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PAPERS

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# The Future of the Disarmament Agenda

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My personal views are conditioned by a perspective on today's topic gained from a sense of proximity to the use and testing of nuclear weapons in New Zealand's neighborhood in the Pacific region. New Zealand's geographical isolation has never been a pretext for avoiding our responsibilities for defending freedom abroad—at great cost to our military personnel, as it happened, especially in two World Wars in Europe and Asia, but also in Korea, Vietnam, and elsewhere. Nor does that isolation offer any insulation from the effects of fallout from nuclear war.

Let me mention in this regard the observation of a New Zealander, offered in a lighter vein. John Clarke, a writer and comedian now living in Australia, observed in 1989 on the subject of testing as follows: "I can see . . . why a man who lives in Colorado is so anxious for all this nuclear activity to go on in Australia, an area famed among nuclear scientists for its lack of immediate proximity to their own residential areas."<sup>1</sup> More seriously, a former New Zealand Prime Minister, David Lange, said in 1985:

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There is another assertion of the good moral character of nuclear weapons, which holds that they are the armour of good against evil. The argument of the Crusaders; the people who took to arms. The evil which cannot be defeated by persuasion or example must needs be suppressed by annihilation. The obvious difficulty here is that evil has declined to be subdued; evil has not accepted annihilation.<sup>2</sup>

Those two remarks were made during the Cold War, but let me conclude this introductory segment with a recent echo of that era and of the development during it of huge nuclear arsenals. Robin Cook, Britain's former Foreign Secretary, wrote just days before his death in August this year, "The collapse of the Cold War has removed even the theoretical justification for our possessing strategic nuclear weapons. However, the spirit of the Cold War lives on . . . the vacuum left by the Cold War has been filled by [the] global war on terror." Cook concluded that "nuclear weapons are hopelessly irrelevant to that terrorist threat."<sup>3</sup>

#### WHAT IS THE DISARMAMENT AGENDA?

The future of the disarmament agenda requires a modicum of definition. You will be aware of the obligation on the nuclear weapon states stemming from Article VI of the 1968 Non-Proliferation Treaty (NPT) to eliminate their nuclear weapons in exchange for self-denial of such weapons by all other parties. In this year of the 60th anniversaries of the signing of the Charter of the United Nations and the dropping of atomic bombs on



Hiroshima and Nagasaki, it is especially appropriate, however, to recall that the disarmament of atomic, then nuclear weapons, and general and complete disarmament have been items on the UN's agenda from its very first days. It should be noted, though, that the Charter attached less importance to disarmament than had the Covenant of the League of Nations. This is thought to stem from a belief that World War II could have been avoided if only the great powers of the day had maintained an adequate military potential as well as the readiness to use it.<sup>4</sup>

Perhaps this last sentiment explains the ebb and flow of international efforts towards *nuclear* disarmament since 1945. There have been notable spring tides. I am referring, for instance, to the Moscow Treaty and the readiness of the United States and Russian governments to contemplate reducing their arsenals from tens of thousands of nuclear weapons to single thousands by 2012. There has also been the promising outcome of the NPT Review Conference in 2000, still unfulfilled. There was the Advisory Opinion of the International Court of Justice in 1996 that affirmed the obligation on the nuclear weapon states under Article VI of the NPT not only to negotiate but to "bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control."<sup>5</sup> This advice appeared to have been influential on the nuclear weapon states in 2000 but not in 2005.

### PROBLEMS IN ADDRESSING NUCLEAR DISARMAMENT

In contrast, the nuclear disarmament cause has had a number of low points and setbacks, many of them recently. Efforts to pursue nuclear disarmament and a fissile materials cut-off treaty in the Conference on Disarmament remain frustrated. North Korea announced its withdrawal from the Non-Proliferation Treaty. The NPT Review Conference last May failed to produce an outcome either for strengthening efforts towards nuclear disarmament or for countering proliferation. The World Summit in New York in September drew a similar blank.

There was an unfortunate dichotomy in the NPT review process and at the Summit between nuclear disarmament and non-proliferation. In terms of both logic and the very essence of the NPT, it would seem wrong and indeed counterproductive towards securing advances on proliferation to attempt to diminish the significance of nuclear disarmament. Ironically, attempts to downplay or undercut the outcome of the 2000 NPT Review Conference served only to draw attention to nuclear disarmament and away from non-proliferation. Perversely, efforts to eliminate from the recent UN Summit Outcome statement any reference to nuclear disarmament resulted

in no mention of proliferation either. This is a bizarre state of affairs, and bankrupt diplomacy.

