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Geneva Centre for the Democratic  
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# NUCLEAR WEAPONS: GOVERNANCE AND ACCOUNTABILITY

Compilation of presentations made at the fifth joint seminar of the  
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for the Democratic Control of Armed Forces (DCAF)  
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# I. FOREWORD

*Sergei A. Ordzhonikidze and Theodor H. Winkler<sup>1</sup>*

This publication summarizes the proceedings of the seminar entitled “Nuclear Weapons: Governance and Accountability” held in Geneva on 6 December 2007. Convened jointly by the United Nations Office at Geneva (UNOG) and the Geneva Centre for the Democratic Control of Armed Forces (DCAF), the seminar is part of an ongoing series of joint events hosted by DCAF and UNOG since 2003, addressing various aspects of security sector governance.

More than sixty years after the dawn of the nuclear age, nuclear non-proliferation and disarmament remain central to the maintenance of peace and security. Our common goal must continue to be working towards a world free of nuclear dangers and, ultimately, of nuclear weapons. In choosing the topic for our joint seminar, we were hoping, therefore, to contribute to reinvigorating the international nuclear disarmament agenda and to initiate a debate on a number of key questions.

Many of these questions related to the applicability of general principles of civilian control of the military and the security sector to the specific area of nuclear weapons. In particular, the role which parliamentary institutions, the media and civil society organizations can play in fostering free discussions on nuclear weapons, demanding increased transparency and accountability from decision makers in this field and in pushing for the reduction and eventual elimination of existing arsenals was discussed.

As long as nuclear weapons continue to exist, those States possessing them have the obligation to take adequate measures to prevent their accidental use or diversion. Therefore, issues raised during the seminar also referred to the responsibilities of States and their leaders in ensuring proper command and control over nuclear weapons and in ensuring the safety and security of all nuclear material. The links between the effectiveness of multilateral regimes for non-proliferation and disarmament, strategic stability and responsible and secure governance of nuclear weapons were explored.

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While the questions raised were particularly complex and many different viewpoints were expressed, all participants agreed that nuclear weapons present a unique threat, that this threat is increasing and that we have reached a critical juncture in disarmament and non-proliferation efforts. The way in which nuclear weapons will be governed nationally and internationally in years to come will be decisive to the future of mankind and we are all accountable to the next generations for ensuring that, through dialogue firmly grounded in multilateral institutions, we can work successfully towards a world free of nuclear weapons.

This publication is part of our effort to bring comprehensive presentations to as wide an audience as possible and to encourage continued discussion on nuclear weapons and disarmament. We hope that it can raise awareness of the complexities and challenges before the international community in the area of democratic accountability and civilian control of nuclear weapons.

## II. DOES CIVIC SOCIETY UNDERSTAND NUCLEAR WEAPONS?

*Keynote address by Mr. Hans Blix, Chairman of the Weapons  
of Mass Destruction Commission*

Governance and accountability are abstract and fashionable terms, but they are central to the control of nuclear weapons. We are confronted with two major questions in relation to the governance of, and accountability for, nuclear weapons. First, the question as to who has the authority to decide on the handling and use of nuclear weapons, and whether or not there are national or international rules specifying, conditioning or limiting this authority. The second question is: to whom is the decision maker responsible when making such decisions and under what national or international rules?

I shall begin by addressing the second of these two questions. Not long ago, we read about a military plane flying between two bases in the United States without the crew being informed that the plane was carrying a cargo of nuclear weapons. Very likely, some rules of domestic law were infringed in this case and one or more individuals might be held accountable for the violations. It may be taken for granted that numerous – and hopefully precise – domestic legal rules govern the procedures required for the making, storing, transportation and deployment of nuclear weapons. Breaches of such rules will incur responsibility. The rules will naturally vary from country to country and most of these rules will not be made public.

It may also be taken for granted that in all States that have nuclear weapons there are rules that specify who has authority to decide on the deployment, readiness and use of nuclear weapons and the procedure for reaching such decisions. Again, these rules are not likely to be made public. It is assumed that most of this power is vested in the chief executive authority, but it is likely that some such decisions – even regarding the use of tactical nuclear weapons in the field – may be delegated to officials below the chief executive, like field commanders. Violations of such rules may incur responsibility under domestic law.

When we come to the more dramatic question of the responsibility of the chief executive authority for deciding on the use of nuclear weapons, the existence of specific national rules conditioning the authority is less likely. Nevertheless, rules about impeachment would presumably be available.

I am not aware of any national rules or guidelines that have been made public regarding the use of nuclear weapons. The very absence of such rules is probably seen as giving maximum deterrent effect because potential adversaries will not know whether and when the weapons might be used.

Not long ago Senator Obama declared that any use by the United States of America of nuclear weapons against adversaries (possibly Al-Qaida) in West Pakistan should be out of the question. Senator Clinton promptly criticized Senator Obama, saying that the United States should never provide advance declaration about when it might or might not use nuclear weapons. However, before the Gulf war statements were made to Iraq that were oblique but designed to warn that any use by Iraq of biological or chemical weapons might trigger a use of nuclear weapons.

We might have higher expectations of finding rules in international law – notably the laws of war, international criminal law and the Charter of the United Nations – specifying the conditions of a legal use – if there is any – of nuclear weapons.

The use of a variety of weapons has been prohibited by conventions and by customary international law, notably chemical and biological weapons. No such explicit rule exists regarding nuclear weapons. The Additional Protocols of 1977 to the Geneva Conventions of 12 August 1949, while dealing with such matters as area bombardment, do not touch on the use of nuclear weapons. This does not exclude that there can be applicable rules, for instance rules about indiscriminate methods and means of warfare.

