

A FAREWELL TO WARS

Since World War II, there has been a trend toward fewer wars, the Russian invasion of the Ukraine standing as a major ‘aberration’. With decades of experience as an international lawyer, diplomat and head of UN Iraq inspections, Hans Blix examines conflicts and other developments after World War II. He finds that new restraints on uses of force have emerged from fears about nuclear war, economic interdependence and UN Charter rules. With less interest in the conquest of land, states increasingly use economic or cyber means to battle their adversaries. Such a turn is not free from perils but should perhaps be welcomed as an alternative to previous methods of war. By analysing these new restraints, Blix rejects the fatalistic assumption that there will always be war. He submits that today leading powers are saying farewell to previous patterns of war, instead choosing to continue their competition for power and influence on the battlefields of economy and information.

Hans Blix is a Swedish diplomat who has previously served as Foreign Minister of Sweden (1978–1979), Director-General of the International Atomic Energy Agency (1981–1995) and Chairman of the UN Monitoring, Verification and Inspection Commission for Iraq (2000–2003). He has previously published *Disarming Iraq* (2004) and *Why Nuclear Disarmament Matters* (2008).

A Farewell to Wars

THE GROWING RESTRAINTS ON THE
INTERSTATE USE OF FORCE

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Foreword

At the end of the World War II, I was a student at the Law Faculty of Uppsala University. Like others, I wondered how the horrors of wars can be avoided in the future. I began to take a special interest in international law and in the ongoing establishment of the United Nations (UN). I felt that an expansion of international law and world organization would be one necessity among many.

Luck had it that in 1950 I won a prize in an essay contest organized by the UN. Writing on the subject of the security system and the Security Council, I had suggested that the veto was in effect a procedural tripwire created in recognition of the great power resistance that could come if the Council should attempt major (i.e., non-procedural) actions without the consent of its five permanent members. Removing the tripwire would not remove possible resistance.

The prize given to me and a dozen others was a journey to New York and a month of study at the UN headquarters and General Assembly. This was during the 1950 session, when the UN armed action countering North Korea's attack on South Korea was still ongoing. The so-called Acheson plan was adopted that traced a way for the Assembly to recommend action in cases where the Security Council had been blocked from decision by a veto. It was an exciting time to be at the UN and I decided to continue with studies in international law.

I was privileged to study under two wonderful professors. Sir Hersch Lauterpacht was one of the world's leading authorities in international law and later Judge of the International Court of Justice. He was an erudite fatherly guide to his students and his encouragement and help during my years at Cambridge led me to my PhD and professional path. At Columbia University in New York, I was privileged to study and work under Philip Jessup, an engaging legal thinker and teacher, later – like Sir Hersch – Judge of the

International Court of Justice. I stand in gratitude to these two inspiring professors and to my professor and friend at Stockholm University, Hilding Eek.

After my studies in the United Kingdom and the United States and a short period of teaching at Stockholm University, I moved from academia and embarked on a life of practical international work. For nearly twenty years, I was active in Sweden's Ministry for Foreign Affairs as advisor on international law, state secretary and minister. I watched the Cold War around us and the risks of it erupting into armed conflicts – notably during the Cuban nuclear missile crisis 1962.

I came also to better understand how the ever-growing fabric of legal commitments by states is fundamental for the operation of the modern world. I felt then and still feel that participating in the creation of conventions and regulations was one of the best ways in which a young lawyer could contribute practically to the development and strengthening of the international society.

I took part in the drafting and adoption of the convention codifying the law of treaties – the law of contract of the world community. Later, as Director-General of the International Atomic Energy Agency (IAEA), I experienced the working out of treaties like the convention on the safe disposal of radioactive waste and the protocol on more effective safeguards inspections of nuclear installations and material. Even international declarations that prepare the ground for or explain existing binding international rules are of importance for the gradual consolidation and evolution of the international community.

