2. Erosion of the Disarmament Architecture and the Consequences for the International Security System

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The Charter of the United Nations does not mention nuclear weapons, which started to proliferate 21 days after its signature. On 24 January 1946, the first Session of the General Assembly adopted Resolution no. 1, establishing a commission '…to deal with the problems raised by the discovery of atomic energy' and to make 'specific proposals for the elimination from national armaments of atomic weapons and all other weapons adaptable to mass destruction'. Two categories of weapons of mass destruction have been outlawed by multilateral treaties: chemical and bacteriological. Unfortunately, however, the problems raised by the discovery of atomic energy are still with us. Atomic weapons have not been eliminated from national armaments. Indeed, nine countries now possess them and do not seem willing to part with the power and privileges they provide.

Since the inception of the United Nations the international community has been quite busy trying to establish a framework of treaties and other agreements, including political commitments within and outside multilateral organizations, in an effort to prevent the proliferation of nuclear weapons and achieve complete nuclear disarmament. International security would be strengthened as a result. So far, however, these objectives have proved elusive. Frustration and disappointment over the erosion of the disarmament architecture continue to grow, with negative consequences for the security of every nation.

The international community has devoted considerable effort and resources to the establishment of a legal and institutional framework to deal with the emergence of the most destructive weapons ever devised by man. Some 30 multilateral, regional and bilateral treaties and other agreements in the field of arms control have been concluded, most of them about nuclear armaments. In the years immediately following the adoption of Resolution 1, rivalry and mistrust between the two major powers to emerge from World War II prevented comprehensive agreement on the use of nuclear energy. Attention shifted to 'partial measures', which were supposed to provide a basis for further progress. Meanwhile, those two countries embarked on a fierce competition to increase the number and destructive power of their nuclear weapons. Over the following decades, they succeeded in negotiating a series of agreements aimed at placing limitations on the size of their arsenals. Despite significant reductions in relation to the staggering number of atomic weapons that existed at the height of the Cold War, these two countries still

possess about 95 per cent of the estimated 15 000 nuclear weapons that today make up the nuclear forces of nine states.

None of the 30 multilateral and bilateral treaties and agreements mentioned above, however, deals specifically with nuclear disarmament, that is, the complete elimination of nuclear weapons under independent verification. Most effort has been directed towards preventing the acquisition of nuclear armaments by states other than those that already possess them. No nuclear weapon has ever been destroyed or dismantled as a result of a multilateral treaty. The elimination of all nuclear weapons and the means of their delivery remains a distant objective and a matter for general declarations of intent rather than the subject of specific legal commitments with clear timelines.

Non-proliferation initiatives prospered during the initial decades. Successful efforts led to the banning of nuclear weapons in places where they did not yet exist, through instruments such as the Antarctic Treaty (1961), the Outer Space Treaty (1967) and the Seabed Treaty (1972). Concern over the possibility that nations with relatively advanced nuclear industries might embark on programmes for the military application of atomic energy prompted the Latin American states to negotiate a treaty to prohibit nuclear weapons on their territories, an initiative later emulated by 113 states in four similar zones. By that time, however, five nations had already acquired nuclear weapons. In spite of their deep ideological and political differences, the two possessors of the largest nuclear arsenals cooperated in their common interests to prevent other states from following their example, and negotiated between themselves a draft treaty on the further proliferation of nuclear weapons. This joint text was debated at the Eighteenth Nation Disarmament Committee in Geneva from 1965 to 1967. It failed to achieve consensus in the Committee but was sent by its two co-chairmen to the General Assembly of the United Nations, which recommended its signature to its member states. On ratification by 40 signatories it entered into force in 1970 as the Treaty on the Non-proliferation of Nuclear Weapons (NPT). Over the next 20 years, many states dropped their initial reservations and by the end of the 1990s the overwhelming majority had ratified it. The NPT is the main instrument in the field of nuclear arms control and was extended indefinitely in 1995. Only four states did not join, all of which have acquired nuclear weapons.