In its advisory opinion of 1996 the International Court of Justice came to the conclusion that in most cases the use of nuclear weapons would be a violation of one or another rule of international law. The Court recognized, however, that in exceptional situations when the survival of a country was at play, the use could be legal. Let us hope that the world will not have to witness a case where the question is raised, but let us also note that tribunals have become increasingly ready to examine how war is pursued and to establish criminal responsibility for those judged to have violated relevant rules.

The Charter of the United Nations does not prohibit the use of any particular weapon but it prohibits the threat or use of armed force generally, except in two cases: self-defence against an armed attack, and when the Security Council has determined that there is a threat to the peace, breach of the peace or act of aggression and, on that basis, has authorized the use of armed force. It seems highly unlikely that the Security Council would authorize a use of nuclear weapons. However, it might be noted that during war against North Korea (which was authorized by the Council in 1950) United States commanders are reported to have requested permission from Washington, D.C. to use nuclear weapons.

If a State uses armed force in self-defence, on the other hand, the choice of weapons lies in its own hands. The Charter of the United Nations does not lay down any limitations. Nevertheless, it is important to note that article 51 does not allow a preventive or pre-emptive use of force – whether by nuclear or other weapons. Only a use of force in response to an armed attack or an imminent armed attack. In the United States National Security Strategy of 17 September 2002 this restriction was rejected: “The United States has long maintained the option of pre-emptive actions to counter a sufficient threat to our national security. The greater the threat, the greater is the risk of inaction – and the more compelling the case for taking anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy’s attack. To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act pre-emptively.”

While the United States may decide to use conventional weapons in pre-emptive or preventive use of armed force, as a matter of principle the United States does not declare any limitations on the choice of weapons: all options are on the table, and therefore, nuclear weapons could theoretically be used.

In recommendation 15 of the report of the Weapons of Mass Destruction Commission we recommended that an international agreement should be reached committing States to refrain from the first use of nuclear weapons. Such an agreement, we argued, would be a desirable part of efforts to reduce the prominence of nuclear weapons. The absence of such an agreement does not, of course, prevent national rules – national governance – in nuclear-weapon States from excluding first strikes.

At the present time only China seems to have a declared policy of “no first use”. Regrettably, the evolution has moved in the opposite direction. Governments have declared that they might use nuclear weapons against attacks by overwhelming conventional forces and also in response to attacks by terrorists or to the use of biological or chemical weapons.

At a time during the Cold war there were fears that the Soviet Union might attack Western Europe with overwhelming conventional forces. It prompted the West to keep the option of a first nuclear strike as a deterrent. At present it is the Russian Federation that perceives a risk of an attack from the West with overwhelming conventional forces. Both cases are examples of threat constructions. Even though the Soviet Union aspired to a communist world empire, it was not plausible that a country that had lost some 25 million people in the Second World War would launch a massive invasion of Western Europe. Today, despite the expansion of the North Atlantic Treaty Organization it seems even less plausible that the countries of the European Union would agree to a massive invasion of the Russian Federation. Why continue to build doctrines on empty horror scenarios?

Indeed, I cannot see any place in the world where an invasion with overwhelming conventional forces is a plausible threat that could justify a doctrine of first use of nuclear weapons: an Indian invasion of Kashmir? An Arab invasion of Israel? A Chinese invasion of Taiwan, Province of China?

Far-fetched threats are tolerable in computer games, but they are costly as bases of nuclear doctrines. As to terrorists, neither a threat of nuclear nor one of conventional weapons would be likely to deter them from action.

## **Is civil society effectively in control of big systems?**

A more basic question that I would like to pose is whether or not our various societies exercise any effective control – as distinguished from formal procedures – over the acquisition of nuclear weapons and other major weapon systems?

In States without democratic control of the defence sector, or in countries with poorly designed democratic control mechanisms, the executive government is unlikely to consult the public. The elected representatives hardly have even the ambition to perform an effective and critical examination of the military authorities' demands for weapons systems. Nor are there media and free institutions that can exercise meaningful control.

In democratic States, on the other hand, nuclear weapons can hardly be developed or maintained without at least budgetary support of assemblies elected to represent and act on behalf of the whole society.

A question may irreverently be asked whether national elected assemblies and the public they represent understand why, at this time – after the end of the Cold War – they authorize the use of as much as 1.3 trillion US dollars

(2006) on military expenditures. While this sum covers expenditures for items that are easily understandable, like the salaries of all military personnel, it includes huge sums for new nuclear weapons, for space war capacity, and missiles and protection against missiles (shield). It is worth noting that about half of this sum was spent by the United States and that it has been calculated that from the mid-1970s the United States spent 5 per cent or more of its gross domestic product; in the final years of the Cold War this figure rose to as much as 6 per cent; after the end of the Cold war it sank back to below 4 per cent; by the late 1990s it was 3 per cent, however, in 2003 its military spending was on the rise once more, climbing to 4 per cent.

I would hazard a guess that a majority of taxpayers in democratic States accept or at least tolerate these expenditures, in a very general way. The majority of the Israelis surely do, and we can remember the public enthusiasm in India and Pakistan about the nuclear weapons tests in 1998. The United States public no doubt supported nuclear arsenals to match or surpass Soviet arsenals during the Cold war. In the past year, the majority of the British probably accepted the decision to extend the nuclear Trident programme. At present probably a majority of the Russians support the modernizing of their nuclear capability as a part of the policy of remaining a significant world actor.

Yet it may well be that the public blessing is less solid than that given by their representatives. A recent poll (World Public Opinion, New York Times, 13 November 2007) reports “that the goal of eliminating all nuclear weapons, established by the NPT, is endorsed by 73 per cent of Americans and 63 per cent of Russians; and that 79 per cent of Americans and 66 per cent of Russians want their Governments to pursue this objective”. Another poll indicated strong majorities in a number of countries, including the United States, for the enacting of a treaty that would ban all weapons in space.

