

THE 2005 DAG HAMMARSKJÖLD LECTURE

UN Reform and World Disarmament

Where do we go?

Hans Blix

Uppsala 2007

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*This is the text of the 2005 Dag Hammarskjöld Lecture
given by Hans Blix at Uppsala University on
19 September 2005.*

*The 2005 Dag Hammarskjöld Lecture was organised by
the Dag Hammarskjöld Foundation and Uppsala University.*

ISBN 91-85214-43-4

Printed by Wikströms, Uppsala

Dag Hammarskjöld Foundation,
Uppsala, Sweden
2007

Preface

It was not by chance that the first Swede to give the Dag Hammarskjöld Lecture – the renowned international lawyer and civil servant, Dr Hans Blix – should do so in 2005, the year in which the centenary of Dag Hammarskjöld’s birth was celebrated. Hans Blix was born in Uppsala, grew up in the neighbourhood of Uppsala Castle, where Hammarskjöld spent most of the first 25 years of his life, studied law at Uppsala University, like Hammarskjöld, and became an outstanding national and international civil servant, inspired by Dag Hammarskjöld and his vision for the United Nations. Hans Blix was also a member of the Board of Trustees of the Dag Hammarskjöld Foundation for almost 10 years, drafted the revised Statutes of the Foundation in 1968 and led two month-long seminars on the law of treaties for African civil servants and scholars in the late 1960s.

The title of the Lecture was ‘UN Reform and World Disarmament: Where do we go?’, a question that few international personalities could be better equipped to address. Hans Blix was at the time of the Lecture chairing the Independent International Commission on Weapons of Mass Destruction, set up by the Swedish Government. This was an assignment he took on after spending three and a half years as Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) for Iraq, appointed by the UN Secretary-General.

His reports to the UN Security Council were extremely important in the serious discussions that took place there during the first months of 2003. Blix was very well prepared for this complicated task, having served four terms as Director-General of the UN International Atomic Energy Agency (IAEA) in Vienna. Before assuming this role in 1981, he had been Adviser on International Law in the Swedish Ministry of Foreign Affairs, Under-Secretary of State in charge of international development cooperation, and Minister for Foreign Affairs at the end of the 1970s. In addition to his law studies in Uppsala, he was a research graduate at Columbia University and became a Doctor of Law at the Universities of Cambridge and Stockholm.

In his Lecture, held in the main hall of Uppsala University and attended by about 1,000 people, Hans Blix states initially that the United Nations, with its many specialised agencies, programmes and funds, will without doubt remain the most important international body for cooperation in such diverse fields as the protection of the environment, global disarmament, nuclear safety, global health, meteorological services, telecommunications, among others, even if the UN is not the only multilateral institution in the global setting and there are good reasons to examine it critically and continuously.

Hans Blix continues by listing four areas where he thinks the legacy of Dag Hammarskjöld has been and still is extremely important. He first mentions the independent political role that Dag Hammarskjöld gave to the Secretary-General and the initiatives that thus became possible, exemplified by his use of ‘quiet diplomacy’ as a way to deal successfully

with international conflicts. However, quiet diplomacy does not equal a quiet Secretary-General, Hans Blix emphasises, and he salutes the way Dag Hammarskjöld – like Kofi Annan 40 years later – stood up to violations of the UN Charter, despite negative reactions from some of the great powers. In his Lecture, Hans Blix also points to the importance that Dag Hammarskjöld placed on the independence of the international civil service and his strong conviction that the staff of the United Nations is responsible to the Organization only, not to any country or interest group. Blix mentions Hammarskjöld as the best example of such loyalty to the Charter. It should be added that Hans Blix himself in his work as Executive Chairman of UNMOVIC successfully demonstrated the same allegiance and commitment to objectivity, despite strong pressures. His fourth point on Hammarskjöld's legacy concerns the innovative thinking that led to the peace-keeping operations of the United Nations, its role during the Suez crisis in 1956 being the first example. Since then, many similar operations have been organised, some successfully, others less so. Blix concludes that the cost of these operations has been only a fraction of the cost of armed conflicts around the world, not to mention the cost in lives and suffering.

The second part of the Lecture takes its starting point in the 'Introduction to the Secretary-General's Annual Report to the General Assembly' in 1961, a central document that summarises Hammarskjöld's vision of where the United Nations could move over the coming years and decades. Blix selects some of the main themes raised and discusses them in the light of contemporary international political developments. He focuses on the expanded role of the General Assembly, which Ham-

marskjöld hoped for; the future of the Security Council, an issue where Hammarskjöld liked to emphasise the possibilities rather than the limitations; the rule of law, an area where tremendous developments have taken place over the past 45 years, although progress generally is slow; and the issues of self-defence and disarmament, where some useful work, in Blix's view, has been done on the former but very little on the latter in recent years. He expresses, however, some hope that the European Union, which consists of states that have fought each other in many disastrous wars, may – over time – be an example that will lead the world 'towards some federal global structure'.

After the Lecture, time was devoted to a question-and-answer session. Topics raised and discussed included international disarmament, a permanent UN peace-keeping unit, the possible nuclearisation of Iran, and experiences from the most active time of UNMOVIC. An edited version of this session follows the text of the Lecture.

The Dag Hammarskjöld Lecture was jointly instituted in 1998 by the Dag Hammarskjöld Foundation and Uppsala University in memory of the second Secretary-General of the United Nations. The guidelines used in the selection process state that 'the privilege of delivering the Lecture is offered to a person who has promoted, in action and spirit, the values that inspired Dag Hammarskjöld as Secretary-General of the United Nations and generally in his life: compassion, humanism, and commitment to international solidarity and cooperation'. Uppsala University has also created, especially for the occasion of the Lecture, a Dag Hammarskjöld Medal, which is awarded to the Lecturer.

