

# 1. Introduction: International stability and human security in 2019

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As the second decade of the 21st century ended, there was little sign of relief from the generally disturbed and concerning state of international security that has characterized it. Recent editions of the annual review by SIPRI of developments in armaments, disarmament, arms control and security—of which this is the 51st edition—have set out the evidence of that deterioration in the conditions for international stability. Not all developments across the years have been negative. Some elements of international cooperation—a major precondition for stability—remain in place, functional and vibrant. However, while an overall judgement of how the evidence weighs up necessarily contains aspects of subjectivity, it is a widely shared view that the deterioration continued in 2019.<sup>1</sup>

As in previous years in the decade, this trend is reflected in the continued rise in military spending and estimated value of global arms transfers, as well as in an unfolding crisis of arms control that has now become chronic. Forming a malign part of the context is the increasingly toxic nature of global geopolitics, which is especially visible in relations between China and the United States, and in regional rivalries. These produced flashpoints during 2019, especially in the Middle East and South Asia, that an increasingly divided international community appeared to lack capacity or will to manage safely. The deficiencies of international crisis management that these moments revealed were striking. This was perhaps especially concerning because there remains a stubbornly high number of armed conflicts worldwide. The indications were that lethality levels were lower than in earlier years—according to one report, there were 17 per cent fewer conflict-related fatalities in 2019 than in 2018, driven largely by a decrease in battle-related events.<sup>2</sup> However, there were few signs of negotiated settlements in view.

In the background, the climate crisis has continued to unfold. Scientific evidence has advanced and the impact of climate change is becoming more

<sup>1</sup> See e.g. the assessment by the Science and Security Board of the Bulletin of the Atomic Scientists, reviewing the international scene at the start of 2020, to set the time on the 'doomsday clock' closer to midnight than ever before: Bulletin of the Atomic Scientists, 'Closer than ever: It is 100 seconds to midnight', 23 Jan. 2020.

<sup>2</sup> Kishi, R. et al., *Year in Review* (Armed Conflict Location & Event Data Project: Mar. 2020). For analysis of all armed conflicts and peace processes in 2019, see chapters 2–7 in this volume.

visible in the form of extreme weather events. An apparently growing public awareness of climate change and other environmental issues during the course of 2019, combined with high-level declarations of intent such as those articulated during the United Nations Climate Action Summit in September, were welcome signs that opinion was moving decisively towards support for serious action to address the problem. However, action remains hard to organize and stimulate, and there will be a considerable time lag between action and impact. Further increase in average global temperatures is inevitable, no matter how much and how quickly greenhouse gas (GHG) emissions are reduced. As important and urgent as such measures are, adapting to the impact of climate change and building resilience in the short to medium term are just as necessary. Without them, the security agenda of the 2030s risks being so full of shocks and stresses as to be essentially unmanageable for many countries in all regions of the world.

Arguably, there has never been more need of international cooperation for jointly responding to shared challenges. Yet there appears to be a declining appetite for it among the great powers and a worrying amount of drift in international politics. No single one of the challenges alluded to here is incapable of solution. True enough, the complexity of many of today's armed conflicts poses great difficulties for efforts to reduce violence and resolve conflicts. Similarly, the onward march of technology is hard to restrain, in part because there are many benefits, some of them of world-changing importance. And responding successfully to climate change is an enormous task because the problem is a product of core economic features of how contemporary societies are organized. But in conflicts, similar problems have been faced and managed in the past. There is a solid history of successful regulation of technological development. And the instruments for reducing GHG emissions and adapting to the pressures on human society produced by unavoidable climate change are well established and available. What is missing so far is the will to work practically, cooperatively and on an international scale to address these diverse issues.

The following chapters of this Yearbook set out the data and analysis on which these broad conclusions are built. This introductory chapter offers an overview of trends and issues that require action by the major powers, and in particular cooperation among them, in order to avoid major insecurities and conflicts. The chapter shows how the international response to key flash-points during 2019 and the approach to arms control lacked the cooperative dimension. International cooperation is likewise a key ingredient for success in minimizing and managing the negative security consequences of climate change. As 2020 began and the threat of coronavirus disease 2019 (COVID-19) emerged—the most serious immediate global challenge faced in a long time—international cooperation was again deficient.

Respect for the international laws and norms that underpin cooperation has declined in recent years. Their importance cannot be neglected if the international system is to function on the basis of cooperation rather than confrontation.

## I. Flashpoints

More than in recent years, events in 2019 raised the prospect of war between major powers in the Middle East and in South Asia. Such a war did not occur and was at no time the probable outcome in either setting. Yet, as missile strikes, proxy attacks and challenges to freedom of navigation in the Persian Gulf unfolded in mid-2019, it was not unreasonable to contemplate the possibility that Iran might be at war with Saudi Arabia and other regional powers, and potentially with the USA. Armed clashes also increased between two nuclear-armed states, India and Pakistan, over Kashmir. Again, escalation did not appear completely out of the question. Although in both cases the crisis calmed, the kind of crisis management that has in the past been achieved through high-level diplomacy conducted by the UN or an uninvolved major power was not visible. In the case of events in the Gulf region, this may be largely traceable to Russia and the USA positioning themselves to back opposing sides in regional politics; in the case of Kashmir, it might rather be understood as a case of the global powers being unwilling to attempt to impose a compromise on two major regional powers. It is perhaps too soon to conclude that this indicates an international systemic deficiency of worrying proportions. Nonetheless, the world seemed to get too close for comfort to a situation of considerable danger more than once in 2019.

### **Crisis in the Strait of Hormuz**

The Strait of Hormuz is the narrow seaway between the northern tip of the peninsula of the United Arab Emirates (UAE) and, to its north, the coast of Iran. It is the world's most important choke point in the sea transport of oil: approximately 19 per cent of the world's total petroleum oil supply, or about one third of what is traded internationally, passes through the strait each year.<sup>3</sup> From May to July, attacks against oil tankers in the strait highlighted the risk of a regional conflagration and put the principle of freedom of navigation in jeopardy. This principle is of paramount importance in an interconnected, trade-dependent world economy characterized by just-in-time supply chains.

<sup>3</sup> US Energy Information Administration, 'World oil transit chokepoints', 25 July 2017, updated 15 Oct. 2019. The Energy Information Administration defines world oil chokepoints as 'narrow channels along widely used global sea routes'.