We do not have referendums about these matters and it is not possible to know what the votes would be like after extensive public debate. Like many other complicated and expensive items that the taxpayer is required to fund, they are submitted to our elected representatives, whose task it is to understand and decide on our behalf. Most taxpayers only give a cursory thought to the question whether the volume and composition of the military resources are right given the threats perceived.

Yet it is tempting to draw the conclusion from the polls on the questions I raised that the elected representatives could be less supportive of nuclear armaments without being out of line with their voters. Put differently, members of legislatures vote for more defence than the electorate seems to ask for. We must ask: how can this happen in democratic States?

In answering this question, it first of all seems likely to me that the military authorities – including the ministries of defence – submit requests that err on the side of security. After all it is their duty to request what they believe is needed for the maintenance of national security, by way of nuclear weapons and other advanced weapons systems.

Secondly, there may be a question of how effectively the elected representatives are able to assess whether the declared functions of weapons systems are meaningful and acceptable. There are clear doubts as to whether members of legislatures are technically handicapped in the discussions with the professional defence authorities; have their arms twisted by armament industries eager to sell more weapons, or by local governments eager to retain armament industries employing people and paying taxes. Furthermore, there are civil, military and industrial groups in society that are inclined – for economic or political reasons – to assess threats in an alarmist fashion and eager and able to transform these threats into public opinion. Indeed, we may ask whether the military-industrial complex that President Eisenhower first warned against is still full of vigour.

To counterbalance these influences, it is vital that national civil society – in the shape of a vigorous and free media, free intellectual institutions, NGOs and a variety of think tanks – assist in the analysis of the need for, and function of, complex weapons systems. Inter-parliamentary groups may also help members of legislatures by providing analysis and experience from the outside.

We have to admit that it is not easy to come to balanced judgements in these matters. Some of the threats perceived are very difficult to assess. Further, the technical operation of and justifications for some weapons systems are often far above the heads of the non-expert. I find it more puzzling that basic political assessments underlying various expensive weapons systems are not subject to more critical examination.

A prominent example of this is the billions of dollars that are being spent on preparing for military actions in space. I am not talking about satellites to identify military targets or to direct weapons to targets, I am referring to means of destroying satellites or using space as a base for launching weapons against targets on earth – all with the possible result of transforming outer space from a tremendous asset for humanity into a junkyard.

We hear military and technical experts say that the State that has the upper hand in space has “global military control”. However, does anyone ask the fundamental question whether it is still needed, meaningful and worth the money to think in terms of attaining or maintaining “global military control”?

During the Cold war the Soviet Union was thought to have the ambition to extend its military control worldwide. At the present time neither China nor the Russian Federation has that ambition. Would it not save money for the taxpayer and anxiety for us all if China, the Russian Federation and the United States and other space-capable States sat down to agree on not placing any weapons in space and avoid a space race that would be expensive for all and risky in terms of accidents? Such talks are advocated in recommendation 45 of the report of the Weapons of Mass Destruction commission that I chaired. As I noted earlier, a recent poll shows a strong majority of people in the United Kingdom and the United States supporting a treaty that would ban all weapons in space.

Another example of lavish spending on weapons systems without critical examination is the United States’ proposed missile defence shield. No one can contend that this ageing cash cow for the defence industries has escaped public discussion in the United States and scrutiny in Congress. How is it that it has survived? As anyone would have expected, the Chinese and Russian Governments worry that at some time in the future – after billions more of investments – the shield could enable the United States to shoot missiles at anybody in the world, while preventing any missiles from hitting the United States. The result would be to secure “global military control”. Again, for what purpose after the end of the Cold war?

As we know, for a number of years the United States has declared that the shield is not to protect against China and the Russian Federation but against attacks by missiles from rogue States or, possibly, terrorists. If this is so, why not avoid the risk of a costly race and establish a system together with China and the Russian Federation? Or – even better – why not seek to work out a non-proliferation treaty for missiles? It would not be easy to get a global agreement – along the lines of the NPT – limiting the possession of long-range missiles to a small group of States. However, if the demand for a gradual abandonment of nuclear weapons were to gain traction, perhaps a parallel gradual abandonment could be designed for all missiles beyond a certain reach?

Let me conclude with some comments on the issue of weapons on “high alert”. During the Cold war, think tanks could speculate about one super-Power launching a massive nuclear attack on the other and about the need for an adequate surviving capability to respond in like measure. Even then the scenario looked like a computer game. After the end of the Cold war it is simply not plausible to count on massive or sudden nuclear attacks between the super-Powers, nor on the fact that they could lose all second strike capability.

In these circumstances there would seem to be no need to enable the decision makers to launch retaliatory strikes within minutes of an adversary’s launching an attack. Anyone contemplating a nuclear attack would be aware that a retaliatory strike could come very quickly.

The idea of an instantaneous retaliation might have an appeal in sending a signal about military effectiveness. However, making such fast action physically possible and even assuming it as a model places the national decision-making process under a dangerous – and unnecessary – strain and increases the risk of misunderstandings and mistakes resulting in tragedy. This was the background of recommendation 17 in the report of the Weapons of Mass Destruction Commission that I headed. National governance should exclude instantaneous reactions to apparent attacks.

A resolution based on the reasoning of the Weapons of Mass Destruction Commission was recently adopted by the General Assembly of the United Nations. It noted that thousands of nuclear weapons remain on “high alert” ready to be launched within minutes and that this was a feature of Cold War nuclear postures that increased the risk of unintentional or accidental use. It called for steps to decrease the operational readiness of nuclear weapons systems. The resolution was adopted by 124 in favour, 3 against (France, United Kingdom and United States). Many NATO States and China abstained while the Russian Federation did not vote.

