

DRAFT

**First Committee of the 61st General Assembly
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**REVIVE DISARMAMENT – Statement by the Chairman of the
Weapons of Mass Destruction Commission, Dr. Hans Blix**

Madame Chair,

Let me first thank you and the Committee for giving me this opportunity to address the Committee. My comments will touch upon many matters that are covered by items on the Committee's agenda. I shall make my comments against the background of the analysis and recommendations contained in the report of the **Weapons of Mass Destruction Commission**, which I have had the honor to chair. However, the comments are **my own**.

The report is entitled "*Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms*" and it is available to all members of the Committee. It was adopted unanimously by the 14 members of the Commission and was launched here at the UN on 1 June this year. It discusses and seeks to tackle the threats posed by weapons of mass destruction and it contains 60 concrete recommendations for action.

Its central message is that the global process of arms control and **disarmament**, which has **stagnated** in the last decade, **must be revived** and pursued **in parallel** with the efforts to prevent the spread of WMD to further states and to **terrorist** movements. The report deals with all types of weapons of mass destruction – nuclear, biological and chemical – but my remarks today will **primarily focus** on the threats posed by **nuclear** weapons and by states.

Some might **argue** that there is **no need for further global disarmament and arms control** efforts, pointing to the reduction that has taken place in nuclear arsenals from an estimated 50 000 to 27 000 weapons, including a dramatic reduction in or withdrawal of tactical nuclear weapons under the 1991 Bush — Gorbachev Presidential Nuclear Initiative. Another reduction, also unverified, is to be expected by 2012, under the 2002 Strategic Offensive Reduction Treaty. While this is most welcome it has regard to what the states concerned themselves consider to be "surplus" weapons.

What remains is ample to destroy our planet. And what is **acutely worrisome** is that many developments go in the wrong direction. Let me give examples:

- Several nuclear weapon states do not give pledges against a **first use** of nuclear weapons;
- The development of a **missile shield** in the US is perceived by China and Russia as a measure potentially allowing the US to threaten them, while creating immunity for the US; countermeasures can be expected;
- The development and testing of **new types of nuclear weapons** is urged by influential groups in the US; in the UK many expect a government decision about a renewal of the nuclear weapons program, stretching it far beyond 2020;
- The stationing of **weapons in space** is considered in the US; if it were to occur, other states might follow and threats may arise to the world's peaceful uses of space and the enormous investments made in them.

When we regard these developments as deeply worrisome and threatening, it is because they **increase the risk of use**. We might do well to remember that the international community's early approach to weapons of mass destruction was in the form of **bans on use**. This was true of the 1925 Geneva Protocol against bacteriological and chemical weapons and all rules in these matters adopted earlier.

With the appearance of nuclear weapons and the horrendous effects they had at the end of World War II, **two new avenues** were followed:

First, the threat or use of force – any force – against the territorial integrity or political independence of any state was prohibited in art.2:4 of the UN charter. The **outlawing of all use of armed force**, if effective, would evidently comprise an assurance against the use of nuclear force. There were **two exceptions** from the rule:

- Article 51 preserved a right to **self-defense**, when an **armed attack** occurred, until the Security Council has taken the necessary measures.
- The other exception allowed the use of armed force in situations, which constitute “**threats to the peace, breaches of the peace or acts of aggression**”. While this category of situations was **broader** than

that of an **“armed attack”**, the use of force in these cases was subject to decision by the Security Council.

A **second approach** was based on the thought that the **best guarantee against use** of a weapon would be in assuring the **absence** the weapon through bans on production, acquisition and stocking. In 1946 the General Assembly declared its determination to physically **eliminate “atomic weapons”** and other weapons of mass destruction.

