. 5–7. Reprinted with minor revisions and by permission of the Mershon Center, Columbus, Ohio State University.
15. Speech of 10 June 1998 by US Secretary of State, The Henry L. Stimson Center, Washington, DC, US Department of State text, reproduced in *Disarmament Diplomacy*, no. 27, June 1998, pp. 43–47.
16. Punish and Be Damned, *The Economist*, 29 August–4 September 1998, p. 16.
17. *The New York Times Magazine*, 7 September 2003.
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Reversible or irreversible?

For a long time, treaty negotiators have neglected the postulate of irreversibility of arms control and disarmament measures. Consequently, the right to withdraw from the contracted obligations has flawed nearly all multilateral arms control and disarmament agreements.¹ A state may legally annul its treaty commitments and then feel free to act contrary to the objectives of the treaty without exposing itself to a charge of violation.

The essential components of the withdrawal clause used in arms control and disarmament agreements were agreed in 1963, during the negotiations for the Partial Test-Ban Treaty. The wording of the withdrawal clause was a compromise between the views of states insisting that the right to withdraw should not be subject to any condition and those wanting to restrict this possibility as much as possible.

The existing formula stipulates that all that a withdrawing party must do is state that some extraordinary events related to the subject matter of the agreement have jeopardized its supreme interests and give an advance notice of the withdrawal. No approval of such a statement by other parties or by an international body is needed. The assessment of what event is 'extraordinary', what is the relationship of the event to the subject matter of the treaty, and to what degree the interests of the country concerned have been affected is left to the judgement of the withdrawing party. Of the multilateral arms control and disarmament treaties currently in force, only the Anti-Personnel Mine Ban Convention requires a full explanation (yet not approval by other parties) of the reasons motivating the withdrawal.

Over the years, the 1963 formula has been modified with regard to the time required for the withdrawal to take effect: from three months for the Partial Test-Ban Treaty, the Treaty of Tlatelolco, the Nuclear Non-Proliferation Treaty, the Seabed Treaty, the Biological Weapons Convention and the Chemical Weapons Convention; to six months for the Anti-Personnel Mine Ban Convention and the Comprehensive Test-Ban Treaty; to twelve months for the Outer Space Treaty, the Treaty of Rarotonga, the Treaty of Bangkok and the Treaty of Pelindaba.

The number of institutions that must be notified by the withdrawing party has also expanded with time. In addition to the governments of all other parties, the list now includes the depositary of the treaty, the UN Security Council and—in the case of the Chemical Weapons Convention and the Comprehensive Test-Ban Treaty—the Executive Council of the respective implementation organization.

These modifications to the withdrawal clause have not changed the fact that, because of the possibility of an easy exit, multilaterally agreed arms control measures are easily reversible.

While there have been attempts to tighten the conditions for withdrawal, such as during the negotiations for the Chemical Weapons Convention, they have failed. To radically improve the unsatisfactory situation concerning withdrawal, one would have to abolish the clause altogether. This would be particularly important for treaties that ban the proliferation and/or the possession of entire categories of weapons of mass destruction.

If a treaty has no withdrawal clause, the state wishing to withdraw must establish—in accordance with the Vienna Convention on the Law of Treaties—that the parties *intended* to admit the possibility of withdrawal or that a right of withdrawal was *implied* in the nature of the treaty. Since intentions and implications are difficult to establish, the right to withdraw would be significantly circumscribed and perhaps even impossible to apply.

Alternatively, if the abolition of the withdrawal clause proves objectionable, the reasons for withdrawal would have to be unambiguously spelled out by the party determined to withdraw and accepted as valid by a qualified majority of other parties. A suspected or even an established breach of the treaty by one party should not automatically justify a withdrawal by others. The notice of withdrawal would have to be delivered at least one year in advance, as provided for by the Vienna Convention. This would leave time for the treaty-abiding states to persuade the state wishing to defect not to do so, and to prepare themselves to deal with the situation resulting from withdrawal. Following the example of the Anti-Personnel Mine Ban Convention, withdrawal should be prohibited during an armed conflict in which the withdrawing party is engaged. Arbitrary decision to withdraw would be regarded as a material breach and treated accordingly.

These suggested changes could be introduced in existing multilateral treaties by way of an additional protocol. Bringing this about would certainly be a lengthy process. In the meantime, however, states might be invited to unilaterally pledge not to have recourse to the withdrawal clause, or to resort to it exclusively under the restrictive conditions outlined above. The pledges could be made on the occasion of a review conference.

It is true that a number of jurists consider the right to denounce any treaty unilaterally and without restrictions as a norm of international law. In my view, this doctrine cannot apply to multilaterally assumed disarmament obligations, the abrupt termination of which by one party may undermine the whole treaty regime and directly affect the security of other parties. Disarmament treaties should not tolerate any exceptions to the principle *pacta sunt servanda*. To be meaningful, disarmament must be irreversible.

Jozef Goldblat

Note

1. It may be noted that the 1977 Enmod Treaty prohibiting military uses of environmental modification techniques contains no withdrawal clause.

UNIDIR Weapons for Development Project Update

Community-based voluntary weapons collection programmes in exchange for development projects (known as Weapons for Development or WfD projects) have emerged as a popular micro-disarmament policy.¹ In September 2002, UNIDIR launched a research project to carry out an intensive, field-based evaluation of lessons learned from WfD projects. UNIDIR's research is based on a participatory monitoring and evaluation (PM&E) approach, where beneficiaries are placed at the centre of the assessment and oversight process, enabling shared ownership of the project and its results. UNIDIR has developed, adapted and piloted PM&E tools particularly for micro-disarmament research in order to bring the voices of the affected people into policy-making.