The explanations offered for the resistance were not, in my view very impressive. The United Kingdom said that “de-alerting is not the primary issue that we need to address if we are to head to a nuclear-free world” and a United States spokesman said that the United States “has an obligation to manage its military forces to ensure we remain able to protect our security...”.

The world has obviously some way to go to get to a governance of nuclear weapons and other systems that is in tune with the post-Cold war world. Perhaps civil society could make it clear that overprotection, whether by weapons in space, missile shields or doctrines about launch on warning, is undesirable and raises unnecessary risks. A revival of the disarmament movement may lead to greater safety.

### III. SUMMARY OF SEMINAR PROCEEDINGS<sup>2</sup>

#### **The democratic control of nuclear weapons**

The democratic control of nuclear weapons describes the process whereby the governance of nuclear weapons is subject to the involvement of the actors and institutions of the democratic system, principally, the executive, parliament, military command and control structures and civil society. In a democratic system of governance these bodies have an input into some or all of the following aspects of nuclear policy: the decision to establish a nuclear weapons programme, command and control structures, employment doctrines, decisions on the size of nuclear arsenals, as well as safeguards and storage conditions.

The democratic control of nuclear weapons was widely accepted as a fundamental element of effective nuclear weapons governance. Several speakers asserted that the destructive capacity of these weapons and the potential existential threat presented to nations by their usage, makes it imperative that decisions on nuclear weapons are taken by democratically elected representatives of the citizenry. To illustrate this, one panellist referred to the former President of France, Charles de Gaulle's decision to establish direct elections for the French presidency to legitimize the president's control of the nuclear arsenal. Another panellist added that whilst in authoritarian States the control of nuclear weapons reaffirms a regime's grip on power, in democratic States the control of nuclear weapons reinforces civilian control over the military.

Democratic control is not a "panacea for the good governance of nuclear weapons" and should be implemented alongside a robust military and technical command and control system. Indeed, democratic control alone does little to guarantee the physical safety of both the weapons and the associated knowledge. To illustrate this point, one of the speakers drew a comparison between nuclear weapons governance in the former Soviet Union and in the Russian Federation in the 1990s. The control of nuclear weapons and the

<sup>2</sup> The views expressed in this report represent those of the participants and should not be construed as representing the position of either DCAF or UNOG. Discussions were held under the Chatham House rules.

associated knowledge was perceived as safer in the non-democratic Soviet era than in the democratic Russian Federation during the 1990s because in the Soviet era the executive exercised a greater degree of centralized authority in nuclear weapons governance. From this point of view, a broad approach to domestic governance of nuclear weapons is necessary.

Indeed, a number of speakers identified a tendency to view the concept of “control” in excessively narrow terms, focusing only on the use of nuclear weapons. They called for a broader conceptualization of the notion of control. According to one panellist, the concept of control should also extend to: the initial decision to develop nuclear weapons, decisions on the size of nuclear forces, employment doctrines and storage conditions. While the political executive is necessarily central to any decision-making on use (in democratic States), other institutions of the democratic system – notably the parliament – should be involved in controlling additional aspects of nuclear policy, such as the overall employment strategy and decisions regarding the size of the force.

## Transparency

Transparency was widely argued to be an essential aspect of nuclear weapons governance. Speakers argued that transparency surrounding nuclear weapons doctrine and arsenals fulfils important roles both domestically and internationally. One speaker argued that domestically, the public dissemination of a nuclear weapons doctrine serves a crucial role in promoting open debate on nuclear issues. While most nuclear-weapon States do not make public their nuclear doctrines, the speaker referred to the National Security Strategy of the United States (NSS) as an example of the promulgation of potential scenarios for the employment of nuclear weapons. At the international level, it was suggested that transparency with regard to both nuclear doctrine and arsenals can play a significant role in enhancing international security by reducing the risks which may arise from misperception and misinformation. Although transparency is generally seen to be an integral part of the democratic governance of nuclear weapons, several speakers alluded to the tension between transparency and secrecy in nuclear weapons governance. One panellist cautioned that the dissemination of too much information in the public domain might expose nuclear facilities to the danger of terrorist attacks or might provide too much information on nuclear employment doctrine to potential adversaries.

## The role of parliaments in nuclear weapons governance

The role of parliament in nuclear weapons policy was discussed by several speakers. It was acknowledged that although it is unrealistic to envisage a parliamentary vote on the use of a nuclear weapon, parliaments should be involved in the formulation of nuclear doctrines which outline the specific circumstances in which a nuclear weapon could be used and by whom the decision to launch the weapon would be taken. One speaker recommended that debates on the nuclear doctrine could be undertaken privately by specific committees within the legislature, and not necessarily in a public forum.

Comparisons were drawn between the role of British and French parliaments in nuclear weapons governance. It was suggested that in the United Kingdom, Parliament has been able to extend its prominent role in the foreign policy arena to nuclear weapons policy. The fulfilment of this role has been aided by the fact that the executive branch has not attempted to stifle debate on these issues, and by relatively high levels of parliamentary knowledge of nuclear issues. The speaker referred to the parliamentary debate and vote on the renewal of the Trident nuclear weapons delivery system as a prominent example of the significant role played by the United Kingdom Parliament in this area. In contrast, the French parliament was said to have little role in nuclear weapons policy due to the executive's concern that parliamentary debate could erode consensus surrounding nuclear weapons policy. It was argued that the executive branch had been allowed to restrict debate on nuclear issues because of the failure by the French parliament to make use of publicly available information and assert itself in this area of policy-making. While access to information may inhibit parliamentary discussion of nuclear weapons in authoritarian regimes, the speaker suggested that in democracies, there is enough information available in the public domain for parliaments to play a significant role in nuclear weapons policy-making.

