



The Security Council and Nuclear Weapons 1996

*Dr. Nabil Elaraby
Permanent Representative of Egypt to the United Nations*

May 28, 1996

Presented at a meeting of the NGO Working Group on the Security Council

Today I want to share with you my views on the Security Council and nuclear weapons. I will start by making some brief remarks on what the UN Charter envisaged on disarmament in general. Then I will discuss past actions -- though there are very few -- by the Security Council on nuclear disarmament. Finally, I will look at the feasibility of a more active role for the Council in the future. Let me start with the Charter design. The Charter is an outcome of the Second World War. The founding fathers who met in San Francisco did not think that disarmament should be considered alone. They saw it as part of a general framework for international peace and security, embodied in the UN system. Of course, the Charter was drafted and signed before Hiroshima and Nagasaki. The overwhelming majority of states did not know anything about nuclear weapons and they did not realize the magnitude of destructive power of the new weapon.

The Charter makes two references to disarmament. Article 11, says that the General Assembly "may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments." And Article 26 says that the Security Council, "in order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources . . . shall be responsible for formulating, with the assistance of the Military Staff Committee . . . plans to be submitted to the Members . . . for the establishment of a system for the regulation of armaments." So the Assembly was supposed to discuss the

general principles and the Security Council was supposed to work out a plan for the system of arms regulation

The Charter did not create a legal basis for disarmament -- unlike Article 9 of the Covenant of the League of Nations, which said that the maintenance of peace requires the reduction of arms. There is no such provision in the Charter. It speaks mainly about the diversion of resources, not about the need for general disarmament. But, if we look at the UN system and we take into account the first initiatives of the UN's members, we find that the very first resolution of the General Assembly addressed disarmament and expressed the need to bring the atom under control. The GA adopted several resolutions after that, including one which outlawed nuclear weapons. True, the resolution passed by only a small majority and the big powers did not vote for it. But it expressed the sentiment and the keen interest of a large number of non-nuclear weapon states.

If we look at the Security Council over the past 50 years, we would have to conclude that it has abandoned its responsibility. Perhaps, in defense of the Council, one could say that the plans for disarmament were supposed to be worked out and prepared in consultation with the Military Staff Committee and the Charter provisions for this Committee have been a dead letter from the beginning. Curiously even now, after the Cold War, none of the Permanent Five has an interest in resuscitating the Military Staff Committee.

From the very beginning, the UN worked on disarmament through the General Assembly. The GA adopted resolutions that established certain principles of disarmament. The GA also initiated disarmament efforts -- first through the 18-nation Disarmament Committee, then the CCD, and now the Committee on Disarmament in Geneva where negotiations continue on various disarmament conventions.

The Security Council made its first real effort on disarmament in June 1968 when it decided to adopt Resolution 255, a resolution that contained assurances for non-nuclear weapon states. In the course of negotiations for the Non-Proliferation Treaty, the non-nuclear states had asked for security assurances. Once they agreed to abandon the nuclear option and become part of the NPT, they wanted to be protected by the international community and to have assurances that if they were threatened or attacked by nuclear weapons, the Security Council would react. The nuclear weapon states did not want to see a text on security assurances as an integral provision of the NPT, so they arranged for it to come out as a separate resolution of the Security Council.

Many states, including my own, have been pressing the Security Council to adopt another, more meaningful resolution on security assurances. Why? Because Resolution 255 was proposed by just three nuclear weapon states -- Russia, the

United Kingdom and the United States. France did not join, because it did not support the NPT and the nuclear non-proliferation process. And China was not in the Security Council at the time, since Taiwan held the seat. The resolution did not say anything that was not already in the Charter. It did not provide any security to participants in the NPT. So, many states have been saying for a long time that we should strengthen and update it.

We have wanted a resolution which at the same time could provide protection for non-nuclear weapon states if they are threatened and response in case of an actual attack. We have wanted assistance to victims. I mean assistance that is comprehensive -- political, environmental, humanitarian. The resolution should be credible. And, finally, action should not be subject to the veto. That was the hope of the time: that such a resolution should be veto-free. No one single country should be able to stop it.

Twenty-seven years later, in 1995, the Security Council adopted another resolution, Resolution 984. I will make a few comments about it. Resolution 984 did not include some basic elements we had hoped for. It did not include effective deterrence against the threat or use of nuclear weapons, it did not provide any general protection against an attack or a threat. And it did not include comprehensive assistance to the victims, including political assistance. This outcome reflects the general trend from the inception of the UN -- the Security Council has always been very reluctant to get involved in disarmament matters and in nuclear weapons.