The Lecture has so far been given by Mary Robinson, former UN High Commissioner for Human Rights; Sir Brian Urquhart, former UN Under-Secretary-General for Special Political Affairs; Sir Joseph Rotblat, the Nobel Peace Prize Laureate and founder of the Pugwash Movement; Kofi Annan, former Secretary-General of the United Nations; Lakhdar Brahimi, former Special Representative of the UN Secretary-General in Afghanistan; Mamphela Ramphele, former Managing Director for Human Development at the World Bank; and Noeleen Heyzer, Executive Director of the United Nations Development Fund for Women (UNIFEM).

Hans Blix ended his Lecture by suggesting that the United Nations could be said to resemble an orchestra in which some instruments have been missing or are in great need of repair. Even if such problems are solved, it does not help, he says, 'if the first violinist does not want to play or the musicians cannot agree to play from the same score'. He continues: 'I have no doubt that the greater problem today does not lie in the instruments but in the will of the musicians to use the full potential of their instruments – and to play by the same score. I also have no doubt that they will come to feel a growing need for music.'

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Photo: Tommy Westberg

*Hans Blix delivering the 2005 Dag Hammarskjöld Lecture
in Uppsala University Main Hall*

UN Reform and World Disarmament

Where do we go?

By Hans Blix

It is a great honour for me to deliver the Hammarskjöld Lecture this year, when we are celebrating the 100th anniversary of the birth of Dag Hammarskjöld.

It is also a special joy to speak in Uppsala, not far from the castle, where his father resided as Governor and where Dag Hammarskjöld grew up. In this part of Uppsala I too lived as a child and a youth. The path I and my sister and brother walked to our school and to university lectures was near the path he took from Uppsala Castle.

In the last piece that Dag Hammarskjöld wrote, 'Castle Hill', he sketched some charming memories of the hill: the swifts, the tolling of the Gunilla bell at six in the morning and nine in the evening, the eve of May Day with the students' songs and the sight of bonfires around Uppsala. He tells of the 'rousing tones from the revivalist meeting in the English Park'. I heard the same tones through the windows of the Old Chemistry Building, from across the park. He describes the tobogganers enjoying the icy slope through the Sture Arch. I remember the boyhood joy of skiing down

the snowy slopes on the other side of the hill. As a nature lover and a poet, Hammarskjöld remembers the *sedum rupestre*, which used to grow near the castle. I remember a little more prosaically the *calocybe gambosa*, the delicious white mushroom that my father used to pick on his walks around the castle in the spring... Reading 'Castle Hill' made me feel closer to Hammarskjöld, whom I never met. I arrived for my first General Assembly session in New York on the same day he perished in Africa.

I am pleased to be invited by the Dag Hammarskjöld Foundation, which over so many years has worked for one of the main goals Hammarskjöld saw for the United Nations: economic and social development that reduces the inequality between the states of the world. I had the honour of being a member of the Board of the Foundation for several years, and I was glad to be engaged twice by the Foundation to lead courses in which young lawyers from developing countries were trained in the law of treaties and prepared for the professional task of drafting and concluding international agreements on behalf of their countries.

Last but not least, I am happy that Uppsala University has invited me to lecture in this aula, which I have visited on many solemn occasions. Like Dag Hammarskjöld much earlier, I learnt a good deal at the Faculty of Law about the function of law in society. It was useful to come to understand that concepts such as 'sovereignty' and 'ownership' do not describe something mystical or absolute but are labels given to 'bundles of rights', which can be expanded or reduced on the decision of society, or voluntarily, by the beneficiary. For instance, the 'sovereign' right of a state to exclusive control of its territorial sea is limited by the rule of customary

international law, giving the right to innocent passage by others. Or: a state may limit its 'sovereign' right freely to use nuclear energy by accepting a treaty commitment not to develop nuclear weapons.

The subjects of this lecture

In this lecture I propose to speak about the role and reform of the UN and world disarmament. Clearly 2005 is not the time for leaps forward in either subject. However, if I may use a term from the stock market, perhaps we can begin to hope that we are bottoming out. I will discuss the direction in which Hammarskjöld thought the UN should and might develop, but I would like to begin by describing where I think we are now.

For a few years after the end of the Cold War a lot of defrosting took place, with positive results both for the effective use of the UN and for disarmament and arms control. In 1990 and 1991 consensus in the Security Council enabled the Council to function as foreseen in 1945: to take collective enforcement action against Iraq's occupation of Kuwait. In the following years the same consensus allowed numerous peace-keeping operations to be launched by the Council and helped to maintain or restore security in many conflict-ridden areas. A global convention outlawed the use, stockpiling and production of chemical weapons and many thousands of nuclear weapons have been dismantled by the United States and Russia – reducing the total from some 50,000 to, perhaps, now some 30,000.

Regrettably, since the middle of the 1990s there has been no further agreement on global arms control and disarmament. In the last few

years we have, rather, been backsliding. There has not been agreement on an agenda for the UN Disarmament Conference for a long time. In the spring of 2005 the review conference of the Non-Proliferation Treaty deadlocked – essentially on the question of whether the aim of the treaty is only to prevent a spread of nuclear weapons to states that do not have them, and non-state actors, or equally to achieve a reduction and eventual elimination of existing nuclear weapons.

The recent discussions on the issue of weapons of mass destruction before the UN summit were a replay, with the US reportedly objecting to the mere reference to ‘disarmament’. As a result the declarations of the largest-ever meeting of heads of states and governments has nothing to say about the subjects of disarmament and non-proliferation. Meanwhile, the comprehensive test ban treaty (CTBT), which was rejected by the US Senate, continues to be in limbo and discussion goes on in the US about nuclear weapons with new missions, notably earth-penetrating ‘bunker busters’.