Therefore, while parliaments most likely would not play a role in the actual use of nuclear weapons, from a democratic governance point of view, they can and should have a part in the initial decision to acquire nuclear weapons; the formulation of the nuclear doctrine; and devising policies for the safe storage of nuclear weapons. Finally, parliaments should assume their core responsibility of approving and overseeing defence spending in the area of nuclear weapons development, procurement and maintenance.

## **The role of the media and civil society in nuclear weapons governance**

Panellists agreed that media can (and should) play an invaluable role in raising awareness of nuclear weapons governance issues. More specifically, one participant argued that the media had a pivotal role to play in informing the public and civil society organizations about developments in non-proliferation and disarmament negotiations. In the light of the current lack of public interest in issues of nuclear governance, it was suggested that the media could play an active role in revitalizing public engagement with nuclear weapons issues.

Speakers also discussed the role of civil society in nuclear weapons governance. Particular attention was paid to the decline of civil society movements campaigning for nuclear disarmament and non-proliferation. It was pointed out that civil society movements campaigning on nuclear issues played a far more significant role during the Cold war than they do today. The dearth of significant protest surrounding the British Government's renewal of the Trident system was cited as example of the current apathy surrounding nuclear issues. Several panellists bemoaned the decline of these groups and their limited impact upon the contemporary arms control process. It was suggested that such civil society organizations are invaluable in both raising public awareness and guiding public opinion on nuclear issues, and their revival was proclaimed to be crucial to the revitalization of the disarmament and non-proliferation movements.

## **Prestige or security?**

Panellists examined the reasons for which States have developed nuclear weapons. There was considerable debate as to whether the acquisition of nuclear weapons was primarily motivated by the international prestige associated with nuclear weapons possession or the perceived security benefits which they provide. Contrary to views expressed in much of the literature on this subject, several of the speakers argued that – with several prominent exceptions – the acquisition of nuclear weapons had been largely motivated by security considerations. One speaker discussed the proclaimed rationale for the acquisition of nuclear weapons for each of the States that are known to have developed them, and submitted that each State was motivated by either the acquirement of nuclear forces by a rival State or a significant conventional threat posed by neighbouring States. Furthermore, one discussant suggested that the international standing of non-nuclear weapon States, such as Brazil, Germany and Japan, demonstrate that States did not perceive the

need to acquire nuclear weapons in order to achieve international prestige. Nevertheless, the now-abandoned nuclear weapons programmes of Iraq and the Libyan Arab Jamahiriya were cited as examples of attempts to acquire nuclear weapons as symbols of prestige.

The issue of whether prestige or security was the prevailing consideration driving public opinion on nuclear weapons possession was also discussed. It was argued by several participants that Governments have a tendency to provide greater levels of defence than public opinion demands. Participants also suggested that, in nuclear-weapon States, public support for the acquisition and possession of nuclear weapons was motivated by a combination of perceived security concerns, as well as considerations of prestige. It was proclaimed that in long-standing nuclear Powers, ongoing public support for nuclear weapons possession was currently, more than in the past, primarily motivated by security concerns. In contrast, one panellist submitted that, in newer nuclear States, public support for the acquisition and possession of nuclear weapons was more likely to be motivated by the prestige associated with the possession of these weapons.

There was a considerable divergence of opinion between the speakers on public attitudes towards the desirability of nuclear weapons possession and elimination. One speaker claimed that the citizens of many Western nuclear-weapon States would welcome the abandonment of their country's nuclear arsenal. However, this assertion was disputed by other discussants who argued that the giving up of national arsenals would only be supported by citizens if national abandonment was accompanied by the elimination of nuclear weapons by all possessor States. This submission was supported by quoted poll figures which suggested that in recent years 73 per cent of United States citizens and 63 per cent of Russian citizens supported the elimination of all nuclear weapons.<sup>3</sup>

A number of speakers expressed concern about the persisting appeal of nuclear weapons as a security option. One panellist pointed out that the acquirement of nuclear weapons remained a highly attractive option for States which perceived themselves to be facing existential threats that they could not otherwise counter. It was argued that those weapons were likely to be particularly attractive to States that do not have the financial or technical means to develop a "serious conventional defence", as the development and production of nuclear weapons was comparatively inexpensive.

<sup>3</sup> Steven Kull and others, "Americans and Russians on Nuclear Weapons and the Future of Disarmament: A Joint Study of WorldPublicOpinion.org and the Advanced Methods of Cooperative Security Program, CISSM (9 November, 2007) available at: [http://www.worldpublicopinion.org/pipa/pdf/nov07/CISSM\\_NucWeaps\\_Nov07\\_rpt.pdf](http://www.worldpublicopinion.org/pipa/pdf/nov07/CISSM_NucWeaps_Nov07_rpt.pdf).

Following from this discussion, speakers also reviewed the association between the significance of a State's nuclear weapons within its overall defence policy and nuclear weapons governance. One panellist submitted that the "security culture" surrounding nuclear weapons constituted an important aspect of their control, alongside procedural controls. In States where nuclear weapons are key symbols of national stature as well as the centrepiece of national defence, they are likely to be subject to stricter levels of control. It was argued that in more established Western nuclear Powers, nuclear weapons had lost their significance in national defence doctrines and were no longer viewed with the same reverence; therefore, they might not be subjected to the same levels of control as in newer nuclear-weapon States.

### **The impact of international treaty regimes on the domestic governance of nuclear weapons: a treaty regime in crisis?**

Panellists discussed the impact (or lack of impact) of international actors and treaty regimes on the domestic governance of nuclear weapons. Referring to the former Soviet Union, a speaker argued that international treaties had a significant impact upon Soviet nuclear weapons governance, citing the 1970s establishment of a domestic agency tasked with drafting domestic legislation to bring Soviet nuclear policy into line with international obligations. Prior to the establishment of this body, the Soviet Union had no legislation on nuclear activities.