It concerns me that those of us who continue to champion strongly the cause of nuclear disarmament—including the cross-regional New Agenda Coalition—are criticized by others for turning a blind eye to the proliferation of nuclear weapons. Nothing could be further from the truth. Nuclear disarmament encompasses the eventual elimination of nuclear weapons no matter in whose hands they are held. Some members of the New Agenda possessed such weapons or the capacity to develop them but accepted the grand deal of the NPT and turned their backs on them. We no more wish existing nuclear arsenals to be sustained than we will tolerate parallel development of such arsenals by North Korea, Iraq, Libya, A.Q. Khan, Iran, or any other state or non-state actor.

It is salutary to recall the unambiguous statement from the Final Document of the 2000 Review Conference to which all states party agreed: “The Conference reaffirms that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons.”<sup>6</sup> In order to reflect adverse security developments since 2000, I would add that the achievement of this goal would help contribute significantly to offset the risk of nuclear proliferation to states as well as to non-state actors.

It follows from what I have just said that the New Agenda sees the pursuit of nuclear disarmament as a fundamental tool in addressing the international community’s deep concern about proliferation. Nuclear disarmament and non-proliferation are mutually reinforcing processes. As the New Agenda Coalition has said before, what does not exist cannot proliferate. Without for a moment subjugating our proliferation concerns, we will continue to insist on systematic and progressive efforts to implement the obligation in Article VI to pursue negotiations on effective measures for nuclear disarmament. We cannot accept that the *unequivocal* undertaking for the elimination of nuclear weapons, given to this end in 2000, was lightly made—the very word unequivocal brooks no such conclusion.

Let me address another criticism that is made of the New Agenda Coalition by some of the nuclear-weapon states. It has been asserted that we maintain that the retention of nuclear weapons by the nuclear weapon states or the inadequate rate of elimination of those weapons is somehow an excuse for proliferation by others. In response, I will simply repeat what we have said before. The continued retention of nuclear weapons or the unsatisfactory rate of progress in the elimination of those weapons is *not* a justification for proliferation by other states.<sup>7</sup>

I believe, though, that the challenges to the NPT come not only from those who would act in contravention of or usurp its rules against proliferation. They also come from other quarters. Plans to extend or modify rather than destroy existing nuclear weaponry challenge the Treaty. Any member who seeks to diminish previous undertakings or reinterprets them challenges the Treaty. Any member whose approach fails to reflect the careful balance of the NPT challenges the Treaty. And the New Agenda continues to be concerned that nuclear weapon possessors India, Israel and Pakistan remain outside the Treaty.

Another canard that concerns me—one which I addressed indirectly in my prefatory comments—is that nuclear disarmament is just a worthy cause. I was struck by this remark advanced by a U.S. commentator, Jeffery Larsen, in the latest edition of *Disarmament Diplomacy*. He wrote:

Disarmament is undoubtedly a worthy goal, but its advocates weaken their position with an unwillingness to entertain the possibility that there is another approach to secure a nation. They need to keep in mind three important factors that a government considers as it develops a national security strategy: the requirement of deterring a potential adversary; the wartime military utility of particular weapons in specific circumstances; and the fact that there are other U.S. foreign policy goals beyond disarmament.<sup>8</sup>

This, if I may say so, attributes a naivety to those of us who champion nuclear disarmament that is unfounded. There is neither time nor space here to respond in depth to his points. Let me just ask how many of these hugely destructive and toxic weapons are needed to deter a potential adversary—tens of thousands (as at present), thousands (perhaps by 2012), hundreds, a handful? What about the size and sophistication of existing conventional weapons in the arsenals of those that possess nuclear weapons? The answers to these questions are profoundly relevant for most if not all members of the international community.

Global security is not a zero-sum game. Every state has a fundamental stake in it. Some argue that with the end of superpower conflict, the world confronts a fundamentally different proliferation problem.<sup>9</sup> International security, however, does not depend on retention of huge nuclear arsenals. On the contrary, like the campaign against proliferation, it would be strengthened by more concerted efforts towards nuclear disarmament.