As to the role and reform of the UN, collective determination at the millennium conference in 2000 led to the acceptance by consensus of bold goals, for instance a two-thirds reduction in infant mortality by 2015 and a halving of extreme poverty by the same date. The hopes pinned on these goals, and on the UN as a vital tool for achieving them, have been dimmed. The recent UN summit meeting reaffirmed by consensus the millennium declaration and the central role of the United Nations. It also endorsed some significant organisational innovations as well as the management reforms initiated by

the Secretary-General. However, despite joining the consensus, the current US administration's attitude to the UN has been skeptical or ambivalent. Its focus has been on the management and administration of the organisation.

A recent article by one of the co-chairmen of a bipartisan US congressional task force on UN reform carried a title that might succinctly express the position of a dominant wing of the current administration. I quote: 'A limited UN is best for America.'¹

While the article was highly articulate about shortcomings in the UN and even suggested that the world could do without the organisation, it said little about alternatives. For the important field of international security, however, the US National Defense Strategy published earlier this year by the Department of Defense, had this to say:

The end of the cold war and our capacity to influence global events open the prospect for a new and peaceful state system in the world.

This sounds benign but one is left in doubt as to whether there is even a limited role for the UN in this new peaceful system for the world. The strategy contains only two references to international organisations, both negative. The first reads:

Our strength as a nation state will continue to be challenged by those who employ a strategy of the weak using international fora, judicial processes, and terrorism.

The esteem for international organisations – including, one would assume, the UN – and judicial processes is evidently not very high, when they are lumped together with terrorism and seen mainly as obstacles.

I do not jump to the conclusion that some big disaster must take place to bring the world to strengthen and make better use of the United Nations and to move on to disarmament. Rather, I am convinced that globalisation – the accelerating interdependence of states, economies, environments and peoples – will force us all to use better and to strengthen our global institutions.

The UN is not and will not be the only multilateral church in the global village and there is every reason to examine it critically. On the other hand, there is no doubt that the UN and the many specialised agencies will remain the most important network through which nations can cooperate to stop epidemics, organise telecommunications, ensure nuclear safety, protect the global environment and attain and implement global disarmament measures.

Disarmament, I believe, will be forced upon the world as a result of doubts about the cost-benefit of missile defences and new supersonic fighter planes when there are no significant territorial or ideological conflicts between states. The Oder-Neisse once marked a line of death between a Communist empire and the democratic world. Today it is an internal waterway within the European Union.

Terrorism has inflicted much pain and continues to do so. Although efforts against terrorist movements need to be worldwide in their scope, it is misleading and hyping to name these a ‘world war’. It is also misleading to claim that the occupation of Iraq was a way to fight terrorism. It would be more correct to say that it has stimulated terrorism. What then is the way to fight terrorism? The demonstration of a united stand by nations is valuable in de-legitimising terrorism, and the United Nations offers a good forum for such action. It also offers a number of mechanisms through which joint practical action can be and is pursued. Co-operation between police, intelligence and financial institutions will be more useful than the development of nuclear ‘bunker busters’. It must also be understood that countering terrorism calls for efforts to end the humiliation of, and discrimination against, specific groups and – long term – to reduce the gap between rich and poor nations.

The legacy of Dag Hammarskjöld

Making these optimistic points at the present gloomy time, I am inspired by what Dag Hammarskjöld as Secretary-General achieved by way of development of the UN. I also feel inspired by what he retained as his vision for the UN during a very difficult time for the organisation. Kofi Annan, I think, is in a similar situation today.

Despite the efforts of the Soviet Union during the Cold War to reduce the role of the UN and to paralyse it, Hammarskjöld continued to see a future dynamic role for the organisation. Today, the Soviet Union is no more, and Russia has come to support a more dynamic UN. With this example

of change of attitude it does not seem naïve to share Hammarskjöld's vision despite the efforts of today's only superpower to ignore or reduce the role of the United Nations. I, for one, do share his long-term vision.

No single person has done more than Hammarskjöld to demonstrate that the United Nations is a living organisation that can assume and perform important tasks, which the authors of the Charter had not foreseen and which they could not do individually.

I shall first point to four specific areas in which Hammarskjöld's constructive reading of the Charter left a lasting legacy and thereafter discuss his larger vision for the organisation.

- Article 99 gives the Secretary-General the right to bring matters before the Security Council. In Hammarskjöld's view this independent political role implied the right of the Secretary-General to take political initiatives and to function as an honest broker. The 'quiet diplomacy' has remained an important part of the office of the Secretary-General.
- The mission of quiet diplomacy should not, in Hammarskjöld's view lead to a quiet Secretary-General. He was the only actor at the political level who owed allegiance exclusively to the UN Charter. He had a duty to react and speak up against violations of it. As both he and Kofi Annan have experienced the exercise of this duty may sometimes provoke angry reactions, especially when great powers are criticised.
- Article 100 requires of the Secretary-General and his staff to 'refrain from any action which might reflect on their position as international

officials responsible only to the Organization'. Hammarskjöld understood that the international civil service must remain independent of the interests of individual states and strive for objectivity. He became, himself, a role model. Not surprisingly, this independence was not appreciated by the Soviet and other Communist governments during the Cold War. It is more surprising – and disconcerting – to see it reported that the currently highest-ranking US citizen in the UN Secretariat, the Undersecretary for the Department of Management, has said that his 'primary loyalty is to the United States of America'.²