The background to the incidents lay in part in the regional rivalry between Iran and Saudi Arabia, and in part in the termination of the Joint Comprehensive Plan of Action (JCPOA), often known as the Iran nuclear deal. In early May 2019 the USA tightened sanctions on Iran by revoking waivers on all remaining oil exports from Iran. Previously, Iran had threatened to close the Strait of Hormuz in response to such sanctions.<sup>4</sup> At the same time, the USA strengthened its regional naval presence with an additional aircraft carrier strike group.<sup>5</sup> It also reportedly updated its military plans for the region, including a provision to send up to 120 000 troops to the Middle East should Iran attack US forces.<sup>6</sup> Tensions rose sharply thereafter and a series of armed actions began that continued throughout the year. Iran responded to the increased economic sanctions by suspending some of its own nuclear restrictions and threatened to exit the 2015 nuclear deal altogether.<sup>7</sup>

Four commercial vessels, including two Saudi Arabian oil tankers, were attacked off the coast of the UAE on 12 May and two more on 13 June. Rejecting US allegations that Iran was responsible for the attacks, Iranian Foreign Minister Mohammad Javad Zarif nonetheless warned that the USA ‘cannot expect to stay safe’ in what he described as a US ‘economic war’ against Iran.<sup>8</sup> Escalation continued on 4 July when the British navy seized a tanker off the coast of Gibraltar. The United Kingdom justified the action by arguing that the tanker was carrying Iranian oil to a refinery in Syria in violation of European Union (EU) sanctions.<sup>9</sup> Six days later Iran attempted to seize a British oil tanker in the Strait of Hormuz before successfully seizing two foreign oil tankers and their crews on 18 and 31 July.<sup>10</sup> The USA responded by seeking to expand its international coalition to protect merchant vessels in and around the Strait of Hormuz. However, only Australia, Bahrain and the UK initially joined the coalition force, with Saudi Arabia and the UAE joining later.<sup>11</sup> In the months following, despite a reported attack on an Iranian vessel

<sup>4</sup> *The Guardian*, ‘Iran threatens to block Strait of Hormuz over US oil sanctions’, 5 July 2018.

<sup>5</sup> Lubold, G. and Gordon, M. R., ‘US deploys forces to Mideast to deter Iran’, *Wall Street Journal*, 5 May 2019.

<sup>6</sup> Schmitt, E. and Barnes, J. E., ‘White House reviews military plans against Iran, in echoes of Iraq war’, *New York Times*, 13 May 2019.

<sup>7</sup> Sanger, D. E. et al., ‘US issues new sanctions as Iran warns it will step back from nuclear deal’, *New York Times*, 8 May 2019. On developments in the Iran nuclear deal, see chapter 11, section III, in this volume.

<sup>8</sup> Wintour, P., ‘Iran’s foreign minister warns US “cannot expect to stay safe”’, *The Guardian*, 10 June 2019.

<sup>9</sup> BBC, ‘Oil tanker bound for Syria detained in Gibraltar’, 4 July 2019.

<sup>10</sup> Starr, B. and Browne, R., ‘Iranian boats attempted to seize a British tanker in the Strait of Hormuz’, CNN, 11 July 2019; France 24, ‘Iran seizes foreign tanker with 12 crew “smuggling fuel” in Gulf’, 18 July 2019; and Yee, V. et al., ‘Iran says it has seized another oil tanker in Persian Gulf’, *New York Times*, 4 Aug. 2019.

<sup>11</sup> Morgan, W. and Toosi, N., ‘US-led Gulf maritime coalition “rebranded” to attract more countries’, Politico, 5 Aug. 2019; UK Cabinet Office et al., ‘UK joins international maritime security mission in the Gulf’, 5 Aug. 2019; and Neuman, S., ‘Australia joins US-led maritime force protecting Persian Gulf shipping’, National Public Radio, 22 Aug. 2019.

in the Red Sea in October, some of the heat seemed to go out of the maritime side of the aggravated confrontation in the Gulf region.<sup>12</sup> However, the action had merely moved to other arenas.

There was a dramatic increase in Iranian–US tensions in June when Iran shot down a US surveillance drone, stating it was in Iranian airspace.<sup>13</sup> The USA denied the intrusion. US President Donald J. Trump reportedly authorized military strikes against Iranian radar and missile batteries, only to reverse his decision some minutes before the attack was due to be launched.<sup>14</sup> Instead, the USA carried out cyberattacks against Iran’s missile control systems and an Iranian intelligence organization that it believed responsible for the June attacks on the two oil tankers.<sup>15</sup>

Saudi Arabia had already accused Iran of a drone and missile attack on a Saudi Arabian oil pipeline in May, despite the strikes being claimed by Houthi forces in Yemen (see chapter 6, section V).<sup>16</sup> Tensions spiked again in the wake of a series of drone and cruise missile attacks on Saudi Arabian oil facilities on 14 September. The strikes temporarily shut down about half of Saudi Arabian oil production. Again, the Houthi rebels in Yemen claimed responsibility for the attacks, but some EU member states, Saudi Arabia and the USA accused Iran.<sup>17</sup> President Trump weighed up the option of retaliatory air strikes—tweeting the day after the attack that the USA was ‘locked and loaded’—before choosing instead to pursue a more cautious approach: imposing new sanctions on Iran and increasing military aid to Saudi Arabia.<sup>18</sup>

Efforts by French President Emmanuel Macron to broker a meeting between the Iranian and US presidents in September came to nothing, yet tensions appeared to ease somewhat in October and November. Iran and Saudi Arabia were reported to be working through intermediaries to establish a dialogue, and in early December Iran and the USA exchanged prisoners.<sup>19</sup> However, the final month of the year was more notable for an escalating

<sup>12</sup> BBC, ‘Iranian oil tanker attacked off Saudi coast, foreign ministry says’, 11 Oct. 2019; and *Times of Israel*, ‘Iran says 3 tankers attacked in Red Sea in six-month period, warns route unsafe’, 7 Nov. 2019.

<sup>13</sup> Deeks, A. and Anderson, S. R., ‘Iran shoots down a US drone: Domestic and international legal implications’, *Lawfare*, 20 June 2019.

<sup>14</sup> Shear, M. D. et al., ‘Strikes on Iran approved by Trump, then abruptly pulled back’, *New York Times*, 20 June 2019.

<sup>15</sup> Barnes, J. E. and Gibbons-Neff, T., ‘US carried out cyberattacks on Iran’, *New York Times*, 22 June 2019.

<sup>16</sup> Deutsche Welle, ‘Houthi rebels attack Saudi oil pipeline’, 14 May 2019.

<sup>17</sup> Kirkpatrick, D. D. et al., ‘Who was behind the Saudi oil attack? What the evidence shows’, *New York Times*, 16 Sep. 2019; and International Crisis Group, ‘After the Aramco attack: A Middle East one step closer to its “1914 moment”’, *Commentary*, 20 Sep. 2019.

<sup>18</sup> Quilantan, B., ‘Trump says US “locked and loaded” after attack on Saudi oil’, *Politico*, 15 Sep. 2019; and Gibbons-Neff, T., ‘New US aid to Saudi Arabia will include 200 troops’, *New York Times*, 26 Sep. 2019. On US military bases in the Middle East, see Musto, P., ‘US–Iran dispute brings attention to military bases in Middle East’, *Voice of America*, 6 Sep. 2019.

<sup>19</sup> Fassihi, F. and Hubbard, B., ‘Saudi Arabia and Iran make quiet openings to head off war’, *New York Times*, 4 Oct. 2019; and Crowley, M., ‘In prisoner swap, Iran frees American held since 2016’, *New York Times*, 7 Dec. 2019.

series of military clashes in Iraq between Iran's allies and US forces. These culminated just after 2020 began in the targeted killing of General Qasem Soleimani, a senior commander in the Islamic Revolutionary Guards Corps, who was regarded as one of Iran's most effective generals and influential individuals.<sup>20</sup>

Escalation raised the prospect of asymmetric warfare unfolding. Those regional powers that looked most likely to be involved—Iran on one side and Israel, Saudi Arabia and the UAE opposing it—would each be vulnerable to attacks on their homelands. Were Russia or the USA to be engaged, their greatest vulnerabilities would presumably lie in their regional military, diplomatic and economic presence. Strikes and counterstrikes in cyberspace would, judging from the track record, play a considerable part, likely including attacks on critical infrastructure. If nothing else, while underlining the need for a stable settlement—or at least a reliable management—of the differences among the disputants, this also indicated the need for rules of the road for cyberspace to be introduced.<sup>21</sup>

### **Crisis in Kashmir**

During 2019 the conflict between India and Pakistan over the contested territory of Kashmir escalated. Its particular significance lay not only in the immediate violence but also in the protracted and intractable nature of the dispute between India and Pakistan, and in the fact that both powers are nuclear armed.