I was glad to be an active part in working out the so-called Friendly Relations Declaration that was unanimously adopted in the UN General Assembly in 1970. In that work, I took part in a thorough international examination and useful amplification of the central rules of the Charter prohibiting the threat and use of force and intervention. And at the UN's First Conference on the Human Environment in Stockholm 1972, I played the leading role in the drafting of the Declaration.

The negotiations in the Eighteen Nation Disarmament Committee in Geneva were more frustrating. As legal adviser to Ambassador Alva Myrdal, who headed the Swedish delegation to the Eighteen Nation Disarmament Committee, and later as leader of the Swedish team at the conference updating the laws of war, I often experienced categorical resistance to proposals that would have meant some limitations on military actions.

Even more dismaying has been to witness how generally accepted rules relating to the use of force have been violated. While the grabbing of territory has almost ceased since World War II, Iraq under Saddam Hussein waged a long war against Iran and attacked and occupied Kuwait in 1990. Russia has

violated the central UN Charter norms through armed interventions and war in Georgia and Ukraine and through the annexation of territory.

To the shock of much of the world in 2003, the United States and the United Kingdom and some other states that used to champion a rule-based international order occupied Iraq, although they had no support for the action from a majority of the Security Council. The invasion was all the more dismaying in that they ignored the reports of the international inspections (United Nations Monitoring, Verification and Inspection Commission) for which I was responsible; the invading states alleged a continued Iraqi possession of prohibited weapons. Rather than relying on UN observations and reports that they had themselves requested through the Council, they chose to rely on their own erroneous information and ignored the UN machinery. Where did this leave the authority of the Security Council?

On retirement, after seeing our UN inspectors replaced by US troops, I have had time to ponder more generally the different kinds of restraints – legal, military, economic, diplomatic and other – that exist to the interstate use of force. An invitation to give the 2004 Lauterpacht lectures at Cambridge gave me an early opportunity to present thoughts on the subject. Chairing an International Commission on Weapons of Mass Destruction in 2004–06 and participating in the worldwide non-governmental discussion gave further insights and ideas. This book on current restraints to the interstate use of force has slowly emerged.

I am aware that to be treated properly the subject would require a team of specialists in history, philosophy, warfare, nuclear weapons, missiles, cyber techniques, diplomacy, economy, law and psychology. The book I have written does not pretend to be a comprehensive scholarly examination of the subject of restraints to the interstate use of force and intervention. Rather, it presents thoughts and observations based on my studies and work and participation in the worldwide debate. It reflects my active engagement in the work of the General Assembly and under the authority of the Security Council and many years of administration of the IAEA. The text is entirely my own and reflects what I have learnt and experienced and it shows the limitations in that learning and experience.

I must acknowledge three specific limitations. First, my discussion takes into account only events up to mid-December 2022, when the manuscript was submitted. Second, it is centred on Western experience. I apologize for not covering doctrines and practices outside this sphere. Third, I do not deal with civil wars and strife – in which no force is injected from the outside. As a large part of the force used in the world today is in civil wars and in failed or failing states, this is a significant limitation.

My friend Randy Rydell, retired senior officer of the UN Secretariat's Office for Disarmament Affairs with vast knowledge and long experience of international and UN affairs, assisted me in finalizing the whole book manuscript. I stand in greatest gratitude for his extensive and spirited help. I stand in similar debt to The Stockholm International Peace Research Institute for allowing Jakob Faller to assist me. With exceptional skill, he has found and researched relevant material and helped to spot contradictions and overlaps in my texts.

Many other colleagues and friends have read parts of the manuscript and offered helpful advice and suggestions. I thank them all but will only name my lifelong friend Stephen M. Schwebel, former president of the International Court of Justice. He has generously read the whole manuscript and made comments that I have taken to heart.