- Hammarskjöld initiated UN peacekeeping operations. These operations, not foreseen in the Charter, have become an often successful part of UN efforts to stop or prevent conflicts. Today, there are reported to be 17 UN-led peacekeeping missions with some 70,000 peacekeepers. The cost for this year is around USD 4 billion,³ a fraction of the cost of armed conflicts – quite apart from the cost in lives and suffering. The UN Undersecretary for Peace Keeping recently noted that most armed conflicts in the world today are civil wars and that such UN assistance as disarming former combatants and preventing the international sale of stolen valuables such as diamonds is important to contain conflicts. He further observed that there are today about 25 armed conflicts in the world, down from more than 50 in the early 1990s. He noted, finally, that there is less war than there used to be and that the number of people killed in battle in the world is at present at a 100-year low.⁴ Encouraging! It is also encouraging that the recent New York summit endorsed the idea of a Peace Building Commission to follow up and supplement peacekeeping.

Hammarskjöld's vision for the world organisation

I turn now to Dag Hammarskjöld's vision of the larger role of the UN as it is reflected in the introduction to the Secretary-General's Annual Report to the General Assembly in 1961, dated about one month before his death.

Hammarskjöld saw the Charter as a 'dynamic instrument' through which members could jointly develop 'forms of executive action' to forestall conflicts or resolve them. This vision was very different from another that he described – undoubtedly that advocated by the Soviet Union – which conceived the organisation as 'a static conference machinery' to resolve conflicts. He found support for his vision in the Charter and its Preamble. He noted that:

...they appear, in the main, as a projection into the international arena and the international community of purposes and principles already accepted as being of national validity. In this sense, the Charter takes a first step in the direction of an organized international community...⁵

I think he read in the Charter provisions and Preamble an aspiration for the international community to attain some features deemed essential in national communities, namely:

- the rule of law; where
- each subject is equal before the law; and
- deserving of economic and social opportunity; and where
- the power of legislation can be exercised through majority votes as in a parliament; and where

- force can be used only by the community – except in the case of self-defence.

Let me discuss these features and their present and potential relevance to a better-organised world.

The principle of sovereign equality

Hammar-skjöld quotes the Preamble of the UN, which speaks of ‘the equal rights of men and women and of nations large and small’.

What he wanted to stress, I think, was the rights of the small states in a world dominated by great powers and the need to strive for greater economic equality. No one could claim that these aspects of the principle of equality lost relevance and actuality after 1961. He further sees in the majority voting of the Assembly a hopeful parliamentary feature that sets it apart from an international conference that adopts a treaty, which becomes binding on states only through ratification. Dag Hammar-skjöld notes that the resolutions of the Assembly are, for the most part, non-binding recommendations but he sees the possibility of a gradual development through practice:

...to the extent that more respect, in fact, is shown to General Assembly recommendations to Member States, they may come more and more close to being recognised as decisions having a binding effect on those concerned.⁶

This has not happened. During the 1960s the membership of the UN doubled. A large number of very small states were admitted. Each member has one vote, whether it has 1 billion inhabitants or only 100,000. Resolutions can be adopted by a majority of members representing a small minority of the world's population. Seen in this way the General Assembly has a democratic deficit. As presently constituted it will not move in the direction of becoming a parliament and a legislature for the world, nor will it be able to use its power to decide on the budget of the UN and the size of members' contributions to introduce a world tax system.

This is not to deny that the political or moral – and sometimes even the legal – weight of resolutions of the Assembly can be considerable, when they are adopted with very large majorities or by consensus. Moreover, a common forum is needed, where all governments of the world can voice their views and where initiatives can be taken on issues of global concern, such as world poverty, freshwater resources, human rights and terrorism, the common use of the high seas, HIV and global warming. The current reform proposals maintain this role for the General Assembly.

The UN is not an organisation of democratic states

In the last few years the composition of the UN and its various organs has been criticised by some for including, not so much a large number of mini-states, but so many undemocratic states.

The debate has been caused in part by the specific case of the Commission on Human Rights, which has been elected by the Economic and Social Council (ECOSOC) and which has included a number of countries with poor human rights records. This particular problem might be resolved through one of the current proposals on UN reform, that of the Commission being replaced by a smaller Human Rights Council. This is undoubtedly an improvement though it may prove harder to determine at any given time what are adequate human rights credentials than to identify states that have decidedly poor credentials.

The idea has been advanced of replacing the UN by an organisation of 'democratic states'. The UN was originally formed, as we know, by the alliance of states that won the Second World War and the organisation was declared open to 'other peace-loving states' which were deemed to be 'able and willing to carry out the obligations' of the Charter. This looked like a filter and, indeed, Spain under Franco was not accepted for a long time. However, over time the principle of universality has prevailed for rather simple reasons. On matters such as natural catastrophes, viruses and wavelengths, the world needs mechanisms through which all states, regardless of their political systems, can co-operate. This does not, of course, preclude that special caucuses can be created for states that identify each other as democratic and seek to pursue common goals.

The Security Council

While many have criticised the veto of the five permanent members of the Security Council, Hammarskjöld rightly focuses on the remarkable

feature that unanimity is not required for Council decisions, which may be binding for Members, whether or not they consent, for instance, decisions on economic sanctions. In the power given to the Security Council he sees a hopeful step in the direction of the ‘parliamentary concept’.

During the Cold War the veto frequently led to paralysis of the Council. It is easy to see that it does not fit with the principle of equality, but it seeks to preclude decisions that would authorise enforcement actions against great powers – at least the five who have seats in the Council.

One might question whether retention of the right to a veto can be a vital interest in case of other resolutions than those adopted concerning enforcement under Chapter VII. However, it is not the extent of the veto right, but rather the expansion of the Council that has been the focus of attention in the recent reform discussions. How important is it?

