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Cover image: Still from The Chronicles of Narnia

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Reaching Critical Will

# EDITORIAL: HUMANITARIAN INCANTATIONS

Ray Acheson | Reaching Critical Will of WILPF

**D**isturbed by “humanitarian activists” raising expectations for nuclear disarmament, Russian delegate Vladimir Yermakov argued that we cannot put the nuclear genie back in the bottle with “mere humanitarian incantations”. He is not the first to complain about raising expectations (though he is the first to suggest a link between the humanitarian initiative and witchcraft). The idea that those in favour of disarmament are falsely raising hopes of progress was put forward by the nuclear-armed states and some of their allies in advance of the NPT Review Conference in May. What’s interesting about this argument is that, just like the US warning that it might be provoked to use nuclear weapons if they are prohibited, it places blame on those wanting progress as opposed to those preventing it.

The real concern, of course, is not with false expectations. It’s with pressure. The nuclear-armed states have felt increasing pressure over the last few years to comply with their legal obligations to eliminate nuclear weapons. The humanitarian discourse has placed the spotlight on the illegitimacy of possessing nuclear weapons and perpetuating the concept of nuclear deterrence. One of the key conclusions from the Vienna conference on the humanitarian impact of nuclear weapons was that similar to torture, “which defeats humanity and is now unacceptable to all, the suffering caused by nuclear weapons use is not only a legal matter, it necessitates moral appraisal.”

This pressure is exactly why some nuclear-armed states seem to have reversed their position on an open-ended working group (OEWG) for nuclear disarmament and now appear to support such a group (as long as it operates by consensus and only has a discussion mandate). In 2012, when Austria, Mexico, and Norway tabled a resolution establishing such a group, the nuclear-armed states vehemently opposed it. Those party to the NPT argued it would undermine the implementation of the NPT action plan. Those not party to the NPT argued it would undermine the Conference on Disarmament (CD).

Suddenly, faced with the outcome of three major international conferences on the humanitarian impact of nuclear weapons, a growing group of 121 states endorsing the Humanitarian Pledge commitment to fill the legal gap on the prohibition and elimination of nuclear weapons, and a groundswell of support at First Committee for a ban, the nuclear-armed states appear desperate for an OEWG. Perhaps they see such a body as a way to slow down the diplomatic process to negotiate a ban treaty. If so, it is testament both

to the dismay amongst some nuclear-armed states at the remarkable progress towards a ban treaty and to their concern at the power such a treaty would have in eroding the legitimacy they seek to ascribe to their continued wielding of weapons of mass destruction.

Regardless, the ban treaty appears to be coming. Whatever resolutions are adopted here at First Committee, whatever bodies are established (or not established) to address nuclear weapons, those actors committed to progress will be able to move forward with a legally-binding prohibition.

Ambassador Wood of the US argued, “History shows that a practical and full-spectrum approach to disarmament has proven to be the most effective means to reduce nuclear dangers and make progress on nuclear disarmament.” Yet the US has made it clear that the prohibition of nuclear weapons is not part of this spectrum. In fact, history shows that legal prohibitions of weapon systems facilitate their elimination. Weapons that have been outlawed increasingly become seen as illegitimate. They lose their political status and, along with it, the money and resources for their production, proliferation, and perpetuation.

A ban treaty doesn’t seek the “overnight” elimination of nuclear weapons, as the US delegation mistakenly asserted. Making a weapon system disappear overnight would indeed require an act of witchcraft (and a welcome one at that). But the ban treaty is a practical step states can actually take to help create the conditions for elimination. It is certainly more likely to support nuclear elimination than clinging to the concept of nuclear deterrence and maintaining the means to inflict massive nuclear violence.

The idea that having the capacity to destroy entire cities and annihilate entire populations provides security is remarkably perverse. This is nevertheless the argument made by the nuclear-armed states and some of their allies. Ambassador Rowland of the UK said last week that his government’s “approach to nuclear arms control is linked to the international security environment,” and argued that eliminating nuclear weapons now “will not fulfil the requirement of undiminished security for all.” The overwhelming majority of states have argued that nuclear weapons do diminish their security. What right do a handful of states have to possess the ability to destroy entire cities and blacken the planet’s skies with the press of a button? How does that not diminish security for all?

"This year, the international community gathered at Ypres in Belgium to commemorate the first use of a chemical weapon in warfare," said Ambassador O'Brien of Ireland. "One hundred years later can we not agree, for the sake of all humanity and our fragile planet, to agree to put all weapons of mass destruction finally beyond use, for all time?"