The NPT is credited with helping to keep nuclear proliferation to a minimum. However, deep differences of view continue to exist between the five states it recognizes as possessors of nuclear weapons and the remaining states parties. Five of the nine Review Conferences convened at five-yearly intervals ended without agreement on a final document. Dissatisfaction has flared up on many occasions over what many non-nuclear states parties see as a lack of interest on the part of the nuclear weapon states (NWS) in acting decisively to eliminate their arsenals in fulfilment of article 6 of the instrument. At times this has threatened an unravelling of the non-proliferation architecture.

A legally binding prohibition of nuclear explosive tests in the atmosphere was achieved among the United States, the Soviet Union and the United Kingdom in 1962. Almost 30 years later, when the most developed NWS had already mastered the technology for simulating tests, the Comprehensive Test-ban Treaty (CTBT) extended that prohibition to all environments, while permitting so-called subcritical experiments. Since 1998, a voluntary moratorium on underground tests has been observed by all the states that possess nuclear weapons, with the exception of the Democratic People's Republic of Korea (DPRK, North Korea). However, the CTBT, concluded in 1996, has still not entered into force due to the lack of the necessary signatures and/or ratifications of eight of the 44 states specifically mentioned in its article 14.

United Nations Security Council Resolution 2310, adopted on 23 September 2016, stressed the vital importance and urgency of achieving the entry into force of the CTBT. It remains to be seen, however, whether this resolution will have any practical consequences. The ongoing modernization and upgrading of atomic arsenals in the NWS gives rise to concerns that sooner or later underground testing might resume in order to ensure the safety and reliability of these arsenals, thereby posing a major challenge to the existing regime on nuclear tests. The absence of action by any of those 44 states to start or complete the internal requirements for signature or ratification could lead to a dangerous erosion of the commitments contained in the CTBT.

By and large, the non-proliferation regime contained in the NPT and related instruments can be considered quite effective. No non-nuclear state party to the NPT has acquired nuclear weapons or developed a nuclear explosive device. Episodes of actual or alleged lack of compliance with some of the stipulations of existing international legislation on the subject have been resolved by a combination of political and economic pressure, including sanctions by the United Nations Security Council, and diplomatic means.

One disturbing factor is the continuing inability of the multilateral machinery created by the first Special Session of the General Assembly on Disarmament (SSOD I) to fulfil the tasks entrusted to it. Since the mid-1990s, no consensus on substance has been reached in the deliberative multilateral organs of the United Nations; and the negotiating organ, the Conference on Disarmament, has been unable even to agree on a programme of work. Despite calls from members states, no progress has been achieved on the convening of a fourth Special Session of the General Assembly on Disarmament.

A new effort is under way to revitalize the disarmament machinery through the establishment by the General Assembly in 2015 of an open-ended working group (OEWG) charged with addressing the concrete effective legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons. A report on the work of the OEWG will be will be discussed at the 2016 Session of the General Assembly. However, the absence of the major nuclear-weapon states from the

Commento [S1]: The last four lines of this paragraph (in blue) need to be replaced in order to take account of developments since the recent Session of the GA. I propose the following:
"As a result of the work of that Group, the General Assembly voted overwhelmingly, in 2016, to begin negotiations in March 2017 on a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination". However, the opposition of the major nuclear-weapon states and many of their allies casts doubts on the effectiveness of the outcome of the negotiating process."

deliberations carried out thus far casts doubt on the effectiveness of its recommendations.

It must be acknowledged that despite deep differences of view on many aspects, the international community has been able to put together a network of multilateral and bilateral agreements on the reduction and control of armaments, and prevention of the proliferation of weapons of mass destruction. As noted above, the successful conclusion of the Chemical Weapons Convention and the Bacteriological (Biological) Weapons Convention was a major achievement. The former includes a vigorous system of verification of compliance by its states parties, and has been responsible for overseeing the destruction of over 90 per cent of chemical weapons arsenals, while no episodes of violation of the latter have been reported.