And in terms of Dr. Larsen's reference to "other U.S. foreign policy goals beyond disarmament," I am reminded of recent remarks first by Joseph Cirincione and then by the UN secretary-general in connection

with the campaign against terrorism. Mr. Cirincione noted that, “While states can be deterred from using nuclear weapons by fear of retaliation, terrorists, who have neither land, people, nor national futures to protect, may be more difficult to deter. Terrorist acquisition of nuclear weapons therefore poses the greatest single nuclear threat.”<sup>10</sup>

Mr. Annan stated prior to the Summit:

Bold commitments [by world leaders] would breathe new life into all forums dealing with disarmament and non-proliferation. They would reduce all the risks we face—of nuclear accidents, of trafficking, of terrorist use and of use by countries themselves. It is an ambitious agenda, and probably daunting to some. But the consequences of failure are far more daunting. Solutions are within reach; we must grasp them.<sup>11</sup>

## SOLUTIONS

Let us turn our attention now to possible solutions that would shore up and ideally strengthen the NPT. It should be apparent from what I have already asserted that some solutions may be found in changing the current negotiating climate, dominated as it is by lack of trust, absence of leadership from the nuclear weapon states, adversarialism, a propensity to misrepresent the arguments of others, and an unreadiness to shed the Cold War mentality, an apparent incapacity to redefine persuasively the meaning of deterrence in a somewhat different—though no safer world—than that in which these vast arsenals were developed.

It is apt at the Fletcher School of Law and Diplomacy and in connection with these remarks on the sad state of multilateral disarmament and arms control diplomacy to make reference to an insight offered in the latest edition of *Disarmament Diplomacy* by Dr. Carol Cohn, a Senior Research Scholar at this School. Dr. Cohn wrote, “Trying to get what you want by talking and persuading, depending, trusting and compromise is feminine; having the power to enforce your will is much more masculine.”<sup>12</sup> I hope that a new enlightenment in working towards what is surely an almost universally held objective, the strengthening of the NPT, will characterize the forthcoming review process when it begins in earnest in 2007.

For the meantime, I fear that it is as though the context in which we consider these issues—a context of war, whether *cold* or *against terror*—has blinded us to avenues towards the fundamental underpinnings of peace. We are more conscious of the taut muscles of the military than the under-exercised impulses for persuasion, moral leadership, trust, and understanding.

In the case of the United States, I fully recognize the concerns and courage it is showing in respect of states that would act in contravention of their international obligations. Indeed, it is appropriate, as the Carnegie Endowment report on universal compliance does, to acknowledge the contributions of the Bush administration's initiatives that correctly draw international attention to the need for serious enforcement. As Joseph Cirincione rightly says, "For many years, too much attention had been paid to obtaining signatures on treaties and not enough to achieving compliance with them. The absence of a collective political will to stop bad actors—by force if necessary—undermined deterrence."<sup>13</sup> As well as compliance, I believe that for norm-strengthening purposes we also need verification mechanisms, however imperfect they may be.

U.S. efforts and financial commitments to tackle proliferation through the Proliferation Security Initiative (PSI), the G8 Global Partnership, the Co-operative Threat Reduction initiative, and Security Council Resolution 1540 are prodigious and have been fully supported by New Zealand. The addition of these tools to the campaign against proliferation is invaluable. But the U.S.'s authority would be even more commanding if other tools were taken up. Let me suggest a few.

Given the vast numbers of nuclear weapons in their respective arsenals, the U.S. and the Russian Federation could have bolstered their combined authority—and still can—by agreeing to destroy rather than merely stockpile the weapons covered by the Moscow Treaty.

Nor is it conducive to the success of the valuable and hugely expensive efforts of the United States to prevail against proliferation if the administration is seen by would-be proliferators, accurately or not, as preserving its own proliferation options, whether through research and possible development of new nuclear weapons or weapons in outer space.

Moreover, and more significantly in the scheme of things, there is the U.S.'s opposition to ratifying the Comprehensive Test Ban Treaty (CTBT). I welcome the United States' considerable financial support for the fledgling CTBT Organization, and I can understand the U.S. pursuing an approach to multilateralism that is based on self-interest, but I sense an element of contradiction in this view of its self-interest. I do not know if the U.S. entertains the prospects of testing nuclear weapons at some time in the future or whether by keeping that option open it simply wishes to project to would-be adversaries a readiness to do so if need be.

The bigger question, however, is whether the moral authority behind their campaign against nuclear weapons proliferation is undermined in the process, the more so as they are easily the world's most powerful *conven-*

*tionally* armed nation. What is less speculative is the proposition that just as the United States is concerned about the non-compliance of other states with their international obligations, so too are other states worried by the renewed specter of testing of nuclear weapons, a sensitivity to which I referred in my opening remarks but more importantly, a negative element affecting overall international security. Let me just say on the issue of the CTBT that New Zealand is just as outspoken in its representations to China to become party to this treaty as it is to the United States.