However, while violations of a **ban on use** WMD would, in all likelihood, be visible, a violation of a **ban on production** and stocking could be hidden. To be reliable the new approach **required inspection**. The authors of the **Biological Weapons Convention** of 1972 did take the important step beyond the 1925 Geneva Protocol and prohibited the production and stocking of B-weapons, but they were not able during the Cold War to agree on machinery for verification and inspection. The Soviet Union and Iraq - and perhaps others - were able later to violate the ban without being detected.

I should add that the absence of machinery for inspection and/or monitoring **remains a weakness in the BW Convention**. In recommendations 31 – 35 the WMDC has submitted a number of ideas for the strengthening of the Convention, including the creation of a unit of B-weapon experts, such as the roster we had in the Iraq inspections, which I headed.

Finishing their work after the end of the Cold War the authors of the **Chemical Weapons Convention** of 1996 **were able** to attach machinery for inspection and verification of the universal ban to use, produce and stock chemical weapons. The WMD Commission makes several recommendations for improvements in the implementation of the convention, including the speeding up of the destruction of chemical weapons. However, the convention is seen as a success story.

The situation of **nuclear weapons** is different from that of B and C weapons. While in an advisory opinion the International Court of Justice has seen an extremely **limited scope for a legal use** of these weapons **a convention banning their use has not been attainable**. Their elimination **has also not been attained but it has been sought through a fragmentary approach, namely**

- to ban the **deployment** of these weapons in various **environments** (the Antarctic, the sea-bed and outer space),
- to eliminate a **qualitative development** of the weapons by treaty **bans on testing**;
- to limit the possession of the weapons through the **NPT** and treaties establishing nuclear weapon free **zones**;
- to oblige the nuclear weapon states parties to the NPT to pursue negotiations in good faith on **nuclear disarmament**;
- to issue **guarantees** against use – on certain conditions – to states foregoing nuclear weapons.

When considering **today the threat of nuclear weapons** it is important to remember **both basic approaches** that the world has taken: the general prohibition of the use of force and the elimination of the weapons. The two approaches are related. As stated in the EU strategy against proliferation of WMD:

“The best solution to the problem of proliferation of WMD is that countries should no longer feel they need them. If possible, political solutions should be found to the problems, which lead them to seek WMD. The more secure countries feel, the more likely they are to abandon programmes...”

In examining cases of non-compliance the WMDC makes the comment that in many cases “**perceived threats to security have been the incentive** for the acquisition of nuclear weapons and security guarantees of various kinds have offered disincentives.” (p. 66). The Commission goes on to say:

*“It is not unreasonable to think that the governments of **Libya, Iran and North Korea**, often isolated, have convinced themselves that their security was threatened. In the case of **Iran** there was also a very real threat from Iraq, which armed itself with WMD and used chemical weapons against Iran during the long war of the 1980s. It is possible that in such cases incentives to acquire nuclear weapons may be reduced by **offers of normal relations** and by assurances that **military intervention** or subversion aiming at regime change **will not be undertaken**.” (pp. 66-67).*

In the case of **North Korea** the six power talks, which have been suspended for about one year and the revival of which are sought, seem to have proceeded on this philosophy. Individual national postures are more varied.

I would like to add at this point that of equal if not greater importance to help convince states that they do not need WMD would be if all UN members followed a **practice of genuine respect for the already existing UN Charter restraints** on the threat or use of force (art. 2:4, art. 51 and art. 39). If they did, specific individuals assurances would not be needed.

Now let me turn **to the Non-Proliferation Treaty**. We often hear warnings that the most central global instrument in which states committed themselves against the acquisition of nuclear weapons and for nuclear disarmament, risks to collapse. While readily recognizing that the treaty is **under strain** the WMDC notes that the world is **not replete with would-be violators** and that the overwhelming commitment to the treaty remains of tremendous value.

Iraq and Libya were found to be in violation and have been brought back to observance of the treaty. In two other cases – **North Korea and Iran** – the world is currently very actively seeking solutions. Are there any other problematic cases? Not to my knowledge.