Since their independence India and Pakistan have fought three wars over Kashmir in 1947–48, 1965 and 1999, as well as one in 1971 over the independence of Bangladesh. In addition, there have been numerous armed clashes. Both countries claim the entirety of the territory of Jammu and Kashmir, but India currently controls approximately 55 per cent of the land area, in which about 70 per cent of the population lives, Pakistan controls about 30 per cent of the area and China the remaining 15 per cent. Since the First Kashmir War in 1947–48 a military 'line of control' (LOC) has divided India- and Pakistan-administered Jammu and Kashmir. A UN observer mission, the UN Military Observer Group in India and Pakistan (UNMOGIP), has monitored ceasefires in the region since 1949.<sup>22</sup>

<sup>20</sup> O'Driscoll, D., 'Tensions on Iraqi soil likely to overshadow anti-government protest demands', SIPRI Commentary, 9 Jan. 2020.

<sup>21</sup> See chapter 13, section I, in this volume.

<sup>22</sup> See the UNMOGIP website. On the conflict in Kashmir and armed conflicts in India and Pakistan, also see chapter 4, section II, in this volume.

The 1950 Constitution of India granted Jammu and Kashmir special status and a degree of autonomy.<sup>23</sup> Since the late 1980s Kashmiri separatists—some seeking independence and others fighting to join neighbouring Pakistan—have periodically fought an armed campaign against around 500 000 Indian security forces in Jammu and Kashmir, resulting in tens of thousands of deaths.<sup>24</sup> Combined with clashes between the regular forces of India and Pakistan, this has made the region one of the most dangerous in the world.

Following the Kargil War in 1999, a 2003 ceasefire was agreed but was persistently unstable. It was reinstated in 2018 after two particularly difficult years and then swept aside in a new surge of tensions in 2019. Over 40 Indian paramilitary police were killed in a bomb attack in February. It was the deadliest such attack in Indian-administered Kashmir for over three decades.<sup>25</sup> In response, later that same month, India carried out its first air strikes across the LOC since 1971 (when they occurred in the context of major war between India and Pakistan over the independence of Bangladesh), targeting a suspected training camp of the group that claimed responsibility for the attack on the Indian police. Pakistan responded in kind with airstrikes in Indian-administered Kashmir.

Along with escalating violence there was also a further political entrenchment of the dispute. In August, in keeping with a long-standing goal of the ruling Bharatiya Janata Party, the Indian Government revoked Kashmir's special status.<sup>26</sup> About 38 000 additional troops were deployed to the region, there was a temporary communications and media blackout, and local leaders were arrested.<sup>27</sup> Protests broke out and more than 500 people were arrested.<sup>28</sup>

There was no progress during the year in bilateral or international diplomacy on the issue. Pakistan's request in August for a formal, open meeting of the UN Security Council failed to gain sufficient support, and there was

<sup>23</sup> Noorani, A. G., *Article 370: A Constitutional History of Jammu and Kashmir* (Oxford University Press: Oxford, 2011).

<sup>24</sup> According to the Indian Government, the conflict has killed about 42 000 civilians, militants and security personnel since 1989, while independent estimates suggest 70 000 or more deaths. Kronstadt, K. A., 'Kashmir: Background, recent developments, and US policy', Congressional Research Service Report R45877, 16 Aug. 2019. On the number of Indian security personnel in Kashmir, see Shukla, A., 'India has 700,000 troops in Kashmir? False!!!', rediff.com, 17 July 2018.

<sup>25</sup> BBC, 'Kashmir attack: Bomb kills 40 Indian paramilitary police in convoy', 14 Feb. 2019; and Miller, L., 'Deadly Kashmir suicide bombing ratchets up India–Pakistan tensions', International Crisis Group Q&A, 22 Feb. 2019.

<sup>26</sup> Gettleman, J., 'Narendra Modi, India's "watchman", captures historic election victory', *New York Times*, 23 May 2019; Kalra, A. et al., 'India scraps special status for Kashmir in step Pakistan calls illegal', Reuters, 5 Aug. 2019; Fair, C. C., 'India's move in Kashmir: Unpacking the domestic and international motivations and implications', *Lawfare*, 12 Aug. 2019; and Maheshwari, L., 'How the Indian Government changed the legal status of Jammu and Kashmir', *Lawfare*, 12 Aug. 2019.

<sup>27</sup> Dutta, P. K., 'Kashmir: Why centre is sending additional 38000 troops to J&K', *India Today*, 2 Aug. 2019; and Human Rights Watch, 'India: Basic freedoms at risk in Kashmir', 6 Aug. 2019.

<sup>28</sup> Gettleman, J. et al., 'Modi defends revoking Kashmir's statehood as protests flare', *New York Times*, 8 Aug. 2019.

no official UN statement.<sup>29</sup> At the annual UN General Assembly high-level session in September, Pakistani Prime Minister Imran Khan condemned India's decision to remove Kashmir's special status and expressed his worry that even nuclear weapons might be used if violence continued and escalated further.<sup>30</sup> However, in keeping with India's view of the conflict as an internal issue, Indian Prime Minister Narendra Modi did not mention it in his General Assembly speech.<sup>31</sup> By the end of 2019 there appeared to be no reason to expect an agreed settlement of this long-contentious issue.

## II. Arms control

In 2019 there were no gains and some setbacks in nuclear arms control. The USA withdrew from the 1987 Intermediate Nuclear Forces Treaty (INF Treaty), and Russia formally suspended its obligations under it.<sup>32</sup> At the same time, uncertainty continued about whether the Russian–US bilateral treaty on strategic nuclear force, normally known as New START, would be extended beyond its current expiry date of February 2021. In addition, the challenge of new technologies—including cyber, machine learning and additive manufacturing technologies—has yet to be fully factored into discussion of arms control, even though they are already part of weapons development. A bright spot of 2018—the détente on the Korean peninsula and initial discussions on denuclearization between the Democratic People's Republic of Korea (DPRK, North Korea) and the USA—dimmed during 2019. After having abandoned the 2015 JCPOA, in 2018 the USA continued to impose additional sanctions against Iran. In response to these measures, during 2019 Iran progressively disowned the constraints it had accepted under the agreement, announcing it no longer regarded itself as bound by those commitments.<sup>33</sup>

### **From arms control to arms race?**

Shortly after finalizing its withdrawal from the INF Treaty in August 2019, which was followed by Russia suspending its own obligations under the treaty, the USA tested a ground-launched cruise missile of a range that was

<sup>29</sup> Parashar, S., 'No formal UNSC meeting on J&K but closed-door consultations after China intervenes', *Times of India*, 16 Aug. 2019; and UN News, 'UN Security Council discusses Kashmir, China urges India and Pakistan to ease tensions', 16 Aug. 2019.

<sup>30</sup> *Business Recorder*, 'Full transcript of Prime Minister Imran Khan's speech at the UNGA', 27 Sep. 2019.

