



Keynote Address

The “Swerve” of Disarmament

By

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I wish to thank Mark Fitzpatrick for inviting me to this conference on behalf of the EU Consortium for Non-Proliferation. The UN's Office for Disarmament Affairs has long recognized the contributions from groups in civil society to advancing the great causes of disarmament and non-proliferation. The very existence of this consortium is a tribute to the important role of independent research groups in helping to reduce nuclear threats and strengthen international peace and security.

Two weeks ago I read an interesting commentary in the *New York Times* by Robert Jay Lifton on what he called the “swerve” of climate change—he borrowed that provocative term from a Harvard humanities professor, Stephen Greenblatt.¹ Essentially, this refers to a major historical change in consciousness. It is a term often linked with a kind of general epiphany leading to a new awareness of something quite profound—something connecting with our basic humanity, something affecting our whole system of values, something on a universal or planetary dimension.

As you know, I am a citizen of Germany, the country that gave us another intriguing term, “Zeitgeist”—or the spirit of the age. In this respect, think of a “swerve” as a fundamental shift in the consciousness of a great mass of humanity toward a new Zeitgeist, a new spirit of our age today or the spirit of an emerging age.

Now, fully in accordance with the adage that “where one stands depends on where one sits”, from my vantage point in the UN's Office for Disarmament Affairs it appears that we could well be witnessing several of the hallmarks of a swerve—or at least some of its harbingers—in the field disarmament. Similar trends may also be underway in the related fields of arms control, non-proliferation, nuclear security, and counter-terrorism.

Evidence for this is found in mounting frustrations with current approaches to address these great goals, combined with a persisting impatience with the status quo, and a growing determination to explore alternatives—alternatives that are both more effective in achieving these goals, and more legitimate, fair, and ethical in the eyes of world public opinion.

To this distinguished audience of researchers and representatives of governments and non-governmental organizations, I scarcely need to elaborate on the existence of the evidence in my first dossier of evidence—the one dealing with the frustrations. The lack of nuclear disarmament is perhaps most frustrating to the vast majority of UN Member States as well as the States parties to the Nuclear Non-Proliferation Treaty (NPT). A cursory examination of the statements in the General Assembly's First Committee provides ample evidence of this, and more evidence will appear when the Committee commences its 69th session next month. The frustrations are due not just to the lack of disarmament negotiations, but also to the existence of long-term programmes to modernize existing nuclear arsenals.

What I find most noteworthy about this dismal track record are the responses by the world community and civil society—the world has simply refused to accept failure as the inevitable destiny of disarmament. We already have throughout the world today a deep appreciation that any future use of a nuclear weapon would be catastrophic—scholars have referred to this as the “nuclear taboo”. Even diehard advocates of nuclear deterrence agree—the intent is not to actually use these weapons—which would of course be a calamity of limitless dimensions—but to prevent their use through the credible threat of an unacceptable

¹ Robert Jay Lifton, “The Climate Swerve,” *New York Times*, 23 August 2014.

counter-strike. It is precisely this virtually universal consensus that nuclear weapons absolutely must not be used which has inspired the humanitarian approach to disarmament—an approach that is increasingly challenging status quo policies and approaches that are focused just on preserving existing arsenals or merely reducing their risk of use.

There is a growing awareness today of the fragility of deterrence, the extent that it depends on good luck, the risk of nuclear accidents, the inherent instability of deterrence in a world of many nuclear-armed States, and the unacceptability of any use whatsoever of nuclear weapons—whether in the form of a first strike or in retaliation. And there is a growing understanding throughout the world that any use of nuclear weapons would be contrary to international humanitarian and human rights law, customary international law, and universal principles of morality.

So while we still have roughly 16,000 nuclear weapons in our imperfect world, we are also seeing the early signs of a swerve toward an alternative vision of the future of such weapons—a future in which such weapons do not exist at all, rather than one in which they are just less likely to be used. This is an interesting idea well worth considering on the eve of preparations to commemorate this year's International Day for the Total Elimination of Nuclear Weapons on 26 September.