In 2003, UNIDIR's WfD Project carried out research in Mali and Albania. Workshops were facilitated in six different communities, including rural, urban and border areas. Using PM&E techniques, affected people assessed and analysed the processes and impacts of individual WfD programmes. Fieldwork will continue in Cambodia in early 2004.

One of the preliminary research findings of the UNIDIR project indicates that how project priorities are established and who participates in the decision-making have a significant impact on the success of a WfD project. For example, many WfD projects claim to be undertaken after consultations with the 'community'. However, in many cases, implementing agencies have consulted only with community leaders (who may not represent the community as a whole), rather than a broad representative spectrum of the affected community.

By making the planning, implementation and evaluation of a WfD project as inclusive and participatory as possible, one increases the likelihood of the project's success as a sense of ownership is generated. Inviting wider participation means increasing the stake that community members hold in the project's eventual success. Broad participation also serves to build confidence among community members in the sustainability of peace, creating a 'critical mass' of positive stakeholders. In this view, UNIDIR suggests that donors and implementing agencies of WfD projects consider participatory planning and designing of micro-disarmament projects.

Note

1. See project description in UNIDIR Focus, *Disarmament Forum*, no. 4, 2002, pages 63–64.

In each issue of *Disarmament Forum*, UNIDIR Focus highlights one activity of the Institute, outlining the project's methodology, recent developments in the research or its outcomes. UNIDIR Focus will also describe a new UNIDIR publication. You can find summaries and contact information for all of the Institute's present and past activities, as well as sample chapters of publications and ordering information, online at < <http://www.unidir.org> > .

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Costs of Disarmament—Disarming the Costs: Nuclear Arms Control and Nuclear Rearmament

In the second volume of the UNIDIR series on the costs of disarmament, Susan Willett evaluates the costs and benefits of the nuclear arms control treaties concluded between the United States and the Soviet Union/Russian Federation.

In the case of the Strategic Arms Reduction Treaty (START), the United States has found itself shouldering the burden of its own implementation requirements and those of the former Soviet Union via the Cooperative Threat Reduction (CTR) programme, thus leading American critics to question the cost-benefit advantages of arms control. After a detailed examination, it is clear that while unexpected costs arose during the implementation phase, the security benefits far outweighed the costs. Moreover, even with the additional burden of the CTR programme, the United States emerged with savings of US\$ 1.52 billion from the START process, once annual savings from the reductions in its strategic arsenal were taken into account.

Today, the security benefits of strategic arms reductions have been eclipsed by the 2002 *Nuclear Posture Review*, which reasserts the centrality of nuclear weapons to American security policy. Such a posture comes at a high cost/risk premium in that it could intensify asymmetries and exacerbate global insecurities. Such proposed nuclear rearmament is occurring at a time when the full human, environmental and financial costs of the nuclear arms race legacy are coming to light in both the United States and the Russian Federation.

To proceed with a new generation of nuclear weapons when the full costs are not taken into account is—at best—myopic. As the author demonstrated in the first book of the *Costs of Disarmament* series, many of the costs linked to disarmament are wrongly ascribed—in particular those incurred as part of weapons dismantling which truly belong to the normal lifecycle of weapons.

Costs of Disarmament—Disarming the Costs: Nuclear Arms Control and Nuclear Rearmament demonstrates that policies that actively seek to control and eventually eliminate nuclear weapons are far more cost-effective and enhance security more than any future decision to develop new nuclear weapons—taking into account all of the costs and risks associated with them.

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Costs of Disarmament—Mortgaging the Future: The South Asian Arms Dynamic

In any initiative that attempts to illustrate the cost-effectiveness of arms control, the case has to be made that expenditures on arms control can increase security far more cost-effectively than the equivalent, or much greater, expenditures on military force. For some time, India and Pakistan have been in an armed stand-off, which has led to a protracted arms race. This dynamic offers a useful case study—what are the costs for these two states of *not engaging* in arms control?

The political and military elites in Islamabad and New Delhi have legitimized rising levels of military expenditure on the argument that it enhances national security and deters external aggression. Recent events, however, do not support such claims.

Moreover, the arms race is exacting high socio-economic costs on a region which can scarcely afford it. Both countries face high levels of poverty and underdevelopment. By diverting resources from important poverty alleviation targets, the arms race is indirectly contributing to rising levels of internal insecurity and conflict. In this manner the arms race has created a pervasive security-insecurity nexus in which the external security crisis contributes to and exacerbates the internal security concerns.

Although cost-benefit analysis tends to be preoccupied with quantifiable measures, capturing the qualitative variables of arms control and arms racing is often more important, because these have greater *social value* and/or *social detriment* along the peace-to-conflict continuum. In *Costs of Disarmament—Mortgaging the Future: The South Asian Arms Dynamic*, Susan Willett explores alternatives to arms racing that have the potential to reduce tensions while promoting security. For example, one cannot immediately calculate the beneficial effect of confidence- and security-building measures (CSBMs), which are designed to reduce tensions and mutual distrust and to improve inter-state relations over time. However, in many situations CSBMs have translated into disarmament and arms control gains in the long run, thus resulting in reduced military expenditures and improved security.

Costs of Disarmament—Mortgaging the Future: The South Asian Arms Dynamic is the final volume of UNIDIR's Costs of Disarmament series.

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