<sup>31</sup> *India Today*, 'Full text of PM Narendra Modi's UNGA speech', 28 Sep. 2019.

<sup>32</sup> For a summary and other details of the INF Treaty and other arms control treaties in this section, see annex A, sections I–III, in this volume.

<sup>33</sup> On developments in the JCPOA in 2019, see chapter 11, section III, in this volume.



prohibited by the treaty.<sup>34</sup> Together with a continued lack of action on the possible extension of the New START agreement, this raised concerns about a new arms race. At the same time, there was increasing discussion of whether and how arms control between Russia and the USA could be revived. The USA suggested that this would require China joining talks so the bilateral framework became a trilateral one.<sup>35</sup>

There are signs that the US–Russian strategic competition could intensify.<sup>36</sup> They were evident already in 2018 in the USA’s Nuclear Posture Review and in Russian President Vladimir Putin’s dramatic unveiling of new weapon systems in March.<sup>37</sup> There is a range of technologies in which an arms competition could occur, including not only nuclear weapons and dual-capable nuclear-conventional weapons platforms, but also hypersonic glide technology, ballistic missile defence (BMD), systems in outer space and the contest for cyber supremacy.<sup>38</sup> However, it may be a mistake to anticipate a repetition of the 1960s and 1970s arms race between the USA and the Union of Soviet Socialist Republics (USSR). Each side was then trying to match or beat the other’s numbers in specific categories of weapon systems—bombers, missiles, multi-warhead technology and BMD. While nuclear parity still matters to Russia and the USA, there is also an asymmetric competition between measure, countermeasure and counter-countermeasure. At the same time, non-nuclear systems are increasingly important in shaping the strategic balance. These two factors suggest future arms control agreements may not be based on symmetrical reductions and may not be solely focused on nuclear weapons. It cannot be forecast with any confidence whether the outcome will be more or less stable than the cold war version.

Given China’s growing role in the global strategic dynamics and in US threat perceptions, the political cogency of the US argument for trilateral arms control is easy to understand. However, there is also logic in China’s rejection of the idea because the size of its nuclear arsenal is hardly comparable to that of Russia and the USA: Russian and US nuclear holdings account for over 90 per cent of the global stockpile of nuclear warheads; China’s stockpile, while

<sup>34</sup> US Department of Defense, ‘DOD conducts ground launch cruise missile test’, News release, 19 Aug. 2019; and Deutsche Welle, ‘US test-fires cruise missile after INF treaty pullout’, 19 Aug. 2019.

<sup>35</sup> Panda, A., ‘Thanks, but no thanks: China pushes back on trilateral strategic nuclear arms control’, *The Diplomat*, 7 May 2019.

<sup>36</sup> See e.g. Arbatov, A., ‘A new era for arms control: Myths, realities and options’, Carnegie Moscow Center, 24 Oct. 2019.

<sup>37</sup> Office of the Secretary of Defense, *Nuclear Posture Review 2018* (US Department of Defense: Washington, DC, 2018); Osborn, A., ‘Russia names Putin’s new “super weapons” after a quirky public vote’, Reuters, 23 Mar. 2018; and President of Russia, ‘Presidential address to the Federal Assembly’, 1 Mar. 2018.

<sup>38</sup> See e.g. Oelrich, I., ‘Hypersonic missiles: Three questions every reader should ask’, *Bulletin of the Atomic Scientists*, 17 Dec. 2019; Wilkening, D., ‘Hypersonic weapons and strategic stability’, *Survival*, vol. 61, no. 5 (2019), pp. 129–48; and Hambling, D., ‘China, Russia and the US are all racing to produce hypersonic weapons’, *New Scientist*, 6 July 2019. On the developing arms race in space, see chapter 13, section III, in this volume.

growing, is approximately 2 per cent. Indeed, the French nuclear arsenal is bigger than China's. That raises questions about whether there should be an arms control framework that includes not only China but also France, India, Israel, North Korea, Pakistan and the UK.

The current period sees a potential fork in the road for arms control. Agreeing during the course of 2020 to extend New START and coming up with an agreed way forward would suggest shared recognition in the US and Russian governments on the need for limits on the military and nuclear dimension of their relationship, even while some degree of antagonism and rivalry continues.

It may be worth reminding a contemporary policy audience that, as arms control faltered at the end of the 1970s and a new cold war developed with the Soviet invasion of Afghanistan and new nuclear deployments in Europe, the USA and the USSR nonetheless agreed informally to abide by the limits of the 1979 Strategic Arms Limitation Treaty (SALT II), although it was never ratified.<sup>39</sup> In addition to reducing risks, this recognition of a mutual interest in constraints around their rivalry helped to pave the way for improvement in their relationship from 1985 and subsequent agreements on arms reduction. Without a similar display of mutual self-restraint today, the road ahead looks increasingly treacherous for all sides.

### **The Joint Comprehensive Plan of Action**

The JCPOA came under pressure from the moment the Trump presidency was inaugurated in January 2017. The 2015 agreement was made between China, France, Iran, Russia, the UK, the USA and the EU, and endorsed by a binding resolution of the UN Security Council.<sup>40</sup> It was technically sound and implemented fully by Iran.<sup>41</sup> The criticism made by the Trump administration among others that the JCPOA did not cover Iran's missiles or restrain Iranian regional policies is a political objection to the agreement, not a valid comment on its technical merit or the implementation record. In May 2018 the USA gave notice it would no longer adhere to the agreement. In August and November 2018 the USA reimposed the sanctions on Iran that it had lifted as part of the JCPOA.<sup>42</sup>

<sup>39</sup> 'SALT II: An analysis of the agreements', *SIPRI Yearbook 1980*, pp. 209–44; and Arms Control Association, 'US–Russian nuclear arms control agreements at a glance', Fact sheet, Aug. 2019.

<sup>40</sup> UN Security Council Resolution 2231, 20 July 2015, 'Annex A: Joint Comprehensive Plan of Action (JCPOA), Vienna, 14 July 2015'.

<sup>41</sup> On the technical soundness of the JCPOA, see Rauf, T., 'Resolving concerns about Iran's nuclear programme', *SIPRI Yearbook 2016*, chapter 17, section I, pp. 675–80; on implementation up to US withdrawal, see International Atomic Energy Agency, 'Iran is implementing nuclear-related JCPOA commitments, Director General Amano tells IAEA Board', 5 Mar. 2018.

<sup>42</sup> See Erästö, T., *SIPRI Yearbook 2018*, pp. 337–46; *SIPRI Yearbook 2019*, pp. 378–86; and chapter 11, section III, in this volume.