Thus far, I have limited my remarks to nuclear disarmament, but the same logic also applies to nuclear non-proliferation. If we are indeed witnessing the emergence of a swerve toward nuclear disarmament, is it any surprise that we would not also be facing the prospect of significant improvements in the field of non-proliferation? Indeed, in posing this question, I am pointing here to the most important factor that gives non-proliferation legitimacy in the family of nations—namely, it is an activity that seeks to prevent the spread or acquisition of weapons not just by specific countries because they are untrustworthy, but because of the intrinsic nature of the weapons themselves. Nuclear non-proliferation is legitimate because of the fundamental illegitimacy of nuclear weapons. They cannot be legitimate *here*, but not *there*. In the words of Secretary-General Ban Ki-moon, “there are no right hands for wrong weapons.”²

Right now, preparations are underway for the 2015 NPT Review Conference, an event that will give its States parties an opportunity not just to criticize the lack of progress in nuclear disarmament. The conference will also provide a forum for re-establishing some balance in the disarmament and non-proliferation commitments under the treaty. For many States, this will involve an approach to nuclear disarmament emphasizing the unacceptability of nuclear weapons under humanitarian law given their indiscriminate and catastrophic effects. In two earlier Review Conferences, the States parties have already affirmed that disarmament offers the only absolute guarantee against the use of such weapons. The idea that somehow non-proliferation controls will be significantly improved at that event in lieu of any progress in disarmament is in my opinion a fantasy. These issues are closely intertwined and any attempt to separate them into a sequential process—whereby non-proliferation must first be achieved before disarmament is possible—will just never command a consensus.

All the things that advocates of nuclear non-proliferation truly want—a fissile material treaty, entry into force of the CTBT, universal implementation of the IAEA's

² Ban Ki-moon, address at Monterey Institute for International Studies, Monterey, California, 18 January 2013, at <http://www.un.org/sg/statements/index.asp?nid=6557>.

Additional Protocol, enhanced security assurances, and de-alerting—all will be much easier to achieve politically in the climate of a world moving to eliminate nuclear weapons. Surely this is more likely to be true than would be the case of an alternative world in which some States are clinging on to their existing stockpiles and are zealously modernizing them.

Though nuclear weapons are not the only weapons of mass destruction, much of what I have said today also applies to both chemical and biological weapons. The Chemical Weapons Convention today has 190 States parties, almost as many as the UN Charter. The decisions last year by the Syrian Arab Republic to become a party and to eliminate its chemical arsenal were widely welcomed. This was not just because the country involved was Syria and because chemical weapons were used in the Syrian conflict. It was also because the possession and use of such weapons *anywhere* is universally viewed as unacceptable. The specific taboo against possession of chemical weapons is easily seen in the absence of countries putting themselves forward as “chemical-weapon States”.

And the same applies to biological weapons. Which countries have defined themselves as biological-weapon States? Which countries are threatening to unleash the plague if attacked by smallpox? Which countries are employing anthrax and tularemia in the name of deterrence or sharing them with allies? We see here that the global swerve against biological and chemical weapons has virtually, but not quite yet, given us a world free of such weapons—a world based on the universal perception that such weapons are illegitimate. With respect to chemical weapons, we have reinforced this taboo with a system of verification. In the case of biological weapons, the reinforcement has come in the form of improvements in transparency, work at an annual meeting of experts, a periodic Review Conference, export controls, and continuing efforts to achieve fully universal membership in and compliance with the Biological and Toxic Weapons Convention.

Although I have been discussing and illustrating the concept of a swerve, I think it is also useful to recognize that several swerves can coexist at a particular time. The UN, for example, has been working to achieve two parallel goals since 1946: the elimination of nuclear weapons and all weapons adaptable to mass destruction, and the limitation, reduction, and regulation of conventional arms. We have seen some powerful swerves in the area of WMD, but to some extent we are also starting to see the emergence of a new swerve in the conventional arms field.