Concerns of the kind I have been expressing are, I believe, shared more broadly. The foreign ministers of an influential, cross-regional group of seven governments—Australia, Chile, Indonesia, Norway, Romania, South Africa, and the United Kingdom—issued a declaration in July stating:

We sincerely regret that an opportunity to strengthen international resolve on non-proliferation and disarmament was missed at the 2005 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)—especially at a time when the risks of proliferation and actual use of nuclear weapons constitute one of the most fundamental threats to our common security. We cannot be complacent about the challenges it confronts. At the Summit, all States must take a strong stand on non-proliferation and disarmament. We believe that failure to do so may ultimately imperil peaceful nuclear cooperation and our shared vision for a world free of nuclear weapons.<sup>14</sup>

The lost chance to which those ministers were referring was of course compounded at last month's Summit of Leaders in New York. Let me just note that it may pay to consider whether it suits the objectives of countries such as North Korea, Iran, and other countries for which the possession of nuclear weapons does already or may ultimately hold a certain allure, that multilateral disarmament diplomacy is moribund and that opportunities to reinforce or develop international norms are being squandered. I can only hope that the opportunity cost of not augmenting through existing multilateral channels and means the norms *against* proliferation and *for* nuclear disarmament is not a high one.

To conclude this section of my remarks, I wish to emphasize that finding common cause with the United States to return to effective multilateralism in this sphere is the most ardent desire of my own country and virtually every other party to existing arms control and disarmament treaties and bodies.

## REVITALIZING THE NPT

Let me mention several other ideas for revitalizing the NPT on which I would place particular emphasis. First, the International Atomic Energy Agency's Additional Protocol must become the new standard for verifying compliance with non-proliferation commitments.

Second, the right to peaceful uses of nuclear energy must be reconciled with the imperative of non-proliferation. The ideas of Nobel Peace Prize winner Mohamed ElBaradei and his organization for creating incentives for countries to voluntarily forgo the development of fuel-cycle facilities must be supported. The NPT regime will fail if more countries develop the most sensitive phases of the fuel cycle and proceed to produce nuclear weapons. (I should mention in passing, however, some advice of the IAEA Expert Group study, that "the problems of nuclear proliferation cannot be healed by imposing ever new obligations and constraints on the non-nuclear weapons states without commensurate compliance efforts by the nuclear 'haves' and the de facto nuclear weapons possessors outside of the NPT.")<sup>15</sup>

I would also like to see the immediate start of negotiations on a treaty to prohibit the production of fissile material for weapons purposes, and the de-alerting of nuclear arsenals. I urge further reductions and the eventual elimination of non-strategic or tactical nuclear weapons, weapons which by virtue of being comparatively small and mobile carry the risk of being stolen by non-state actors or used more readily than other types of nuclear weapons.

As proposed by Australia and New Zealand at the NPT Review Conference, I would like to see the stakes raised against withdrawal from the NPT to provide that if the withdrawing state acted in bad faith, the other parties' rights would be violated. Additionally, I would call for greater efforts to resolve the regional conflicts that have been seen to fuel proliferation imperatives and to bring the three nuclear weapon states outside the NPT into conformity with an expanded set of global non-proliferation norms.<sup>16</sup>

There is no time for me to deal in detail here with the invaluable role nongovernmental organizations can play and are playing to attract public support and pursue the disarmament agenda. You will be aware, though, of various NGO initiatives such as the Mayors for Peace Campaign for nuclear disarmament by 2020, and the notion being advanced by the Middle Powers Initiative for an Article VI Forum that would send out a positive message that serious work is in fact underway to help humanity attain a nuclear weapons-free world.<sup>17</sup> NGOs are also active in advocating the Malaysia/Costa Rica proposal for a treaty prohibiting nuclear weapons.