US sanctions on Iran are applied extraterritorially via the international banking system so any entity trading with or investing in Iran faces the risk of penalties. The EU initially sought to establish a way round the sanctions so European trade with and investment in Iran could continue. However, legal measures the EU had adopted in the 1990s to prevent European companies from observing extraterritorial US sanctions now lack efficacy because of the size of the US commercial market and the global role of the US dollar.<sup>43</sup> The EU established a financial Instrument in Support of Trade Exchanges (INSTEX), which was initially intended to allow continuation of oil imports from Iran but did not achieve that aim.<sup>44</sup> It offered no room for manoeuvre for European companies inclined to do business with or in Iran. It therefore offered Iran no respite from the pressure of sanctions. On the grounds that the other side had not lived up to its commitments regarding sanctions relief, in May 2019 Iran decided to reduce its commitments under the JCPOA.<sup>45</sup>

By the end of 2019, although Iran and all the parties to the JCPOA except the USA remained parties to it, the deal was largely non-functional. The paradox was that the US administration, while apparently worried about the possibility of Iran developing nuclear weapons capability, had successfully undermined an agreed instrument that would prevent that from happening.<sup>46</sup>

### **North Korea–United States nuclear diplomacy**

One of the bright points of 2018 was the breakthrough in relations between North Korea and the USA. In the Singapore Joint Declaration on 12 June 2018, President Trump committed to provide security guarantees to North Korea while Chairman Kim Jong Un reaffirmed his ‘firm and unwavering commitment to the complete denuclearization of the Korean Peninsula’. The two leaders pledged to hold follow-on negotiations to ‘join their efforts to build a lasting and stable peace regime’ on the peninsula.<sup>47</sup>

By the end of 2019 these bright prospects had dimmed.<sup>48</sup> A second North Korea–US summit meeting in Hanoi ended with a cancelled press conference and no joint statement. The primary problem was a disagreement over US sanctions relief for North Korea. A third meeting between President Trump and Chairman Kim, arranged at short notice, took place at the end of June in Panmunjon in the de-militarized zone between North Korea and the

<sup>43</sup> Geranmayeh, E. and Rapnouil, M. L., ‘Meeting the challenge of secondary sanctions’, European Council on Foreign Relations, 25 June 2019.

<sup>44</sup> Deutsche Welle, ‘EU mechanism for trade with Iran “now operational”’, 28 June 2019; and chapter 11, section III, in this volume.

<sup>45</sup> See chapter 11, section III, in this volume.

<sup>46</sup> Arnold, A. et al., *The Iran Nuclear Archive: Impressions and Implications* (Belfer Center for Science and International Affairs, Harvard Kennedy School: Apr. 2019).

<sup>47</sup> Kile, S. N., ‘North Korean–US nuclear diplomacy’, *SIPRI Yearbook 2019*, pp. 361–68.

<sup>48</sup> See chapter 11, section II, in this volume.

Republic of Korea (South Korea). However, the goodwill generated by the meeting did not last long. An October meeting between North Korean and US negotiators in Stockholm ended after eight hours with a sharp verbal attack by North Korea on the USA.<sup>49</sup> North Korea gave the USA until the end of the year to change its attitude and warned that it would have an unwelcome ‘Christmas surprise’ if it did not change its approach.<sup>50</sup> The USA, perhaps not surprisingly, did not announce any change of attitude and showed little sign of taking the deadline seriously.

With limited information coming out from either side, it is not possible to have any degree of clarity about what went wrong. A preparatory meeting in Stockholm in January 2019 before the Hanoi summit meeting appeared to generate a good atmosphere and agreement that progress would be through a series of incremental steps. However, at that point the two sides had different interpretations of the term ‘denuclearization’ and how to get there.<sup>51</sup> With the negotiating agenda also including the conclusion of a genuine settlement of the Korean War some 70 years on—hardly a straightforward task—there was clearly a need for hard work and lots of it. It may therefore appear that one of the critical deficiencies of the North Korean–US diplomatic process in 2018–19 was a lack of will to put in that detailed work, and perhaps a lack of belief on the part of either leader—or both—that it was necessary or desirable to take that rather traditional, diplomatic approach to working out issues that have been profoundly contentious for decades.

By the end of 2019 while the USA expressed willingness to return to talks whenever an opportunity would arise, North Korea offered no grounds for expecting such an opportunity to arise. One glimmer of hope was perhaps to be found in the fact that North Korea did not come up with the threatened ‘Christmas surprise’. At the end of the year the diplomatic process may have stalled, but the resumption of testing of more nuclear devices or long-range missiles by North Korea had not occurred.

### **The 2020 Review Conference of the Nuclear Non-Proliferation Treaty**

The 1968 Treaty on the Non-Proliferation of Nuclear Weapons (Non-Proliferation Treaty, NPT) entered force in 1970. The year 2020 is thus its fiftieth anniversary as well as being the year for the quinquennial review

<sup>49</sup> Pak, J. H., ‘Why North Korea walked away from negotiations in Sweden’, Brookings Institution, 18 Oct. 2019.

<sup>50</sup> Korea Central News Agency, ‘DPRK Vice Foreign Minister for US Affairs issues statement’, 3 Dec. 2019.

<sup>51</sup> Kim, J. and Smith, J., ‘North Korea media says denuclearization includes ending “US nuclear threat”’, Reuters, 20 Dec. 2018; and Mason, J. and Holland, S., ‘US, North Korea to seek understanding on denuclearization at summit’, Reuters, 21 Feb. 2019.

conference (RevCon) as specified under the NPT. Preparations for the 2020 RevCon have unfolded in a difficult context.

The 2020 RevCon is regarded as being especially important because the 2015 iteration was unproductive.<sup>52</sup> This was not unusual; it was the ninth RevCon and the fifth that failed to produce a consensus final document on implementation of the NPT.<sup>53</sup> However, the differences this time seemed to run particularly deep. A key bottleneck issue in 2015 concerned efforts to establish a Middle East zone free of weapons of mass destruction. Several NPT members also expressed deep concern about the pace of nuclear arms reductions.<sup>54</sup> Reductions from an estimated global total of between 65 000 and 70 000 nuclear warheads in the 1980s before the end of the cold war down to 13 865 by 2019 were significant.<sup>55</sup> However, Article VI of the NPT commits the parties to ‘negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament’. This has been widely interpreted as giving the nuclear-weapon states (NWSs) the specific responsibility to undertake negotiations with the aim of eliminating all nuclear weapons.

The charge that arms control efforts by the NWSs have been inadequate has encouraged a significant number of states to support and join the 2017 Treaty on the Prohibition of Nuclear Weapons (TPNW). By the end of 2019 the TPNW had been signed by 81 states and ratified by 35; it will enter force for states that are party to it after 50 states have ratified it.<sup>56</sup> Turkish President Recep Tayyip Erdoğan gave a different angle on the argument but expressed the same frustration when, at the start of his speech to the UN General Assembly in September 2019, he asserted that nuclear weapons ‘should be forbidden for all or should be permissible for all’. To wide applause, he said: ‘The world is bigger than five.’<sup>57</sup>

Against that background, it is worth placing today’s non-proliferation concerns in historical perspective. In the early 1970s SIPRI’s assessment was that some 15 states had ‘near nuclear’ status.<sup>58</sup> At the time six states possessed nuclear weapons: China, France, the UK, the USA and the USSR, together with Israel whose possession of nuclear weapons was secret (and officially remains unconfirmed). Three additional states now possess nuclear weapons—India, North Korea and Pakistan—while three states—Belarus,

<sup>52</sup> Kulesa, L., ‘Five years that will decide the fate of the NPT’, European Leadership Network commentary, 1 June 2015.

<sup>53</sup> Duarte, S., ‘Unmet promise: The challenges awaiting the 2020 NPT Review Conference’, *Arms Control Today*, vol. 48 (Nov. 2018).

<sup>54</sup> For further details, see chapter 11, section IV, in this volume.

<sup>55</sup> See chapter 10, table 10.1, in this volume.

<sup>56</sup> On developments in the TPNW in 2019, see chapter 11, section IV, in this volume.