As a current member of the Security Council, I can tell you that we get reports from the Secretariat on practically everything under the sun, except nuclear disarmament or other weapons of mass destruction. Though the Secretary General and member states can take the initiative and ask for reports, we just never get reports on those topics.

Why shouldn't the Security Council ask for regular reports on the proliferation of weapons of mass destruction? After all, this is integrally linked to the maintenance of peace and security, which is the primary responsibility of the Security Council. Also, it is central to the disarmament conventions -- whether nuclear, biological, or chemical. All of them assign a role to the Security Council, to act against violations. If there is a violation, the issue is supposed to come to the Council, as was the case with North Korea a year and half ago. But the Council has not taken any measure to improve its capacity to respond or to gain advance information or warning. Though the verification system for biological weapons does not yet exist, it is currently being negotiated. We need to strengthen the ability of the Council to be informed and to respond.

The Council has looked at, but not really followed-through on, the decisions of the 1992 Council Summit. The summit was the first of its kind. Heads of state and government expressed their firm intention and commitment to enhance the effectiveness of the UN in the area of arms control, disarmament and nonproliferation. But since then we have not seen any such steps.

The Council Summit adopted a statement which included the following: "the proliferation of all weapons of mass destruction constitutes a threat to international peace and security." At least one could expect the Council to look at that statement, adopted at the highest possible level, and to see if it should do something about it.

The Security Council could look regularly at reports from the Secretariat, or the Secretariats of the various conventions, or from the International Atomic Energy Agency. We now receive reports from the Secretariat on Iraq and the implementation Resolution 687. We also now receive reports from the International Atomic Energy Agency about Iraq and the status of its nuclear capabilities. But what is needed is a general form of reporting on a periodic basis about weapons of mass destruction.

Last year, the Ambassador from Argentina had the idea of asking the Security Council to do exactly this. He proposed a resolution that called for reporting by the Secretary General. The resolution was not adopted because it could not get enough support in the Council. Another idea that was discussed in the study group of the United Nations Association of the United States of which I was a member, was the appointment of someone as rapporteur for the question of proliferation of weapons of mass destruction. The Secretary General, who under the procedures of the Security Council could be appointed as the rapporteur, could be asked to submit regular reports to the Council,. This is a matter which needs to be examined further.

On April 11, 1996, on the first anniversary of the adoption of Resolution 984, I was instructed by my government to make a statement to the Security Council in the informal consultations. By coincidence, on the same day, over fifty African states signed the Treaty on Denuclearization of Africa in Cairo. My statement to the Council referred to 984. I said it did not provide adequate protection. But at least it mentioned in one paragraph that it was a first step and that there will be other measures by the Security Council. I reminded Council members of that. And I also reminded them that on that particular day, a very important regional disarmament measure was being adopted in Cairo. I said it was high time that the Council should address the question of its responsibilities under Article 26 of the Charter and that the Council should examine how it can best discharge these responsibilities.

My last point is the regional approach. As the African states have succeeded in addressing nuclear proliferation in Africa, we should encourage other regions of the world to do the same. Latin America and the South Pacific are other regions which have chosen to completely denuclearize. These three regions of denuclearization exist mostly in the Southern Hemisphere. It is time to look to the North.

Some of the basic difficulties in denuclearization are more easily addressed at the regional level, as opposed to the world as a whole. This similarly applies to security assurances. Security assurances are extremely important to non-nuclear weapon states because once you have joined the NPT, you have committed not to acquire nuclear arms, but you need assurances that if you are threatened, you will be protected. The five permanent members may not be willing to extend such protection on a global basis, but maybe in some cases they could do so on a regional basis.

Many of the non-nuclear weapon states are concerned about neighbors who either have not joined the NPT or have signed the NPT, but may cheat. After what happened in Iraq, no one is 100% sure and has full confidence in the verification system and safeguards as applied by the IAEA. There is a new system, 93+2, which is still being discussed, but it is impossible to be sure that this system will reach full credibility and fill all the gaps.

Many states that are not concerned with a threat from France, the United States or Britain, but from their neighbors. India is a state that borders a nuclear weapons state with which it has had recent border disputes and it is unclear what the future holds. Many of these countries will feel much more secure once they know that they have security assurances and that the safeguard system of the IAEA has been improved so as to minimize the possibility of someone cheating.