Does the **verification system** – the safeguards – need to be strengthened? Yes, universal acceptance of the **additional protocol** would do much to strengthen confidence. (Recommendation 3). The effective operation of the safeguards system should never have to suffer for financial reasons. It would be paradoxical for the world community to spend billions on inspections to ensure that no material or equipment of nuclear relevance is transported in containers or baggage in air travel and to deny the safeguards system the fullest support.

Would the NPT need a **standing secretariat**? Yes, the world should not be without sensible administrative support in handling one its most important treaties.(Recommendation 4). Such a secretariat should be tasked to organize and prepare the Review Conferences and their Preparatory Committee sessions. It should also organize other treaty-related meetings upon the request of a majority of the state parties.

A more momentous problem with the NPT is the implementation – or lack of implementation – of **Article 6**, which enjoins the nuclear weapon states parties to negotiate toward nuclear disarmament. The WMDC submits – in its very first recommendation – that all parties to the treaty need “**revert to**

the fundamental and balanced non-proliferation and disarmament commitments that were made under the treaty and confirmed in 1995 when the treaty was extended indefinitely”.

It is **not**, I think, that there will be any **mass withdrawals** by non-nuclear weapon states from the treaty because they feel Article 6 has not been respected. Most states have **joined not** principally to obtain the pledge of nuclear disarmament from the nuclear haves but to send an assurance about their own status and find assurances from others. **Yet**, there is a strong feeling of frustration, even of being cheated. The moral authority of the have-states is undermined, when they are **easing their doctrines for the use of nuclear weapons rather than** restricting them, and when they are in the process of deciding the development of **new types of weapons rather than** examining how they could manage their defense needs with other weapons than nuclear. (Recommendations 20 and 23).

I am not contending that **negotiations with the DPRK and Iran** would be easy under any circumstance, but I suspect that they might be somewhat less difficult, if the nuclear weapon states participating could show that they, themselves, were actively moving toward and leading the world toward nuclear disarmament. While the Commission pleads for the goal of a **convention** “outlawing” nuclear weapons in a way similar to what has been done regarding biological and chemical weapons (Recommendation 30) there are many more modest steps that could and should be taken without much delay.

What needs to be done?

The security of states and people must be sought more through cooperation and negotiation and less through military threats and force. The disasters in Iraq and Lebanon show the tragic consequences of an excessive faith in what armed force can achieve. A boosting of the nuclear option in states that have them combined with military threats seem more likely to encourage nuclear proliferation in states which feel threatened, than dissuading them from such proliferation.

Let me go through some of the recommendations of the WMDC in relation to nuclear weapons, starting with suggested **system-level measures and reforms**.

- The United Nations **Security Council** is entrusted with a great responsibility. This potential should be used prudently, consistently and in conformity with the Charter. (Recommendation 60).
- The WMDC report suggests that the Security Council should establish a **small subsidiary unit** that could provide professional technical information and advice on matters relating to weapons of mass destruction. (Recommendation 56) At the present juncture such independent advice would have been of interest on the question of the nature of the recent explosion in North Korea. If the CTBT had been in force, we could have been well informed.
- The **Conference on Disarmament in Geneva**, the principal international forum for negotiation on WMD related issues, has been unable to adopt a **program of work** for almost a decade. As a result, no substantive issues have been discussed or negotiated in the CD during this time. This is the unsatisfactory result of a consensus requirement that has its roots in the Cold War practices. The WMDC suggests that to enable the CD to function, it should be enabled to make administrative and procedural decisions, including the adoption of a program of work, by a **qualified majority** of two thirds of the membership present and voting. (Recommendation 58).
- **Given the setbacks** in arms control and disarmament at the NPT review conference and the UN summit in 2005 and the continued stalemate, there is a need to give new impetus to and reset the stage for a credible multilateral disarmament and non-proliferation process. The Weapons of Mass Destruction Commission suggests that the **General Assembly should convene a World Summit on disarmament**, non-proliferation and terrorist use of WMD. As thorough preparations would be necessary, planning for such a Summit should start as soon as possible. (Recommendation 59)

I turn now to **a number of the substantive measures that the Commission recommends** to reduce the risk of proliferation of nuclear weapons and the dangers of existing arsenals.