<sup>57</sup> Gilinsky, V. and Sokolski, H., ‘Taking Erdogan’s critique of the Nuclear Non-Proliferation Treaty seriously’, *Bulletin of the Atomic Scientists*, 14 Nov. 2019.

<sup>58</sup> ‘The near-nuclear countries and the Non-Proliferation Treaty’, *SIPRI Yearbook 1972*, pp. 290–98.

Kazakhstan and Ukraine—gave up nuclear weapons that they had a legal right to retain at the time the USSR broke up in 1991. South Africa abandoned its nuclear weapon development during the final years of the apartheid regime, while Iraq’s nuclear weapon programme was dismantled under international supervision during the 1990s and Libya’s in 2003–2004.<sup>59</sup> Thus, taken overall, non-proliferation has had some success; the NPT has been at the heart of that relatively positive record, and a significant erosion of support for it would be a serious blow against global stability.

Preparations for the 2020 RevCon therefore unfold in a three-part context: the crisis of arms control, the importance and success of the NPT, and the disillusion about the NPT process among many states parties. Unfortunately, the April 2019 preparatory committee for the 2020 RevCon did nothing to dispel the sense that there were weak prospects of progress towards further nuclear arms reductions, in implementing previous commitments related to a zone free of weapons of mass destruction in the Middle East, or building consensus on a wide range of other contentious issues.<sup>60</sup> In an effort to break the logjam of disappointment, disillusion and pessimism, in June 2019 the Swedish Government convened a ministerial conference to discuss a phased, ‘stepping stone’ approach to nuclear disarmament.<sup>61</sup>

### III. Climate change

The pressure of climate change continues to build. The year 2019 was the second hottest on record and concluded a decade ‘of exceptional global heat and high-impact weather’ according to the World Meteorological Organization.<sup>62</sup> Each decade since the 1980s has been warmer than the previous one. Like the 2010s as a whole, parts of the world experienced retreating ice, record sea levels, increasing ocean heat and acidification, and extreme weather in 2019. Authoritative international reports continued to explore the impact of global temperature increase and associated interlinkages. A

<sup>59</sup> Friedman, U., ‘Why one president gave up his country’s nukes’, *The Atlantic*, 9 Sep. 2017; Atomic Heritage Foundation, ‘South African nuclear program’, 15 Aug. 2018; and Hart, J. and Kile, S. N., ‘Libya’s renunciation of nuclear, biological and chemical weapons and ballistic missiles’, *SIPRI Yearbook 2005*, pp. 629–48.

<sup>60</sup> Sanders-Zakre, A., ‘Deep divisions challenge NPT meeting’, *Arms Control Today*, vol. 49 (Apr. 2019); and Einhorn, R., ‘The 2020 NPT Review Conference: Prepare for plan B’, United Nations Institute for Disarmament Research, [n.d.].

<sup>61</sup> Government Offices of Sweden, ‘The Stockholm Ministerial Meeting on Nuclear Disarmament and the Non-Proliferation Treaty’, Ministerial declaration, Stockholm, 11 June 2019. See also Ingram, P. and Downman, M., *Stepping Stones to Disarmament: Making Progress in a Polarised International Climate* (The British American Security Information Council: Apr. 2019).

<sup>62</sup> World Meteorological Organization, ‘2019 concludes a decade of exceptional global heat and high-impact weather’, Press release, 3 Dec. 2019; and World Meteorological Organization, ‘WMO confirms 2019 as second hottest year on record’, Press release, 15 Jan. 2020. See also National Aeronautics and Space Administration, ‘NASA, NOAA analyses reveal 2019 second warmest year on record’, Press release, 15 Jan. 2020.

definitive intergovernmental report on the state of nature and ecosystems, the first such since 2005, identified a rate of change in nature during the last half century that is without precedent. Changes in the way that sea and land are used have been identified as the driver of change with the greatest impact; climate change was regarded as the third most important driver.<sup>63</sup>

The average global temperature in 2019 was approximately 1°C above the average for 1850–1900, a period often referred to as ‘pre-industrial times’. According to the Intergovernmental Panel on Climate Change (IPCC), the current rate of increase is about 0.2°C each decade.<sup>64</sup> At this rate, an average temperature 1.5°C above pre-industrial times will be reached soon after 2040 and the 2°C mark just over two decades later. These are the targets established by the 2015 Paris Agreement on climate change, in which parties agreed to limit global warming to a maximum of 2°C and to try to keep it below 1.5°C.<sup>65</sup> The latter and lower level is often regarded as the maximum amount of global heating before sea-level rise threatens low-lying habitats by the sea, such as islands and coastal plains. It is perhaps salutary to note that the 1.5°C mark has already been reached in the global average temperature on land; it is the sea and ocean averages that keep the global average overall a fraction under 1°C.<sup>66</sup>

Population estimates for low-lying coastal and island areas range from 800 million to 1 billion.<sup>67</sup> Some small island developing states (SIDS) face an existential challenge.<sup>68</sup> There are 570 coastal cities in low-lying coastal areas, including 20 with populations over 10 million.<sup>69</sup> Some analyses raise the prospect of sea-level rise ‘all but’ erasing some major cities including major financial centres by 2050.<sup>70</sup> However, the more likely risk in those areas stems from the impact of sudden surges in sea level; the IPCC concludes

<sup>63</sup> Diaz, S. et al. (eds), *The Global Assessment Report on Biodiversity and Ecosystem Services: Summary for Policymakers* (Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services: Bonn, 2019), p. 12.

<sup>64</sup> IPCC, *Global Warming of 1.5°C* (IPCC: Geneva, 2018), para. A.1.1.

<sup>65</sup> The Paris Agreement opened for signature on 22 Apr. 2016 and entered into force on 4 Nov. 2016, see UN, *Paris Agreement* (UN: 2015).

<sup>66</sup> Shukla, P. R. et al. (eds), ‘Summary for policymakers’, *Climate Change and Land: An IPCC Special Report on Climate Change, Desertification, Land Degradation, Sustainable Land Management, Food Security, and Greenhouse Gas Fluxes in Terrestrial Ecosystems* (IPCC: Geneva, 2019), paras A.2 and A.2.1.

<sup>67</sup> UN Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, ‘Small island developing states (SIDS) statistics’, [n.d.]; C40 Cities, ‘Staying afloat: The urban response to sea level rise’, [n.d.]; and ‘The uncertain future of the coasts’, *World Ocean Review*, vol. 1, chapter 3 (2010).

<sup>68</sup> Climate & Development Knowledge Network, *The IPCC’s Fifth Assessment Report: What’s in it for Small Island Developing States?* (Climate & Development Knowledge Network: London, 2014); and UN Development Programme, ‘Small island nations at the frontline of climate action’, 18 Sep. 2017.

<sup>69</sup> C40 Cities (note 68).