Regrettably much of the discussion has been driven and dominated by the interest of specific states and groups of states in acquiring seats in the Council. In my view the starting-point in the discussion should be Article 25 of the Charter, under which all members agree to carry out decisions of the Council, including decisions on sanctions. This delegation of power to a small group of states sitting in the Council would justify a demand that the Council should be broadly representative of the whole membership and that Council members should act as trustees of the membership.

The aim should not be just to reward some big states with a better platform from which they can pursue their own foreign policy but rather

to make the Council more representative of the states and peoples who may become bound by its decisions. The current composition reflects the wish in 1945 that the military powers in the world should be represented. Today, this appears too narrow a consideration. Both economic power and population need to be reflected, while the total number of seats needs to be kept low for operative viability. I would suggest that the European Union could help keep the Council small by accepting only one seat! A new incentive for a common European foreign policy might be a positive spin-off.

Although no revision has come out of the current reform work, the Council and its Members have in their power to make themselves more representative of the UN membership for whom they act. They could simply pay more attention to their constituents – the membership. In practice, they could consult more closely, especially before important Council decisions, with the members of geographical groups in which they participate. Such a practice would reduce the feeling that especially the permanent five are simply a somewhat disharmonious power cartel.

The rule of law

One of the purposes and principles of the UN is ‘to establish conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained’. Hammar-skjöld rightly saw this principle as another feature in which the Charter reflected standards accepted within states.

He would have been delighted to see the tremendous development that the rule of law has had in the international community in the last 45 years. Large areas of customary international law have been codified under the auspices of the General Assembly – just as the customary law of different parts of Sweden was codified in the early Middle Ages. He would have seen how conventions, declarations and a variety of mechanisms have extended and strengthened human rights and how international criminal law has developed and been applied by a number of tribunals. He would have noticed that international law now covers new subjects, such as space, cyberspace, aviation and nuclear power.

As we have seen, his speculation that increasing respect for General Assembly resolutions might make the Assembly more akin to a parliament has not been borne out in reality. With some exceptions in special fields the world still lacks the institutions that exist in the national sphere and which can adopt rules binding on all, regardless of individual consent.

Treaties, conventions and agreements are the international surrogate for national legislation. Here, states do not become bound unless they have given their consent. It is not surprising that this method of adopting rules is often slow and difficult. Our national legislatures would be reduced to very slow motion, indeed, if they were obliged to adopt rules by consensus.

Non-use of force, self-defence, disarmament

Hammarskjöld notes that the UN Charter outlaws the use of armed force ‘save in the common interest’ and in the exercise of a nation’s inherent

right to resist armed attack. He comments that the UN had several times faced situations in which the rights and wrongs were not clarified. He concludes that it would be vitally important to reach agreement on ‘criteria to be applied in order to distinguish between legitimate and illegitimate use of force’.⁷ He adds that ‘history is only too rich in examples of armed aggression claimed as action in self-defence.’ Indeed.

In what appears to be a direct renunciation of the restrictions laid down in the Charter the United States has been claiming for itself a right to take armed action whenever it perceives a growing threat to itself. The repeated assertions made with respect to Iran and the Democratic People’s Republic of Korea (DPRK) that ‘all options are on the table’, implying notably the option of military attack, are clearly meant to ignore any Charter restrictions.

The High Level Panel appointed by Kofi Annan rejected a right to so-called ‘anticipatory self-defence’ on the ground that the world is full of perceived potential threats and the risk to global order too great for conferring legality on unilateral preventive action. By contrast, it accepted that where states had failed to exercise their responsibility to protect their citizens and humanitarian disasters are arising – as in Somalia, Bosnia, Rwanda and Darfur – the Council would be justified in the last resort to authorise military action, if it is prepared to declare the situation ‘a threat to international peace and security’.

In the report ‘In Larger Freedom’ the current Secretary-General recommended cautiously that the Security Council should adopt a resolution set-

ting out the principles for the use of force and expressing its intention to be guided by them – not very far from the view expressed by Hammarskjöld.

In the recent summit declaration the concept of the responsibility to protect is affirmed, as is the power of the Security Council in the last resort to intervene by force to prevent or stop extreme violations of human rights. However, while there is recognition that an effective and efficient collective security system is needed and that no state can protect itself by acting entirely alone, no comments are made on the preventive or pre-emptive use of force. It is, indeed, unlikely that such questions would get coherent written answers – whether in Security Council resolutions or amendments to the Charter. It is more likely that precedents will slowly show what use of armed force is deemed acceptable by the world community.

On disarmament, Hammarskjöld – not surprisingly in 1961 – writes that direct negotiations between a limited number of key countries are needed as a first step. The Big Powers with their security interests cannot, he says, ‘automatically’ accept a majority verdict, but the Big Powers should not ‘set themselves above, or disregard the views of, the majority of nations’. There must be, he says, an effort to ‘balance’ the Big Power element, recognised in their Security Council status, and the majority element.⁸ The recent UN Summit declaration shows that 2005 has not been the year of reaching this balance.

As I noted, Hammarskjöld felt that in its search for a peaceful world order the authors of the UN Charter had sought inspiration in the principles

that have led to peace within states, notably the equality of individuals and the rule of law. It would seem to me that the lessons to learn in the national sphere are even more telling in the fields of disarmament and the non-use of force.