We can, and we must. A prohibition treaty will not come about through magic spells or incantations. It will come about through resolute normative leader-

ship by states determined to make the world more safe and secure for all. It would seem that even the United States should be able to agree with such an approach. "Let's not wait until the day when we can agree on *everything*," said the US delegation. "Instead, let us take action where and when we find agreement, to create a safer, more secure world." This was in reference to biological weapons. There is no compelling reason why action on nuclear weapons should be any different. •

## NUCLEAR WEAPONS

Mia Gandenberger | Reaching Critical Will of WILPF

The thematic debate on nuclear weapons was kicked-off by a statement of the Humanitarian Initiative, delivered by Austria. It recalled the findings of the third conference on the humanitarian impact of nuclear weapons in Vienna, highlighting that there is "no comprehensive legal norm universally prohibiting possession, transfer, production and use." In closing, the statement stresses that the "catastrophic consequences of a nuclear weapon detonation event and the risks associated with the mere existence of these weapons raise profound ethical and moral questions on a level transcending legal discussions and interpretations."

Building on that statement, many states reiterated their concern with the humanitarian consequences of nuclear weapons and the danger these weapons pose to humanity. UNASUR, CARICOM, South Africa, Austria, Ireland, Senegal, Thailand, Viet Nam, Costa Rica, Malawi, Mexico, Trinidad and Tobago, Palau, Philippines, and others highlighted the Humanitarian Pledge "to fill the legal gap" endorsed so far by 121 states.

A great number of delegations, including UNASUR, CARICOM, African Group, Thailand, Viet Nam, Costa Rica, Lao PDR, Malawi, Mexico, Trinidad and Tobago, Palau, Morocco, and Holy See, called for a legally-binding prohibition of nuclear weapons. Here, Palau explained, "if the nuclear-armed states refuse to participate in the negotiating process, we must accept that. We cannot compel them to engage. But we must not feel powerless to act without their endorsement. It is time for the nuclear-free majority to assert itself more confidently."

Speaking on behalf of a group of 28 states, Australia argued that "while a treaty banning nuclear weapons is probably necessary to maintain a world without nuclear weapons, such a treaty now will not get us to global zero."

Similarly, the United State agreed that a prohibition of nuclear weapons would not be feasible, as "achieving a world without nuclear weapons will require both strengthening the global nuclear nonproliferation regime and working toward nuclear disarmament." It remains ready to negotiate further bilateral reductions with the Russian Federation. Russia stressed that since the "nuclear genie was let out of its lamp recklessly," it will not be pushed back in through "mere humanitarian incantation." Pakistan, too, believed that the subject of nuclear weapons, "while relevant and important, cannot exclusively be reduced to the paradigm of humanitarian dimension."

In the same context, France thought "disarmament cannot be based on an exclusively legal approach" due to the specific nature of nuclear weapons. China reiterated its preference of an incremental approach to nuclear disarmament with those possessing the biggest arsenals leading the way on reductions; India reiterated its proposal for a ban on the use of nuclear weapons; and the United Kingdom expressed its hope to "never to employ nuclear weapons."

Addressing these and similar comments, Sweden rightly asked, "when would it be in the interest of humanity that nuclear weapons are used, under what circumstances?" Didn't we all agree that it was in the common interest of the international community that these weapons will never be used again "under any circumstances"?

Some delegations, including NAM, CARICOM, Costa Rica, Iran, Palau, and South Africa, expressed their concern with the continued nuclear modernisation programmes of all nuclear-armed states. The United States argued that modernisation activities are "only" intended "to sustain existing designs, modernize their safety, security and use control features, and modernize facilities."



The African Group, Costa Rica, Czech Republic, Morocco, NAC, Nigeria, Portugal, Senegal, Spain, UAE, UNASUR, and others regretted the lack of progress on the creation of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East and most called for continued efforts to that end. CARICOM remained concerned with the trans-boundary movement of radioactive materials.

The Acting High Representative for Disarmament Affairs, the Executive Secretary of the Comprehensive Test Ban Treaty Organisation (CTBTO), the Secretary-General of the Conference on Disarmament, and the Acting Representative of the Director General of the

International Atomic Energy Agency (IAEA) briefed the First Committee on their respective efforts related to nuclear disarmament over the past year, speaking on the opening panel of the thematic debate. Later, during the nuclear weapons debate, the President of the 9th Review Conference of the nuclear Non-Proliferation Treaty, Ambassador Ms. Taous Feroukhi, and the Chair of Group of Governmental Experts (GGE) a fissile materials cut-off treaty, Ambassador Ms. Elissa Goldberg of Canada, shared their impressions of the work of the NPT Review Conference and the work of the GGE respectively. •

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## DISARMAMENT AND DEVELOPMENT

Elizabeth Minor | Article 36

On behalf of the Non-Aligned Movement (NAM), Indonesia introduced a draft resolution this week on the relationship between disarmament and development. This was not substantially different to resolutions adopted in recent years. The draft resolution recalls the UN Charter's vision of the maintenance of peace and security with the least diversion of resources to armament, and notes that increased global military expenditure could be spent on development.