<sup>70</sup> Lu, D. and Flavell, C., ‘Rising seas will erase more cities by 2050, new research shows’, *New York Times*, 29 Oct. 2019.

that extreme sea-level events that are historically rare (once per century) are likely to occur at least once a year in many places by 2050.<sup>71</sup>

There are clear risks for human security and political stability in the affected regions. If GHG emissions continue to increase at their current rate and if there is no preparation to help communities adapt to the unavoidable consequences of climate change, the humanitarian and security challenges of the 2030s and beyond risk being essentially unmanageable. Yet this is not simply a challenge for the medium-term future. As recent examples in the Middle East have shown, challenges for human security in the form of insecurity of food and water availability can all too quickly and tragically become part of what triggers major upheaval and violence.<sup>72</sup> It has also become clear that the impact of climate change often needs to be addressed amid the tricky business of building peace in war-torn settings. In Somalia for example, SIPRI research has shown how extreme weather events such as floods and droughts undermine efforts to build the institutions of law and governance and strengthen the hand of militia groups and insurgents.<sup>73</sup> And in a different way, 2019 saw many examples of how the impact of climate change was undermining ordinary people's everyday security—in the Australian bush fires from September 2019 to February 2020, and in similar if somewhat less-widespread conflagrations in the Amazon forests, Indonesia and Siberia.<sup>74</sup> During 2019 the UN secretary-general's special representative on disaster risk reduction assessed the rate of climate-related disasters as one per week.<sup>75</sup>

The impact and risks of climate change were confirmed in 2019 as a global issue of the highest priority. Decision makers and experts were in increasing agreement on this, with social movements expressing themselves in school strikes, rallies and marches.<sup>76</sup> In September the UN Climate Action Summit was an effort to raise the level of ambition to reduce GHG emissions and to provide financing for climate action. With some exceptions, few actionable

<sup>71</sup> Pörtner, H. -O. et al. (eds), 'Summary for policymakers', *Special Report on the Ocean and Cryosphere in a Changing Climate* (IPCC: Geneva, 25 Sep. 2019).

<sup>72</sup> See e.g. Krampe, F. and Smith, D., 'Climate-related security risks in the Middle East', eds Jägerskog, A. et al., *Routledge Handbook on Middle East Security* (Routledge: Abingdon, 2019); and Schaar, J., 'A confluence of crises: On water, climate and security in the Middle East and North Africa', SIPRI Insights on Peace and Security no. 2019/4, July 2019.

<sup>73</sup> Eklöv, K. and Krampe, F., 'Climate-related security risks and peacebuilding in Somalia', SIPRI Policy Paper no. 53, Oct. 2019. On the armed conflict in Somalia, see chapter 7, section IV, in this volume.

<sup>74</sup> Hughes, L., *Summer of Crisis* (Climate Council of Australia Ltd: Potts Point, 2020); and Pierre-Louis, K., 'The Amazon, Siberia, Indonesia: A world of fire', *New York Times*, 28 Aug. 2019. Some 11 hectares of bush, farmland and towns were affected by the Australian bushfires; in the Amazon fires, it was estimated that almost 1 million hectares were lost to fire.

<sup>75</sup> Harvey, F., 'One climate crisis disaster happening every week, UN warns', *The Guardian*, 7 July 2019.

<sup>76</sup> Collins, A., *The Global Risks Report 2019* (World Economic Forum: Geneva, Feb. 2019); Granados, F., *The Global Risks Report 2020* (World Economic Forum: Geneva, Feb. 2020); and Marris, E., 'Why young climate activists have captured the world's attention', *Nature*, 18 Sep. 2019.



commitments were made at the summit meeting.<sup>77</sup> And the security dimension of climate risk was wholly absent even though the secretary-general himself later described climate change as ‘a dramatic threat’ to security.<sup>78</sup>

The practical challenge of slowing global warming and avoiding the worst consequences is immense because the average global temperature has risen as a direct result of economic growth and progress. The surface temperatures of land and sea will continue to increase for as long as GHG emissions continue. Most scenarios for limiting global warming to 1.5°C involve exceeding that level before dropping back below it.<sup>79</sup> To achieve that, the global economy needs to be carbon neutral by 2050, with deep cuts—often thought to be about 45 per cent—by 2030. This is the approximate range of targets in the EU long-term strategy, for example.<sup>80</sup> If global warming is never to rise above the 1.5°C target, the cuts in GHG emissions must come earlier and bite deeper. Even the less ambitious path to the 1.5°C target means reversing the last century’s increase in GHG emissions and doing so at greater speed. At the same time, economic output has to meet the needs and expectations of a growing global population.<sup>81</sup> By the end of 2019, although plenty of ambitions had been stated, only two governments were on course to meet those targets: Gambia and Morocco.<sup>82</sup> It therefore appears certain that the world will face climate-related security challenges in the 2030s and thereafter, for which it is currently unready, and yet for which there is plenty of time to prepare. In the effort to reduce GHG emissions so the scale of the problems posed by climate change is minimized, and in the effort to adapt to the impact of climate change so its unavoidable consequences are managed, including with the realm of security, the key ingredient for success is international cooperation. There is today an unprecedented level of need for greater cooperation.

#### IV. The international system and law

The need for cooperation on climate is matched by a similar need on other major challenges of our age—for example in the cyber realm or the risk of

<sup>77</sup> Sengupta, S. and Friedman, L., ‘At UN climate summit, few commitments and US silence’, *New York Times*, 23 Sep. 2019.

<sup>78</sup> UN Climate Change, ‘António Guterres calls for increased ambition and commitment at COP25’, 1 Dec. 2019.

<sup>79</sup> Levin, K., ‘8 things you need to know about the IPCC 1.5°C report’, World Resources Institute, 7 Oct. 2018.

<sup>80</sup> European Commission, ‘A clean planet for all: A European strategic long-term vision for a prosperous, modern, competitive and climate neutral economy’, Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank, COM(2018) 773 final, 28 Nov. 2018.

<sup>81</sup> *The Economist*, ‘The past, present and future of climate change’, 21 Sep. 2019.

<sup>82</sup> Climate Action Tracker, [n.d.]; Climate Action Tracker, ‘Gambia’, [n.d.]; and Climate Action Tracker, ‘Morocco’, [n.d.].

pandemics—as well as on the traditional and major issues of peace and trade. The degree to which international politics are characterized by tensions and disagreements among the major players is a serious cause for concern. There are various issues in dispute among China, Russia and the USA, which also has difficult relations on some issues with France and the UK, its allies. Disharmony at the heart of the international system has been increasingly marked during the last decade.<sup>83</sup> Its contours are made sharper by what is, as remarked upon in the 2019 edition of this Yearbook, an oddity of today's international scene, namely that none of the three great powers—China, Russia and the USA—is a committed status quo power. Each challenges aspects of the world political order. This makes international politics less predictable. In particular, there is more uncertainty than only a few years ago about whether the laws, rules and norms of the international order, such as it is, will be respected. This makes cooperation a more complex and less attractive approach to some key international problems than a more unilateral approach.

There are striking instances in recent years of international law, agreements and norms being ignored and abused. An egregious example is the premeditated murder of the Saudi Arabian journalist Jamal Khashoggi, in October 2018, in the Saudi Arabian Consulate in Istanbul.<sup>84</sup> The US Department of State included the murder among its catalogue of human rights abuses in Saudi Arabia, stating that government agents carried out the killing.<sup>85</sup> The UN went further and described the killing as 'a deliberate, premeditated execution, an extrajudicial killing for which the state of Saudi Arabia is responsible under international human rights law'.<sup>86</sup>

Few incidents of illegal behaviour by states and their representatives carry as much power to shock as that, although there are, of course, other examples of arbitrary behaviour by states, including imprisonment without trial, torture and extrajudicial executions. And there are many other violations of international legal norms—so many that they begin to lack much impact. Russia's 2014 annexation of Crimea from Ukraine is regarded as illegal by the EU, which continues to apply sanctions, but that does not seem to disturb the pattern of Russia's international relations.<sup>87</sup> A UN report finding that Russia—a permanent member of the UN Security Council—has

<sup>83</sup> International Crisis Group, 'Council of despair? The fragmentation of UN diplomacy', Special Briefing no. 1, 30 Apr. 2019.