- No measure could be more urgent, important in substance and as a signal that arms control and disarmament are again on the world agenda than signature and ratification of the **Comprehensive Nuclear-Test-Ban Treaty** by states, which have not yet done so. (Recommendation 28). If the treaty were seen to lapse, there would be an increased risk that some state might restart weapons tests. To demand from North Korea that the country should deposit its ratification of the treaty – which is necessary for the treaty to enter into force – would be easier if all the states participating in the six power talks had, themselves, ratified the treaty.
- Negotiating without further delay a treaty **prohibiting the production of fissile material for weapons (FMCT)** is the next most urgent issue to tackle. (Recommendation 26). The combination of a continued reduction in the number of existing nuclear weapons and a verified closing of the tap for more weapons fissile material would gradually reduce the world inventory of bombs. A draft of a cut-off treaty has been presented in Geneva. It has important weaknesses but it should be welcomed as a draft and be discussed.
- The WMDC is of the view that such an FMCT, to be meaningful, must provide for effective **international verification**. Independent international verification is already carried out by EURATOM in two nuclear weapon states -- France and the UK. Enrichment plants in Brazil and Japan are subject to IAEA safeguards verification. If there is no effective international verification, any controversy about respect for the treaty would have to be discussed on the basis of evidence that came only from national means of verification. We know from the case of Iraq that this would not be satisfactory. Moreover, without independent verification suspicions about violations might arise and lead to a race between some countries in the production of fissile material.
- **Further steps**, by all nuclear weapon states, towards **reducing strategic nuclear arsenals** would be significant as confidence-building measures allowing for further positive developments. The WMDC recommends that the US and Russia, which have the most weapons, should **take the lead**. With increasing cooperation between Russia and EU, Russian tactical nuclear weapons should be withdrawn from forward deployment to central storage and US tactical nuclear weapons should be **withdrawn** from Europe to US territory. (Recommendations 20, 21 and 22).

- In the view of the WMDC all states that have nuclear weapons should commit themselves categorically to a policy of **no first use** (Recommendation 15) and the US and Russia should reciprocally take their nuclear weapons **off hair trigger alert**. (Recommendation 17).
- As the reliance on nuclear power is expected to go up the need for a **greater production of low enriched uranium fuel** and for the disposal of spent fuel can be anticipated. This must occur in a manner that does not increase risk of diversion of material and of proliferation. **Various proposals** are on the table and the possibilities should be explored for international arrangements to ensure availability of nuclear fuel for civilian reactors, while minimizing the risk of weapons proliferation. As the WMDC suggests, the **IAEA is the most suitable forum** for such exploration. (Recommendation 8). The Commission is of the view that the production of **highly enriched uranium** should be phased out. (Recommendation 9).
- **Regional approaches** should also be further developed, especially in sensitive areas. It would, for example, be desirable to obtain commitments from the states on the Korean peninsula and in the Middle East (including Iran and Israel) that they would accept a **verified suspension** for a prolonged period of time of any **production of enriched uranium and plutonium** while obtaining international assurances of the supply of fuel for any civilian nuclear power. (Recommendation 12)
- Lastly, you will not be surprised to hear me submit that **international professional inspection**, such as it has been practiced under the UN, the IAEA and the Chemical Weapons Convention, is an important and economic **tool for verification**. Such inspection does not stand in any contradiction to national means of verification. Rather these two means of fact-finding **supplement** each other. Many states have no national means that they can use and should not have to be dependent upon the intelligence of other states. States which operate such intelligence may, in one-way traffic arrangements, provide information to the international verification systems. (Recommendation 55). The reports of the latter offer governments a chance for a quality check on their national systems and corroboration of their conclusions.