In contrast to the proclaimed impact of international treaty regimes upon Soviet nuclear governance, panellists lamented the limited impact of international treaty regimes on nuclear weapons governance at the present time. Indeed, speakers were united in their pessimistic forecasts regarding the future of the NPT and other nuclear arms control and disarmament treaties. Several speakers described the NPT treaty regime as being in a state of crisis due to the failure of nuclear-weapon States to honour the commitments of the treaty and its review conferences, and the failure of non-signatory nuclear-weapon States to sign and ratify the treaty. Other panellists alluded to incomplete participation in the Comprehensive Test-Ban Treaty, the weakness of the Strategic Offensive Reductions Treaty (SORT) and the narrow geographical scope of the Intermediate-Range Nuclear Forces Treaty (INF). In spite of the gloomy prognoses expounded by the panellists, several suggestions were made for strengthening the nuclear disarmament and arms control regime: the commencement negotiations on a START 3 treaty; the formulation of enhanced verification methods to monitor the commitments

made under SORT; and the negotiation of a multilateral version of the INF treaty to cover the other States (beyond the Russian Federation and the United States) which currently possess intermediate-range nuclear delivery vehicles.

## **Nuclear weapons governance and disarmament**

The relationship between the control or governance of nuclear weapons and nuclear disarmament was the subject of extensive debate among the participants. According to one panellist, the good governance of nuclear weapons was somewhat paradoxical because it implicitly supports the ongoing possession of nuclear weapons. The speaker went on to suggest that the advocacy of good governance of nuclear weapons might lead to the conclusion that the possession of these weapons is acceptable as long as they are subject to good governance, and thus, nuclear weapons are safe in some hands but not others. However, this position was strongly challenged by other speakers who suggested that the democratic control of nuclear weapons was essential to any prospects for the eventual eradication of nuclear arsenals. Indeed, one speaker suggested that the “best way to eliminate is to control”, as the control of nuclear weapons necessarily entailed disarmament measures.

It was suggested that the current attitude of nuclear-weapon States and in particular the permanent five members of the Security Council, indicates that they have no intention of surrendering these weapons and foresee the permanent retention of their arsenals. It was submitted that these attitudes are hugely detrimental to the non-proliferation regime because in the absence of moves by possessor States to abandon nuclear weapons, other States have few incentives to abstain from attempting to acquire them. Furthermore, according to one speaker, the failure of existing nuclear Powers to disarm implicitly legitimizes the acquisition and possession of nuclear weapons. The same panellist lamented the current preoccupation with horizontal proliferation and the potential acquisition of nuclear weapons by terrorist groups, and contended that international efforts should be reorientated to focus upon the reduction of the existing nuclear arsenals.

## **Reducing the desire for nuclear weapons acquisition**

Several speakers discussed strategies for reducing the incentive for States to acquire nuclear weapons; proposals centred on the forging of alliances and reform of the Security Council.

The development of alliances which include security guarantees for non-nuclear-weapon States was identified as an invaluable instrument in reducing States' desire to acquire nuclear weapons; indeed one discussant proclaimed alliance-based security guarantees to be the "most powerful argument against proliferation". According to this approach, nuclear-weapon States may forge defensive alliances with non-possessor States, which provide security guarantees in the event of an attack by a non-member of the alliance, thereby diminishing the incentive for non-nuclear-weapon States to acquire nuclear weapons as a means of defence. The United States' security guarantees in the 1970s to both the Republic of Korea and Taiwan, Province of China, were provided as an illustration of the ability of alliance formation to discourage proliferation. Washington, D.C. presented these States with the choice between a defensive alliance (in the case of the Republic of Korea) or an implicit guarantee of protection (in the case of Taiwan, Province of China) on the one hand, and the continued pursuit of nuclear weapons without protection of United States on the other. Both States opted to accept the United States' offer. One discussant referred to the failure of Western States to provide security guarantees to Israel and South Africa during the Cold war as a contrasting example to the power of defensive alliances to discourage proliferation. He argued that unwillingness on the part of Western Powers to extend protection to Israel and South Africa compelled these States to seek nuclear weapons.

A second set of propositions for reducing the incentives for States to acquire nuclear weapons centred on the reform of the Security Council and the role of the five permanent members. It was submitted that the current structure of the Council created an incentive for the acquisition of nuclear weapons. Given that the permanent members (and hence those that wield the most power) all possess nuclear weapons, this possession is inextricably linked to the prestige of permanent membership of the Security Council. In order to decouple this association, one discussant argued that the Council should be reformed to expand permanent membership beyond the five nuclear-weapon States; this delinking of permanent membership from nuclear weapons possession could serve as an effective counter-proliferation measure. However, this suggestion was dismissed by another discussant, due to the intractable nature of Council membership. A further recommendation called for public declaration by the permanent five, committing them to refrain from using nuclear weapons, other than in extreme circumstances of self-defence. It was argued that such a commitment could lessen the security concerns of would-be nuclear-weapon States and thus, reduce their perceived need to acquire nuclear weapons.

## Concluding remarks

At the conclusion of the seminar, participants were reminded that nuclear weapons presented a unique and increasing threat and that the international community had reached a critical juncture in disarmament and non-proliferation efforts. In spite of the grave concerns expressed by many of the speakers about the current state of those regimes, it was suggested that during the course of the seminar, panellists had succeeded in laying the foundations for a framework of governance and accountability architecture which could be applied to nuclear weapons. This encompassed both national and international controls and accountability measures, as well as the international agreements to which States were party. In order to ensure that components of that framework are adopted, and to reinvigorate both international and domestic non-proliferation and disarmament efforts, it was essential for open and informed dialogue on nuclear weapons issues to continue.