<sup>84</sup> BBC, 'Jamal Khashoggi: All you need to know about Saudi journalist's death', 19 June 2018.

<sup>85</sup> US Department of State, '2018 country reports on human rights practices: Saudi Arabia', 11 Mar. 2019.

<sup>86</sup> UN Office of the High Commissioner for Human Rights, Annex to the report of the special rapporteur on extrajudicial, summary or arbitrary executions: Investigation into the unlawful death of Mr Jamal Khashoggi, A/HRC/41/CRP.1, 19 June 2019, para. 235.

<sup>87</sup> Council of the European Union, 'Illegal annexation of Crimea and Sevastopol: EU extends sanctions by one year', Press release, 20 June 2019.

committed war crimes in Syria during the period from July 2019 to January 2020 elicited little comment or audible outrage.<sup>88</sup> In part this might be due to the deficiencies of the international response to an earlier war crime issue in Syria: the government's alleged use of chemical weapons (CWs) in March and April 2018 in the Douma suburb of Damascus.<sup>89</sup> Less than a week later, France, the UK and the USA launched punitive missile attacks on suspected CW sites in Syria, pre-empting the investigation by the Organisation for the Prohibition of Chemical Weapons.<sup>90</sup> Deciding not to wait for the legally mandated process to unfold was no way for the three governments to support international law; it politicized the issue and made it much less likely that there would eventually be international unity over the incident, regardless of what evidence might emerge. Among other examples of selective approaches to the international legal process is China's rejection in 2016 of the findings of the Permanent Court of Arbitration in a case brought by the Philippines over disputed islets and islands in the South China Sea.<sup>91</sup>

Some of the incidents and issues referred to earlier in this chapter also reflect an over casual attitude to issues of law. On the US withdrawal from the JCPOA, the question of whether the USA could merely ignore a binding resolution of the UN Security Council never figured in official US discussion. India's decision to change the status of Jammu and Kashmir put aside the fragile balance that the constitutional provision on the province was designed to support and may also have diverged from the letter of the law. The move has been challenged in the Supreme Court of India, and the case was still going through the system some six months later.<sup>92</sup> British and Iranian seizures of ships in the Strait of Gibraltar and Strait of Hormuz, respectively, also suggested an attitude that the rule of law could be set aside if the moment was regarded as opportune.

In its own way, one of the stranger incidents of international politics in 2019 revealed the same tendency. A US musician, Rakim Myers, known as A\$AP Rocky, and two others were arrested in Stockholm, charged with assault. President Trump's response was to phone the Swedish prime minis-

<sup>88</sup> UN General Assembly, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/43/57, 28 Jan. 2020, paras 21–25, and annex II, paras 6, 15–17.

<sup>89</sup> Hubbard, B., 'Dozens suffocate in Syria as government is accused of chemical attack', *New York Times*, 8 Apr. 2018; and Sanders-Zakre, A., 'More chemical attacks reported in Syria', *Arms Control Today*, vol. 48 (Apr. 2018).

<sup>90</sup> Collins, K. et al., 'What we know about the three sites targeted in Syria', *New York Times*, 14 Apr. 2018.

<sup>91</sup> Permanent Court of Arbitration, 'PCA case no. 2013-19 in the matter of the South China Sea arbitration before an arbitral tribunal constituted under annex VII to the 1982 United Nations Convention on the Law of the Sea between the Republic of the Philippines and the People's Republic of China: Award', 12 July 2016.

<sup>92</sup> Mohanty, S., 'India's top court to hear legal challenges on Kashmir in October', Reuters, 28 Aug. 2019; and Firstpost, 'SC on Article 370 abrogation: Apex court says "five-judge bench competent to hear case", turns down pleas to move matter to larger bench', 2 Mar. 2020.

ter to ask for the musician's release, to tweet that Sweden was ungrateful for all the USA does for it, and to send the special presidential envoy for hostage affairs, Robert O'Brien, to Stockholm at the time of the trial.<sup>93</sup> An official US Government letter on 31 July 2019 warned the Swedish Prosecution Authority of 'negative consequences to the US–Swedish bilateral relationship' if the case was not satisfactorily resolved.<sup>94</sup> The idea that the legal system operates independently of the government is, of course, a basic principle in the USA as well as in Sweden and other countries. In August Myers was found guilty and given a suspended sentence; he returned to Sweden to perform later in the year.<sup>95</sup>

If at the A\$AP end of the spectrum, the problem seems to be a frivolous attitude to the law, which may not be taken seriously, it is hard to deny that at the other end of the spectrum there is something truly dangerous. Arguably, states have always behaved like this, when the incentives were strong enough and the disincentives weak. Similarly, and equally arguably, one of the hallmarks of the modern era of international relations has been a steady shift towards there being an increasing number of international laws and regulations to constrain the behaviour of states. Just as with the development of legal systems within countries, so between them, accepting constraints reduces the frequency of arbitrary behaviour. It is easy to exaggerate this historical process. Comments about the importance of the rules-based international system generally overstate the coherence of international relations, just as the once modish term 'international community' overstated the degree of togetherness among the main actors. There is more than one rules-based system governing relations of different kinds among states.<sup>96</sup> Nonetheless, the foundation of the UN at the end of the 1939–45 World War II marked an important moment in a changing global landscape.

It may seem that the disincentives against arbitrary behaviour by states are weakening. If so, that is a serious problem because the current critical challenges raise a requirement for cooperation that is only possible on the basis of a functioning international system. Facing the problems of today, a go-it-alone approach is fantasy; in international relations cooperation is the new realism. Indeed, the evidence that cooperation works for individuals,

<sup>93</sup> Donald J. Trump (@realDonaldTrump), 'Give A\$AP Rocky his freedom. We do so much for Sweden but it doesn't seem to work the other way round. Sweden should focus on its real crime problem! #FreeRocky', Twitter, 25 July 2019; see also BBC, 'ASAP Rocky: President Trump demands Sweden free US rapper', 26 July 2019; and Heil, E., 'Trump sends envoy for hostage affairs to Sweden "on a mission" to bring back A\$AP Rocky', Washington Post, 31 July 2019.

<sup>94</sup> O'Brien, R., Letter from the Embassy of the USA to the Prosecution Authority of the Kingdom of Sweden, 31 July 2019.

<sup>95</sup> Williams, J., 'ASAP Rocky trial verdict: Rapper found guilty of assault in Sweden', Newsweek, 14 Aug. 2019; and Legaspi, A., 'Watch A\$AP Rocky return to Sweden to perform in a cage', Rolling Stone, 11 Dec. 2019.

<sup>96</sup> Chalmers, M., 'Which rules? Why there is no single "rules-based international system"', Royal United Services Institute for Defence and Security Studies, Occasional paper, Apr. 2019.

communities, organizations, governments and international institutions is simply too powerful to ignore. Despite everything the practise and institutions of diplomacy are still strong. Even governments whose leaders express loathing of diplomatic means find it next to impossible to do without them. Out of that continued need, however reluctantly recognized, it is more probable than not that new cooperative approaches to shared problems will develop. The spread of COVID-19 will underline the message that other global challenges today also carry, the message that cooperation is essential for human security and international stability.