During my years of writing on this book, my wife and our two sons, Mårten and Göran, have constantly encouraged me and urged me on. Especially after I was hit by tick-borne encephalitis in 2021, Mårten, who lives in Stockholm, has cheered me on and up and given me great and invaluable help and advice. My wife, Eva Kettis, has had the patience to read innumerable drafts of chapters over the years and offered her sound judgement.

The tone and style in this book is – at least is meant to be – dispassionate. I seek to pursue inquiries and provide accounts that are not coloured by emotion. This should not be interpreted as an indifference on my part in regard to different types of governance or government actions. I have been lucky to be born in and grow up in a liberal, tolerant country in which all major groups of opinion are represented in parliament through fair and general elections and where respect for law is high and corruption is rare. This is a kind of governance that I think all would enjoy.

However, political, economic and social history varies greatly between states. While in a super-connected world the winds of thoughts and philosophies reach and influence everywhere, they cannot be imposed by force. States must and will themselves stake out their own future. I take hope in the continued development and influence of what I call the 'public mind'. Over time, laws and the conduct of states and individuals are influenced by the opinions of the public. These may be contradictory within states as between states, but they may also be converging – as they were on the abolition of slavery and now on the need to counter the threat of global warming and loss of biodiversity.

The public mind has also developed and converged – even internationally – on restraints on the use of force and violence. The Islamic State of Iraq and Syria (ISIS) stood for a shocking regional relapse to a mentality of

barbarism. I believe the expanding elimination of and resistance to the death penalty is the true reflection of today's public mind. We can also see that while wars of conquest or colonization or interventions by force were often cheered by the public in the past, today's public mind is averse to this use of force. It has been manifested most recently in the worldwide reactions to Russia's armed invasion of Ukraine.

Abbreviations

ABM	Anti-Ballistic Missile
ASEAN	Association of Southeast Asian Nations
AU	African Union
AUKUS	Trilateral Security Agreement between Australia/United Kingdom/United States (2021)
BC	Biological, Chemical (weapons)
BRICS	Brazil, Russia, India, China and South Africa
BW	Biological weapons
CFE	Conventional Armed Forces in Europe (treaty)
DOD	United States Department of Defense
DPRK	Democratic People's Republic of Korea
DR CONGO	Democratic Republic of the Congo
ECOWAS	Economic Community of West African States
ENDC	Eighteen Nation Disarmament Committee
EU	European Union
G7	Group of Seven
G20	Group of Twenty
G77	Group of 77
IAEA	International Atomic Energy Agency
ICC	International Criminal Court
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
INF	Intermediate Nuclear Forces agreement of 1987
INFCIRC	Information Circular (IAEA)
ISIS	The Islamic State of Iraq and Syria
JCPOA	Joint Comprehensive Plan of Action
LAFTA	The Latin American Free Trade Association
LAWS	Lethal Autonomous Weapons Systems

MAD	Mutual Assured Destruction
MED	Mutual Economic Dependence
NATO	North Atlantic Treaty Organization
NNWS	Non-nuclear-Weapon State(s)
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NWS	Nuclear-Weapon State(s)
OAS	Organization of American States
OAU	Organization of African Unity
OPCW	Organisation for the Prohibition of Chemical Weapons
OSCE	Organization for Security and Cooperation in Europe
P5	Five Permanent members of UN Security Council
PLA	People's Liberation Army
PLO	Palestine Liberation Organization
QUAD	Quadrilateral Security Dialogue between Australia/India/ Japan/United States (since 2007)
R2P	Responsibility to Protect
ROK	Republic of Korea
SALT	Strategic Arms Limitation Talks
SCO	Shanghai Cooperation Organization
SS	Schutzstaffel
START	Strategic Arms Reductions Talks
TPNW	Treaty on the Prohibition of Nuclear Weapons
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNMOVIC	United Nations Monitoring, Verification and Inspection Commission
UNSCOM	United Nations Special Commission (Iraq)
WTO	World Trade Organization
WWII	World War II