A fundamental feature in a peaceful nation is that the possession and use of arms is a monopoly in the hands of a government, while in a primitive society there may be widespread possession and use of arms by families, clans and tribes in self-defence, retaliation or for domination. Only when a central power – a chieftain, prince or king – succeeds in establishing himself (with his supporters) as the supreme lord of the land, succeeds in depriving other individuals and groups of any significant armed power and in return extends protection to the disarmed, is the society on its way to a peaceful order – the King’s peace. Introducing the rule of law and democratic institutions was a welcome subsequent development.

Are we to see a world authority emerge that maintains peace globally by obtaining a monopoly on the possession and use of arms in the same manner as central authorities once did in many lands? For several reasons it seems unlikely.

Today some ask the question whether the US is consciously or unconsciously striving for a Pax Americana based not on a monopoly on the possession of arms but on a total military dominance in the world and the power and readiness to decide, if need be alone, on the deployment and use of its armed force.

While American action and co-operation may often be welcome and indispensable for the maintenance or restoration of international peace and security, I think a Pax Americana is improbable. First of all, because, on reflection, any US administration, however anxious it may be to exert influence, is unlikely to want to assume the role of global sheriff and unlikely to get NATO or other groups as vassals. If restoration of peace in Iraq today is problematic for the US, maintaining order in the whole world would be beyond the capability of any single state. Secondly, because economic power may be of increasing importance and it is much more evenly spread in the world.

It seems much more likely that, as in the European Union, which consists of states that have fought untold numbers of bitter bloody wars between each other, development will lead the world towards some federal global structure.

Needless to say, movement will be very slow. As we can see, even small modifications and improvements in the structure and working of the UN are hard to attain – let alone the world parliament that Hammarskjöld saw on the horizon.

Many of the reform efforts of the past years have aimed at modifying old or create new instruments in the UN. If we see the UN as an orchestra the replacement or repair of damaged or missing instruments is important and welcome. However, such action does not help if the first violinist does not want to play or the musicians cannot agree to play from the same score. I have no doubt that the greater problem today does not lie

in the instruments but in the will of the musicians to use the full potential of their instruments – and to play by the same score. I also have no doubt that they will come to feel a growing need for music.

1. IHT, 13 September 2005.
2. A *Washington Post.com* article dated 20 July 2005.
3. Inderfurth, K., in *Baltimore Sun*, 13 September 2005.
4. Guehenno, J.-M., in *The International Herald Tribune*, 12 September 2005.
5. Introduction to the Secretary-General's Annual Report to the General Assembly, 1961.
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*



Photo: Tommy Westberg

*Hans Blix with The Dag Hammarskjöld Medal
19 September 2005*

Questions and answers

Professor Peter Wallensteen: I will take the opportunity to ask the first question myself. In your speech, you described the situation as a sort of bottoming-out. You said that the year 2005 did not achieve much in terms of disarmament, and that the recent summit achieved some reform but not much. Does ‘bottoming-out’ mean that you see some signs of things becoming better in the near future? If so, what are they?

Dr Hans Blix: There are, so far, relatively small signs. Bush’s new administration in the US has done a few things that might not have come about during his first term. One of the first things was, I think, when the US made it known that they would be ready to support the suggestion from Germany, France and the United Kingdom that Iran should become a member of the World Trade Organization if they could reach a settlement on the question of enrichment of uranium in Iran. This was a good sign, I think. This morning, there was a notice in the news on the agreement reached in the discussions with North Korea, where Japan and the US said they would normalise their relations with North Korea – partly a commitment by the US at least not to use nuclear weapons if attacking North Korea. It was also recognised that, at least in due course, North Korea could make use of nuclear energy. These have been long-fought negotiations, and maybe not the last, but certainly the result goes against some of the very tough positions the US has taken in the past. Notably, a realisation of moving towards a normalisation of relations means a détente, whereas declaring that all options are on the table, including the military ones, is an escalation. They might come further with carrots rather than by demonstrating the whip all the time.

Peter Wallensteen: So these are, so to say, diplomatic shifts in position. But, if you look at forces that really would bring about a change – you mentioned costs of armaments and so on – where do you see the forces that will change the direction?

Hans Blix: Well, you remember that before the war in Iraq, there was an expectation that the war would be swift, that the soldiers would be met with flowers and wreaths in the street and that there would be quick operation, just as they thought it would be in Afghanistan. However, it has turned out to be a lengthy, expensive and very bloody operation. So, there is no doubt that there has been disappointment with the military administration's insistence that it would be a swift action to remove this horrible dictator. People are getting tired of an operation that has not produced what they expected. This is why we see signs in the opinion polls that the taxpayer – or public opinion – has become more and more hesitant, doubtful and skeptical about the war. I think, in due course, this will have its impact. I refer to the fact that there are no territorial or geographical conflicts of any major kind in the world as there were earlier. Fights over territory used to be what brought war. We have détente between the big powers, except Taiwan as a risky flash point. So why should one continue then to spend enormous sums on arms, as the US does? Europe does not. In Europe the costs of armament are going down, but in the United States they have gone up, and that's a very heavy burden on the taxpayers. I have more faith in the Ministry of Finance bringing about disarmament than in the Ministry of Defense.

Questions from the audience

Question: I'm a student from the Czech Republic and I study here in the Department of Peace and Conflict Research and I would like to ask you whether you were exposed to any kind of pressure from either the Iraqi or the American side during your inspections in Iraq?

Hans Blix: Well, everybody seems to think so. I have consistently declared that my relations with the US Mission – Negroponte and Condoleezza Rice, the Security Councilor and Colin Powell – were entirely correct and appropriate. There was tremendous pressure from the media and, as we know, the media is often used as a channel by the US administration

to bring pressure on people. But I was in the lucky situation that I really didn't have time to read all these newspapers. I used to read the New York Times. But I didn't read the New York Post or the Washington Post. However, friends told me that the media sometimes tried to skin us alive. We followed the Hammarskjöld tradition and acted as international civil servants who try to give the facts as objectively as they can.