The draft resolution calls on states to divert resources made available through disarmament to development and to provide the UN Secretary-General with information on any such activities. It also calls on states to note the contribution that disarmament could make towards achieving the Millennium Development Goals (MDGs). The Holy See and South Africa drew attention at First Committee this week to the links between aspects of disarmament and the achievement of the MDGs' successors, the Sustainable Development Goals.

The Caribbean Community (CARICOM), Ireland, and Portugal drew attention to the particular impact of any nuclear detonation on developing countries, with Portugal highlighting the impact of the risk of nuclear weapon use on international and national efforts for sustainable development. Unión de Naciones Suramericanas (UNASUR), Ireland, and South Africa noted that the resources spent on nuclear weapons could be

better used towards development. Ireland noted that South Africa's draft resolution on the ethical imperative of nuclear disarmament matched the ambition of the majority of states to prioritise human development over narrow security interests.

Trinidad and Tobago highlighted the catastrophe for sustainable development that any civilian nuclear waste accident in the Caribbean Sea would represent.

BRICS (Brazil, Russia, India, China, and South Africa), Malawi, Pakistan, and South Africa underlined the role of the cooperation provisions of the Biological and Toxin Weapons Convention in promoting economic and technical development, and reducing the impact of disease on development. Pakistan noted that the Ebola outbreak showed the need for this assistance to developing countries, and also highlighted the capacity-building role of the Organization for the Prevention of Chemical Weapons (OPCW), as did Malawi.

NAM, UNASUR, Algeria, Iran, Kuwait, Pakistan, Switzerland, and Venezuela highlighted the role of outer space in sustainable development, and its increasing role in countries' economies, with a number of these statements also observing that the regulation of outer space must be sure to serve the interests of developing countries. •

# BIOLOGICAL AND CHEMICAL WEAPONS

Mia Gandenberger | Reaching Critical Will of WILPF

During the thematic debate on other weapons of mass destruction (WMD), states reiterated the importance of the instruments on biological and chemical weapons and welcomed the most recent accessions to the conventions. They also expressed concern with recent use of chemical weapons in Syria. Speaking on the keynote panel on Monday, 19 October 2015, the Deputy Director-General of the Organisation for the Prohibition of Chemical Weapons (OPCW), Mr. Hamid Ali Rao, briefed the Committee on the OPCW's work to advance and ensure implementation of the Convention, in particular with regard to Syria.

A great number of states reiterated their concern about the continued use of chemical weapons in Syria, confirmed by the UN-OPCW fact-finding mission in 2014. In that connection, the UN-OPCW Joint Investigation Mechanism (JIM) established recently by UN Security Council resolution 2235 to identify those responsible for the use was widely welcomed. Some states, including Ireland, Lithuania, Mexico, and Spain, called for the perpetrators to be held accountable. Here, Ireland reiterated its call "to refer possible war crimes and crimes against humanity perpetrated in Syria to the International Criminal Court in light of the 'compelling confirmation' found by the OPCW fact finding mission that chlorine was used 'systematically and repeatedly' in that country."

Some states, including Pakistan, Poland, and South Africa, further expressed concern with the reported use of toxic chemicals by non-state actors in Iraq. In that context some states, including Nordic States and Mexico, condemned any use of chemical weapons anywhere, at any time, by anyone, under any circumstances, as unacceptable and a violation of international law.

Most states stressed the important role of the OPCW. With a view to the future role of the Organisation, Poland believed that article X on assistance and protection and article XI on international cooperation of the Convention should be the basis for transforming the OPCW's role. South Africa, however, thought the objectives and primary focus of the OPCW "must remain on complete disarmament and the elimination of all declared chemical weapons under strict and effective international control in accordance with the Convention."

Poland reported that many divergent views on this year's resolution on the implementation of the Chemical Weapons Convention (CWC) posed a challenge to reach a middle ground reflecting the current status of implementation of the CWC.

With regard to biological weapons, Japan, Pakistan, Republic of Korea, and Turkey cautioned against the challenges and possible dangers posed by the dual-use of biotechnology. They highlighted the risk of proliferation to non-state actors.

Many states speaking on this subject stressed the importance of international cooperation and assistance efforts to enhance the capacity-building of states parties in implementing the Biological and Toxins Weapons Convention (BTWC). France highlighted its proposal for a voluntary peer-review mechanism.

The BRICS countries (Brazil, Russia, India, China, and South Africa), as well as Cuba and Turkey, regretted the lack of a verification mechanism for the BTWC. They argued that the development of such a mechanism would contribute to strengthening the Convention's effectiveness. The US did not think this was a fruitful suggestion.