# IV. NUCLEAR WEAPONS: GOVERNANCE AND ACCOUNTABILITY

*Geneva, 6 December 2007*

## PROGRAMME

**9:30 a.m. Welcome and introduction**

Mr. Sergeï A. Ordzhonikidze, Director-General, United Nations Office at Geneva

Mr. Theodor H. Winkler, Ambassador, Director, Geneva Centre for the Democratic Control of Armed Forces

**9:45 a.m. Keynote address**

Mr. Hans Blix, Chairman, Weapons of Mass Destruction Commission

**10:15 a.m. Panel discussion**

*Moderator*

- Ms. Patricia Lewis, Director, United Nations Institute for Disarmament Research

*Panellists*

- H.E. Mr. Abdul S. Minty, Deputy Director-General and Special Representative for Disarmament, Department of Foreign Affairs of South Africa. Chairperson of the South African Council for the Non-Proliferation of Weapons of Mass Destruction and a member of the International Atomic Energy Agency (IAEA) Board of Governors
- H.E. Mr. Yuri Nazarkin, former Ambassador to the Conference on Disarmament, former Head of the Soviet and Russian Delegation to the Negotiations on Strategic Arms Reduction Talks (START)
- Mr. Walter B. Slocombe, former Under-Secretary of Defense for Policy, United States Department of Defense
- Mr. Bruno Tertrais, Senior Research Fellow, Fondation pour la Recherche Strategique, France.

**Discussion**



## V. BIOGRAPHIES OF SPEAKERS

### **Keynote speaker: Mr. Hans Blix**

Mr. Hans Blix was born in 1928 in Uppsala, Sweden. He studied at the University of Uppsala; at Columbia University, New York, where he was also a research graduate; and at Cambridge University, United Kingdom, where he received his PhD. In 1959, Mr. Blix became Doctor of Law at Stockholm University, and, in 1960, was appointed Associate Professor in International Law.

From 1963 to 1976, Mr. Blix served as Adviser on International Law in the Swedish Ministry of Foreign Affairs. In 1976, he became Under-Secretary of State, in charge of international development cooperation. He was appointed Minister for Foreign Affairs in October 1978. He served as Director-General of the International Atomic Energy Agency (IAEA) for four terms, from 1981 till 1997. Mr. Blix was appointed Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) for Iraq by the Secretary-General in January 2000. He took up his duties on 1 March 2000 and left the post at the end of June 2003, with the expiry of his third contract.

Since January 2004 Mr. Blix has been chairing the independent international Weapons of Mass Destruction Commission. Its final report, "Weapons of terror: freeing the world of nuclear, biological and chemical arms", was presented to the public on 1 June 2006.

Mr. Blix has several honorary doctorates and is a recipient of a number of decorations and awards. He is a member of the Institute of International Law and an honorary member of the American Society of International Law. In November 2006, Mr. Blix was appointed President of the World Federation of United Nations Associations (WFUNA), a position he will hold for a three-year term. Mr. Blix was awarded the Sydney Peace Prize in 2007. He has written several books on subjects associated with international and constitutional law. He has further written many articles on questions relating to energy and to the problems of the spread of nuclear weapons. In 1980, Mr. Blix was the leader of the Liberal Campaign Committee in connection with the referendum on the Swedish nuclear energy programme. He published the book, *Disarming Iraq*, in March 2004.

Mr. Blix lives in Stockholm and is married to Eva Kettis, former ambassador in charge of Arctic and Antarctic issues in the Swedish Foreign Ministry. They have two sons.

### **Moderator: Ms. Patricia Lewis**

Ms. Patricia Lewis is the Director of the United Nations Institute for Disarmament Research (UNIDIR). Prior to this appointment, she was the Director of the Verification, Research, Training and Information Centre in London from 1989 to 1997. She holds a BSc (honours degree) in physics from the University of Manchester, United Kingdom, and a PhD in nuclear physics from the University of Birmingham. Before her current work at UNIDIR in Geneva, she worked in India, New Zealand, Australia and the United Kingdom. She is a dual national of the United Kingdom and the Republic of Ireland.

Ms. Lewis was a Commissioner on the 2004-2006 Weapons of Mass Destruction Commission, chaired by Mr. Hans Blix. In 1998-1999, she served as a member of the Tokyo Forum for Nuclear Non-proliferation and Nuclear Disarmament, having previously served as an external reviewer for the Canberra Commission on the Elimination of Nuclear Weapons. She was appointed governmental expert of the United Kingdom to the 1990 United Nations study on the role of the United Nations in the field of verification and she was also appointed consultant on conventional forces verification to the British Foreign and Commonwealth Office in 1989-1990. She was the Elizabeth Poppleton Fellow at the Australian National University in 1992. She has published and spoken widely on all aspects of disarmament, arms control and human security.

### **Panellist: H.E. Mr. Abdul Samad Minty**

Mr. Minty was born on 31 October 1939. He studied at University College London, where he received an MSc (Econ) in international relations in 1969. From 1969 to 1975 he was a Research Fellow at the Richardson Institute for Conflict and Peace Research, London, and in 1994-1995 he was a Senior Research Fellow at the International Peace Research Institute, Oslo.

Mr. Minty is currently Deputy Director-General in the department of Foreign Affairs of South Africa, Ambassador and Special Representative for Disarmament and the New Partnership for Africa's Development (NEPAD). He is the Personal Representative of the President on the NEPAD

Steering Committee; Chairperson of the South African Council for the Non-Proliferation of Weapons of Mass Destruction (since 1995); South African Governor, Board of Governors of the International Atomic Energy Agency (IAEA) (since 1995), Member of the Board of the Nuclear Energy Corporation of South Africa and Representative of the Department of Foreign Affairs on the National Conventional Arms Control Committee of South Africa.