Although by no means perfect, the network of multilateral, regional and bilateral instruments developed over the past 70 years has been instrumental in supporting the international security system based on the Charter of the United Nations. However, while it is possible to point out that no major armed conflicts have erupted between the major powers since the end of World War II, episodes of aggression and breaches of the peace with the use of ever deadlier conventional armaments continue to cause death and destruction in many developing regions, provoking huge humanitarian crises and massive population movements that fuel xenophobic reactions in developed states.

Despite recurring tensions between the two major powers and between regional rivals, which threaten stability and the maintenance of international peace and security, the international community seems to place less stress on seeking cooperative arrangements that address the security of all states than on reinforcing dependence on ad hoc alliances based on nuclear deterrence. Nuclear-armed states adhere to military doctrines that contemplate the use of nuclear weapons in the circumstances they consider necessary to safeguard their own security, thereby endangering the security of the remainder of the international community. Despite assertions regarding a reduction of reliance on nuclear weapons, the erosion of confidence in the multilateral arms control and disarmament framework has in fact resulted in increased efforts to produce new nuclear weapon systems that purportedly would make their use more ‘credible’ and ‘acceptable’.

United Nations Security Council Resolution 1887, of 24 September 2009, reaffirms that the proliferation of weapons of mass destruction and their means of delivery constitutes a threat to international peace and security. No one disputes this statement, but it is obvious that it is not just the proliferation, but the very *existence* of such weapons that poses a major threat to peace and security. After all, proliferation did not start only after five nations were recognized by the NPT as NWS, but when the first experimental nuclear explosive device was detonated in the Nevada desert in July 1945. The use of nuclear weapons in war less than a month later inaugurated an era of insecurity not only for those that do not possess such armaments, but for mankind as a whole.

The existence of nuclear weapons and the possibility of their use or further proliferation changed the security perceptions of all nations without exception. A small number of them chose not to accept the restrictions imposed by the non-proliferation regime and went on to obtain their own nuclear capability, using the same reasoning and justification used by the original proliferators—to deter aggression and to ensure retaliatory capability vis-à-vis their real or prospective rivals. In a couple of non-nuclear weapon states, sections of public opinion openly advocate following this example of no longer entrusting their security to nuclear weapons controlled by third parties, but instead developing their own credible national nuclear deterrent.

A relatively recent phenomenon is the growth of sectarian terrorism and the possible use of weapons of mass destruction against large civilian populations by non-state actors, a prospect that arouses fear and uncertainty in the international community as a whole. Regardless of where a major attack using such weapons was perpetrated, its disastrous consequences would be felt all over the world. International relations in every sphere—political, economic, social and cultural—would be changed forever. The international security architecture as we know it would certainly be deeply affected. All states, not only those that might be the primary targets, have a duty to make every effort to avert such a blow to the normal interaction among nations and societies. A number of initiatives have been put forward at the United Nations and by groups of concerned states.

There is wide agreement on the urgent need to secure dangerous nuclear materials, but only a fraction of such materials has been addressed by the four meetings at the level of Heads of State held outside the framework of the United Nations. A current proposal at the Conference on Disarmament to prohibit the production of fissile materials for weapons purposes ignores the huge stocks held by those states that already possess nuclear weapons.

Since the 2010 NPT Review Conference a number of countries have promoted the need for serious reflection on the catastrophic consequences of any use of nuclear explosives. Three international conferences attended by experts and representatives of intergovernmental organizations, the Red Cross and Red Crescent movements, governments and civil society in 2012 and 2014 debated the humanitarian emergency and the risks associated with nuclear weapons, and concluded that no nation or group of nations would be able to deal effectively with the humanitarian impact of the use of nuclear weapons. These conferences found that such risks are far higher and graver than previously assumed, and that they should thus be at the centre of global efforts related to nuclear disarmament and non-proliferation. These warnings should be heeded by the international community as a whole since they also touch on vital questions of security for all human beings and the preservation of the environmental conditions that make life possible on our planet. Real security cannot be based on the threat of the destruction of civilization. The erosion of the disarmament architecture presents a grave threat to the security of all nations and to mankind as a whole.