Secondly – something I am glad to say in this academic hall – critical thinking is absolutely essential wherever you are, and universities stand for critical thinking. If we do not critically examine the facts – also what you have said yourself – we are lost. I remember Barbara Tuchman, writing about the period of the plague. An academy of medical people in Paris was asked about the reason for the plague and they came up with an answer, after months of brooding, that it had to do with a particular constellation of the stars. Wonderful! You don't get anywhere if you don't apply critical thinking, and superstition is the worst thing. I believe that what the US leaders launched themselves into was some kind of medieval witch-hunt, if you will. They had decided who was guilty and they looked for evidence that would fit and would convince them. A black cat was evidence of a witch. They didn't see black cats, but they saw imports of uranium oxide from Niger to Iraq, and that was about as bad. No, the pressure was not from official quarters, it came through the media. And critical thinking was our job; the Security Council had given us a mandate, which we followed, and the Security Council was pleased with us. Some people think that we stood against the war. I think it would have been somewhat presumptuous to take on that attitude. It was for the Council, the body of the UN appointed to look at war and peace, to make the decisions. Our job was to find out what the situation was on the ground by using our professional ability and to report our findings accurately. That was what we did and we never got any criticism from the Council, neither from the United States nor anybody else.

Question: I am a student in the Political Sciences Department here in Uppsala. Mr Blix, do you support and would you think it possible for the UN in the future to become much more sovereign and have a permanent peacekeeping unit, so that in fact, in the long run, the UN would become a sort of world government and the whole world would become one country?

Dr Hans Blix: Well, it's a very long run! There have been proposals for standing peacekeeping units – UN troops (the Dutch have been very active on that). I think that it is unlikely that the US, perhaps even under an administration that is less chauvinistic, shall we say, than the Bush administration, would go along with it. Because if you have the troops already available, maybe it will be easier to employ them, and I think that the big powers would probably like to decide in each individual case whether they should be used or not. They exercise the power of the purse. But some movements are there. First of all, in Sweden as well as in some other countries, we have troops that are trained for peacekeeping. I heard that the Supreme Commander said that, during conscription, preference might be given to people who are willing to serve abroad. Apparently, we do not worry about the Russians any longer, but we are thinking of peacekeeping, which is a good thing.

You have similar movements in other countries. In the recent Summit Declaration, there is a reference to setting up prepared police units – not military units. Slowly, we are going in that direction. Presently, the peacekeepers are usually from the poor part of the world – for example Bangladesh, India and Pakistan – and they carry a heavy burden. I don't think it is desirable to have European or American peacekeepers in Africa. It is more desirable to organize peacekeeping on regional bases. But we must realise that some regions might not have the resources for it and that, therefore, the rich part of the world will have to pay for it.

When you ask about a world government, I think it is very far away and I am more focused on the immediate steps we can and should take than

a more distant structure of a world constitution. I can see, as an international lawyer, that we are not going to get a world legislature, but I find a new interesting phenomenon. In the wheat council, for example, states participating do not have one vote each, but they are voting as wheat powers. You get votes according to how many tons or thousands of tons of wheat you produce. The influence you have depends upon the role you play. You have similar phenomena in other areas – tonnage of shipping, for instance. You have another element in the World Health Organization. When they vote for sanitary regulations – an important thing in this period of avian flue – they use majority voting and the regulations become binding unless you opt out. That is to say, you don't have to give an express consent – you have to give an express dissent. Well, it still preserves sovereignty – you can avoid the obligation. But you can see a creeping way of getting rules adopted for the international community with less need for an individual yes. In the European Union, of course, this is there, but in the international community, you can also see a beginning of it. It's going to take a long time.

I also think that while countries like the US, and many others, often struggle against setting up international secretariats, you will find that in many situations, it is practical for nations and more economic for them to pool their resources and have an international secretariat. They dislike the idea of channeling any money to international secretariats, but in reality, it is a very practical thing. I'm not defending bureaucracies and we have seen problems in the Oil for Food Programme. Mr Volker has reported on a lot of mismanagement – some corruption – but there is nothing about it in the Summit Declaration. There, you find only support for the Secretary General to improve the administration of the Organization. If people really focused on the story of the Oil for Food Programme, they would find that it was the construction of the programme that enabled Saddam Hussein to slice off a lot of money. I shall not delve more deeply into this on this occasion, but I think, again, that critical thinking is important if you are to see through things and see the reality.

Question: I'm a student in the Department of Peace and Conflict Research in Uppsala. How, in your personal experience, do you see the current standoff between Iran and the world community in regard to nuclearisation? And what do you think will happen, actually?

Dr Hans Blix: Well, I mentioned the case of North Korea a while ago, where there seems to have been some kind of breakthrough under which a normalisation of relations and the commitment to non-use of, at least, nuclear force, have helped to create the security that North Korea needed. North Korea is a country that had friends in Russia and in China – *had* friends, but not any longer. They felt a threat from the United States saying that all options were on the table. Now, they were given assurances that they would be left alone and not be invaded. Well, who would invade North Korea to take over the economic misery of the place? I don't think anyone would. But the example, I think is important for the case of Iran, which you mentioned.

I don't think Iran would have any rational reasons to have nuclear weapons. I don't think it would help them. But, *they* may think so. There are several features that, indeed, make us suspect that they might want to go for nuclear weapons. I don't think that there is proof, but a 40 MW research reactor based on heavy water would produce spent fuel that would be very good to reprocess and get plutonium. So, I can easily understand these suspicions. If Iran, or some of the sectors within Iranian society, wanted to go for nuclear weapons, I think, again, that you have to look at the security reasons. We know that they began a nuclear research programme in the middle of the 1980s. That was the time when Saddam Hussein was developing his nuclear weapons. It was not Israel that stimulated the Iranians to go for enrichment, but Iraq.