## CONCLUSION

Joseph Cirincione has put it as pungently as anyone that to obtain full cooperation against the spread of nuclear weapons, “the nuclear weapons states must show that tougher non-proliferation rules not only benefit the powerful, but constrain them as well.” When it is asserted, as it has been by the same writer, that “It is difficult, if not impossible, to demonstrate either when immensely powerful nuclear weapon states reassert the importance of nuclear weapons to their own security,” this is not, as I said earlier, an apology for the development of nuclear arsenals by actual or potential new possessors but a matter of logic.<sup>18</sup>

Similarly, if U.S. and Russian nuclear arsenals remain at Cold War levels, “many nations will conclude that the weapon states’ promise to reduce and eventually eliminate these arsenals has been broken. Non-nuclear states may therefore feel released from their pledge not to acquire nuclear arms.”<sup>19</sup>

On the other hand, we must recognize, as Harald Muller has done, that the strict non-proliferation regime embodied by the IAEA and the NPT has at least until now “helped dramatically to slow the predicted rate of proliferation.” The overwhelming majority of NPT parties abide by their undertakings. As far as the majority of the international community is concerned, the NPT appears to have maintained its effectiveness as an international norm, albeit one that is increasingly under threat.<sup>20</sup>

And with several echoes from my introduction, I would like to conclude with pertinent quotes from three comparatively recently deceased leaders in their fields whose words, I hope, will not be forgotten:

The existence of nuclear weapons “diverts attention from the fact that there are other ways of resolving the difficulties and tensions which will always abound in the world.” So said the Right Honourable David Lange, former New Zealand Prime Minister, in 1985.<sup>21</sup>

Sir Joseph Rotblat, the nuclear physicist and peacekeeper, in his 1995 Nobel Peace Prize lecture appealed to the nuclear powers to “abandon cold-war thinking” and to his fellow scientists to “remember their responsibility to humanity.”<sup>22</sup>

And finally, President Reagan, in his famous March 23, 1983, statement that he was initiating a process with the ultimate goal of eliminating nuclear weapons, said, “Our only purpose—one all people share—is to search for ways to reduce the danger of nuclear war.”<sup>23</sup>

President Reagan’s vision was one already invested with all the legitimacy of the United States’ unparalleled authority, not just its might. That

vision and that legitimacy are elements as fundamental now to the cause of nuclear disarmament as they were during the Cold War. More immediately, in terms of this panel's topic, they are fundamental to addressing and resolving the major challenges facing the nuclear non-proliferation regime. ■

#### ENDNOTES

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- 2 David Lange, "Nuclear Weapons Are Morally Indefensible," Argument for the affirmative, *Oxford Union debate*, March 1, 1985.
- 3 Robin Cook, "Worse than Irrelevant: Replacing Trident Is Against Both Our National Interests and Our International Obligations," *Disarmament Diplomacy* 80 (Autumn 2005): 67.
- 4 Jozef Goldblat, *Arms Control: The New Guide to Negotiations and Agreements* (Sage Publications, 2002), 33.
- 5 International Court of Justice, Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons. Paragraph F of the dispositif, July 8, 1996.
- 6 The 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Final Document of the Conference*.
- 7 Tim Caughley, Statement to the Conference on Disarmament Made on Behalf of the New Agenda, March 31, 2005.
- 8 Jeffery Larsen, "National Security and Neo-Arms Control in the Bush Administration," *Disarmament Diplomacy* 80 (Autumn 2005): 53.
- 9 Joseph Cirincione, "A New Non-proliferation Strategy," Conference on Transatlantic Security and Nuclear Proliferation (June 10, 2005), 1.
- 10 *Ibid.*, 4.
- 11 Kofi Annan, "Breaking the Nuclear Deadlock," *International Herald Tribune*, May 30, 2005.
- 12 Carol Cohn, "The Relevance of Gender for Eliminating Weapons of Mass Destruction" *Disarmament Diplomacy* 80 (Autumn 2005): 43.
- 13 Cirincione, 3.
- 14 Foreign Ministers' Declaration, July 26, 2005.
- 15 *International Atomic Energy Agency, Multilateral Approaches to the Nuclear Fuel Cycle: Expert Group Report, 2005*.
- 16 Cirincione, 3.
- 17 Middle Powers Initiative Briefing Paper, August 28, 2005.
- 18 Cirincione, 6.
- 19 *Ibid.*
- 20 Harald Muller, "Reviving the Disarmament Regimes: Recommendations of the High Level Panel and Secretary-General's Advisory Board," *Disarmament Diplomacy* 80 (Autumn 2005): 33.
- 21 David Lange, "Nuclear Weapons Are Morally Indefensible." Argument for the affirmative. *Oxford Union debate*, March 1, 1985.
- 22 Joseph Rotblat, Acceptance and Lecture, 1995 Nobel Peace Prize.
- 23 Ronald Reagan, "Address to the Nation on Defense and National Security," March 23, 1983.