Mr. Minty was previously Chairperson of the South African Council for Space Affairs (1995-2006); Deputy Director-General for Multilateral Affairs in the Department of Foreign Affairs of South Africa (August 1995-June 2004); Honorary Secretary of the Anti-Apartheid Movement, London (1962-1995); Director, World Campaign against Military and Nuclear Collaboration with South Africa, Oslo (1979-1994); Vice-Chairman, Action for Southern Africa, London (1995-1996) and Member of the Secretary-General's Advisory Board on Disarmament Matters (2001-2002).

Mr. Minty worked closely with the African Group and non-aligned members of IAEA over South Africa's nuclear programme and attended annual General Conferences of IAEA in Vienna to lobby for sanctions against the apartheid regime. He was Adviser to South Africa's delegation to the 1995 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and led his country's delegation to the subsequent Review Conferences in 2000 and 2005. He was also involved in international negotiations aimed at banning anti-personnel landmines and illicit proliferation of small arms.

Mr. Minty has written extensively on Southern Africa for the United Nations and various anti-apartheid and solidarity movements, and participated in United Nations and other seminars and hearings on South Africa's military and nuclear capability and other related subjects including sanctions against Rhodesia and the role of the United Nations in Namibia. He gave evidence to the Security Council on African issues as an individual expert over two decades, the last time on 25 May 1994, when the mandatory arms embargo against South Africa was lifted.

**Panellist: H.E. Mr. Yuri Nazarkin**

Mr. Nazarkin was born in 1932. From 1956 to 1966, he worked in an analytical department of the Soviet Foreign Ministry, and from 1967 to 1992, he was involved in negotiations on arms control and disarmament, at the Conference on Disarmament, the United Nations General Assembly, the International Atomic Energy Agency, etc. In particular, in 1987-1989,

Mr. Nazarkin represented his country as Ambassador to the Conference on Disarmament and in 1989-1991 he was Chief Negotiator at the Soviet-United States talks on nuclear and space weapons (Strategic Arms Reduction Treaty (START-I)).

From December 1992 to April 1995, Mr. Nazarkin worked with the Security Council of the Russian Federation as Deputy Secretary and Head of Directorate. He is now a Professor at the Geneva School of Diplomacy and International Relations.

**Panellist: Mr. Walter B. Slocombe**

Mr. B. Slocombe is a partner in the Washington, D.C. law firm, Caplin & Drysdale Attorneys, and member of the DCAF International Advisory Board. He was United States Under Secretary of Defense for Policy (1994-2001) and Director of the United States Department of Defense Task Force on the Strategic Arms Limitation Talks (1977-1981).

During his work in the Department of Defense, his responsibilities included advising the Secretary of Defense on policy issues related to nuclear arms control, non-proliferation, strategic force structure and contingency planning for nuclear forces.

**Panellist: Mr. Bruno Tertrais**

Mr. Tertrais graduated from the Institut d'études politiques de Paris in 1984. He also holds a master's degree in public law from the University of Paris (1985), and a doctorate in political science from the Institut d'études politiques de Paris (1994).

Between 1990 and 1993, he was the Director of the Civilian Affairs Committee, NATO Assembly, Brussels. In 1993, he joined the Délégation aux Affaires stratégiques (Policy Division) of the French Ministry of Defence. In 1995-1996, he was a Visiting Fellow at the RAND Corporation, Santa Monica, United States. From October 1996 until August 2001, he was Special Assistant to the Director of Strategic Affairs at the French Ministry of Defence. He is now a Senior Research Fellow at the Fondation pour la Recherche Stratégique, Paris, as well as an Associate Researcher at the Centre d'études et de recherches internationales, Paris.



In August 2007 he became a member of the French presidential commission on the White Paper on Defence and Security, and in October 2007 a member of the French ministerial commission on the White Paper on Foreign and European Policy.

Mr. Tertrais is also a member of the International Institute for Strategic Studies, a contributing editor to *Survival*, a member of the editorial board of *The Washington Quarterly*, and a member of the Gerson Lehrman Group Policy and Economics Council. His latest book in English is *War Without End: America Ensnared?* (New York, The New Press, 2005).



## VI. FURTHER READING

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## VII. ADDITIONAL INFORMATION

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### **About UNOG**

The United Nations Office at Geneva (UNOG) serves as the representative office of the Secretary-General in Europe. A focal point for multilateral diplomacy, UNOG services more than 8,500 meetings every year, focusing on a wide range of issues in such fields of disarmament, human rights, trade and development and humanitarian relief. It is one of the busiest conference centres in the world, as well as a centre for information sharing and exchange, with a large number of dignitaries and high-level delegations coming every year to participate in bilateral encounters, intergovernmental meetings, conferences and other events. With more than 1,600 staff, it is the biggest United Nations office outside of Headquarters in New York and provides critical support to the Organization's efforts in the fields of peace, development and human rights.

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### **About DCAF**

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) is one of the world's leading institutions in the areas of security sector reform and security sector governance. DCAF provides in-country advisory support and practical assistance programmes, develops and promotes appropriate democratic norms at the international and national levels, advocates good practices and makes policy recommendations to ensure effective democratic governance of the security sector.

Visit DCAF at: [www.dcaf.ch](http://www.dcaf.ch)

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- Security sector reform: its relevance for conflict prevention, Peacebuilding and development (2003)
- State and human security in the “age of terrorism”: the role of security sector reform (2004)
- Post-conflict reconstruction of the security sector: the role of the United Nations (2005)
- Security sector reform in post-conflict peacebuilding: a closer partnership between the United Nations and regional organizations (2006)
- Nuclear weapons: governance and accountability (2007)
- The United Nations and security sector reform: a year on from the Security Council open debate (2008).