Today Iraq is not a risk – though it could become so again in 10 years, who knows? They have the people, they have the talents, and Iran, I think, watches the risks posed by Iraq and Israel. There has been an idea of creat-

ing a zone free of weapons of mass destruction in the Middle East, including Iran and Israel. All countries in the region voted in favour of it, but of course it cannot come about until the peace process has gone much further than it has. Iran was the first country, To raise the idea of creating this zone in which all of them subscribed to doing away with any nuclear weapons and accepting effective inspections. It will take time before we get there. I think that the United States, instead of dragging Iran before the Security Council and talking about sanctions and all the options being on the table, should focus on security, on making sure that the US has no intention of achieving another regime change. Mossadegh was thrown out partly due to the CIA, so regime change is something that Iran may fear, plus attacks by cruise missiles, but perhaps more likely subversive means. I think that if the carrot – that they would be left alone, left in peace – were dangled before them, the chance of getting Iran to voluntarily renounce or suspend the enrichment would be greater. It is not certain, though.

Brazil, South Africa and Japan are also non-nuclear weapon states that enrich uranium. They are parties to the NPT (Non-Proliferation Treaty) – non-nuclear weapon states – but they enrich uranium and no one complains about it. Israel is not party to the NPT, but they have a capacity to make plutonium, though we don't know if they are actually still doing it, and no one is complaining, at least not publicly. Therefore, the Iranians can say to themselves: 'Look, you are asking us not to take one step towards enrichment of fuel that we need for our power reactors, but you are not saying to Israel that they should stop reprocessing'. I think that an attitude of trying to reassure Iran that they will be left alone and not attacked would be wise. Moreover, if the US went for an escalation of the conflict with the Iranian Mullahs, the result would be that they would drive the Iranian population, of which a large percentage is negative towards theocratic government, into supporting the regime.

Question: I'm an exchange student from the Canisius College (Jesuit College), Buffalo, New York. I am currently studying in the Department of Gov-

ernment in Uppsala. In your opinion, does the UN have a plan in place for increasing member states' cooperation, and if not, do they have a plan to develop such a plan?

Dr Hans Blix: Well, I likened the UN to an orchestra a while ago, and I think it is for the members of the orchestra to decide if they want to play. It's not the Secretary General who decides that. There is a tendency in the world to look at the UN as a sort of foreign state that is helpful or that is negative. It is a tool through which states cooperate in the world. You have a secretariat that serves it, which should be impartial and give them the material. It also carries out a lot of the operations decided by the member states. The member states sitting in the Security Council, the General Assembly or the Economic and Social Council act under the instrument of the UN constitution. It is for us and for the US and for all other members to say if we find this instrument useful. Or can we, as Mr Gingrich asserted in an article the other day, do without the UN? We need some multilateral cooperation, he said, but we can find some other mode of doing it than through the UN.

I don't think that these negative tones will prevail. I think that the UN will be found to be the natural instrument. They will do away with some mismanagement – it's a huge organisation with a big bureaucracy – but my experience of the UN system – 16 years at the IAEA – is that corruption is not common. You find petty corruption – as in governments or corporations, where people are fiddling with their travel claims, for instance – but no big corruption. You find peacekeeping soldiers, in the Congo recently, who have misbehaved – sexual transgressions etc, and this must be punished, but you also find such behavior in national armies that are moving around.

I think it is in our power to do something with the UN. I think that our country, Sweden, has been a very loyal member of the UN and it's not only because of idealism. It's also that a small society has greater use for

the law and for order within the international society than the big ones who can usually fend for themselves. The US has been a very supportive country of the UN. Many of the reforms, much of the disarmament, a great deal of the development have been made possible thanks to an enlightened attitude on the part of the United States, and there has been a lot of idealism too. The neo-conservatives have sometimes been called ‘Wilsonians in boots’ and there is something to that. I begin to see, as I said, a bottoming-out. I see some hope, though I’m not sure about how fast it will go – maybe there is hibernation ahead of us. I would like to hope that the present attitude may have run its course and that there is some dawn ahead of us. There is a chance that the US will change its attitude somewhat and that we will move into a better use of the orchestra which is there and which is ours.



Uppsala University

Uppsala University, founded in 1477, is the oldest and best-known university in Scandinavia. Famous scholars such as Rudbeck, Celsius and Linnaeus were professors at the university. Seven Nobel Prize laureates have been professors at the university, among them Archbishop Nathan Söderblom, who was also the University's Pro-Chancellor. He received the Nobel Peace Prize in 1930.

In the same year Dag Hammarskjöld completed his studies at Uppsala with a bachelor's degree in Law. He had begun his studies in 1923, received a BA in Romance Languages, Philosophy and Economics in 1925 and took a further post-graduate degree in Economics early in 1928.

In 1981, the Swedish Parliament established a Dag Hammarskjöld Chair of Peace and Conflict Research at Uppsala University. The university's international studies library is also named after Dag Hammarskjöld.

Dag Hammarskjöld Foundation

The Dag Hammarskjöld Foundation was established in 1962 in memory of the second Secretary-General of the United Nations. The purpose of the Foundation is to search for and examine workable alternatives for a democratic, socially and economically just, ecologically sustainable, peaceful and secure world, particularly for the Global South.

Over the years, the Foundation has organised over 200 seminars and workshops and produced over 150 publications of material arising from these events, among them the journal *Development Dialogue*.

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