We already have a multilateral treaty outlawing or limiting certain conventional weapons that are unusually repugnant due to their uniquely inhumane effects, a treaty outlawing anti-personnel landmines, and a treaty outlawing cluster munitions. True, these treaties do not have universal membership. True, key possessors are still non-parties. Yet the trends are in the right direction, as these weapons are increasingly viewed throughout the world as intrinsically unacceptable. And after decades of discussion, the Arms Trade Treaty was finally concluded last year and its entry into force is almost certainly just months away.

The conventional arms control swerve has extended to collective action against the illicit trade in small arms and light weapons. While the 2001 Programme of Action against that trade has not yet developed into a legally binding treaty, it has nevertheless been important in the evolution of a global norm against that illicit trade and in providing a focus for specific government actions to strengthen that norm. The biennial meeting of participants in the Programme of Action provide an arena for States to compare their experiences, share lessons learned, and explore new ways of advancing its goals.

Alas, the technology of weaponry is anything but static—new weapons are emerging all the time. Scarcely a day goes by without new references to cyber weapons, lethal autonomous weapons, and countless other diabolical inventions designed to kill or injure. Many of these weapons raise profound questions of accountability, especially given that their victims would largely be civilians. We have a variety of expert groups, as well as national governments, looking into these weapons to explore possibilities for developing new norms governing their use or their prohibition. I know this is an activity now underway in many of the groups represented in this room today.

Additional initiatives are being pursued at the regional level, thereby illustrating what might be called a regional swerve. In the case of regional nuclear-weapon-free zones, this swerve is in full force, as we already have five such zones. Efforts are continuing to convene a conference on the establishment of a Middle East Zone free of nuclear weapons and all other weapons of mass destruction—effort that, while admittedly falling somewhat short of a swerve, are most definitely here to stay. As mandated by the 2010 NPT Review Conference, the Secretary-General, and the three co-sponsors of the NPT's 1995 Resolution on the Middle East (Russian Federation, United Kingdom, and the United States) will in the near future continue their consultations with States of the region to convene such a conference. Personally, I do indeed believe it will occur, though I cannot predict exactly when.

Other regional initiatives are under consideration in northeast Asia, including various options for establishing a regional nuclear-weapon-free zone. In South Asia, there have already been some bilateral initiatives in the area of confidence-building measures, though the region has certainly swerved away from previous initiatives to establish a nuclear-weapon-free zone. Yet the risks, uncertainties, instabilities, and costs of the regional nuclear arms and missile races now underway on the subcontinent are all factors that will someday stand a reasonable chance of stimulating a new push from civil society and certain sectors of government for new controls over such weaponry. One of the ways that a swerve gets started is through the growth of a widely-shared perception that a better world is possible by means of alternative policies—policies that actually do enhance rather than erode security interests.

My *tour d'horizon* will now come to an end with a tribute to groups in civil society—including the full membership of the EU Non-Proliferation Consortium—who not only understand the meaning of a swerve, but are active contributors in causing a swerve to exist and to grow in intensity. You are of course not alone, as countless other groups in civil society also have their own contributions to make. The future of a swerve will not be determined by the theorists, but by our fellow practitioners—people who believe in persistent advocacy for great common ends. This includes people who work in governments—diplomats, public officials and political leaders.

The future of these various swerves will not be driven by some hidden hand of history, but by dedicated hard work by individuals and groups sharing common goals. It will not be driven *solely* by initiatives from the “bottom-up” that originate in civil society. It will not be driven *solely* by national diplomatic initiatives or collective efforts by coalitions of States, from the “outside-in”. It will not be driven *solely* by enlightened leadership from the “top-down” by leaders of States with the most dangerous weapons. It will instead more likely require sustained action on all three levels. Here is where we will find the dynamics of the swerve—it is what enables work to occur, and for progress to be achieved.

I look forward to seeing what the EU Consortium has in store for contributing to this process. I am sure I will not be disappointed. Even the sky is not the limit in what you can help to accomplish, for I have not even mentioned today the issue of weapons in space.

Whether here at home or in the heavens, there is a place for a swerve. The future of humanity and our planet depend on them far more than we all recognize. So let us get on with the work of contributing to them, while insisting that they head in the direction of serving the collective interest. Let's start today. May the swerve be with us.