Draft resolution L.12, entitled Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, put forward by Hungary, includes some changes in the references to the 40th anniversary as well as the eighth review conference of the Convention to be held in 2016. With regard to substantive changes, the number of state parties was updated to 173 in preambular paragraph (PP) 2 and PP6 includes extended language on international cooperation. Operational paragraph (OP) 2 is now merged with previous OP3 and amended in order to reflect the results of the intersessional process so far. New OP9 underscores the importance of proper preparation for the upcoming Eight Review Conference. •

# OUTER SPACE

Matilda Wölkert | Reaching Critical Will of WILPF

On Thursday, 22 October, the first joint ad hoc meeting of the First and Fourth Committees was held with the aim of addressing challenges to security and sustainability in space. In a panel discussion at the beginning of the joint meeting, the Chair of the Group Governmental Experts (GGE) on outer space transparency and confidence-building measures (TCBMs); the Chair of the Working Group on Long-term Sustainability of Outer Space Activities; the Director of the UN Office for Outer Space Affairs; and the Acting High Representative for Disarmament Affairs updated the Committees on their work. The discussions on disarmament aspects of outer space continued in First Committee on Friday morning.

During that discussion, states again highlighted the importance of maintaining the peaceful nature of outer space activities in order to promote satellite navigation, communication, disasters mitigation, and natural resource management. Many states recognised that these benefits are of special importance to developing countries. Many also reiterated that the use of outer space is for all states, irrespective of their social, economic, or scientific development.

Participants raised a number of concerns during the two meetings. Most recognised the challenge associated with the growing amount of debris and congestion in orbit. They also highlighted the threat of disruption and destruction of space assets by weapons, both

deliberate and by accident. A number of delegations, including the Non-Aligned Movement (NAM), Australia, and the United States, noted with concern the developing and testing of anti-satellite weapons.

With regard to the suggestions for increasing outer space security, two distinct positions on the way forward could be noted. One group of states, including the NAM, China, Pakistan, and Russia, stressed the need to negotiate a legally-binding treaty to prevent an arms race in outer space. Here, they highlighted the draft treaty on Prevention of the Placement of Weapons in Outer Space and of the Threat or Use of Force against Outer Space Objects (PPWT) as a suitable basis for such negotiations. Although they welcomed transparency and confidence-building measures (TCBMs), such as the EU-led process for an International Code of Conduct (ICOC), it was not to be considered a substitute for a legal framework.

A second group of states, including the EU and the US, believe that voluntary mechanisms and TCBMs are the best option right now. The PPWT draft was explicitly rejected by both the US and EU. Some states, supporting the ICOC, hope it will pave the way for a binding agreement in the future. A number of non-European states criticised the ICOC and the forum of discussion as unsuitable, and called for an ICOC to be negotiated under the framework of the UN where all states can participate on an equal footing. •

## SIDE EVENT REPORT: OUTCOMES OF CSP 2015 AND PLANNING FOR CSP 2016

Chanda Daniels | Control Arms

The Permanent Missions of Mexico and Nigeria and Control Arms hosted an event to discuss the outcomes of the first Conference of States Parties (CSP) to the Arms Trade Treaty (ATT). The event was chaired by Ambassador Dell Higgie of New Zealand, who opened by noting the widespread support for the ATT as well as the unprecedented speed of its entry into force. Currently, there are 77 states parties and 55 signatories to the ATT, with many more states stating plans to accede to the Treaty or complete their ratification process.

Ambassador Jorge Lomónaco of Mexico spoke about his experience as President of the first CSP, which took place in Cancun, Mexico from 24-27 August. He expressed satisfaction with the success of the meeting, noting that over the course of the four day meeting 18 decisions were taken, including on the

Rules of Procedure, financial rules, the location of the ATT Secretariat, and the appointment of a provisional head of Secretariat.

The necessity of strong implementation became a theme of the rest of the event. Ambassador Emmanuel Imohe of Nigeria, the President-designate of the second CSP, stressed the importance of the ATT within Africa, a continent where no country "is immune to conflict". He pressed for an increase in the number of states parties from Africa, stating "that weapons fuel these conflicts. If you reduce the weapons, you decrease the conflicts." He further called for assistance to be an integral part of planning for implementation.

Anna Macdonald from Control Arms provided a civil society perspective on the CSPs. While Control Arms

welcomes the progress in securing many decisions at the CSP, a major concern is that reporting templates were not agreed and that there is reluctance among some states parties to commit to making reports public. Agreeing on reporting templates will therefore need to continue to be a priority over the coming year. She also reiterated the importance of states in a position to do so providing assistance in order to promote universalization of the Treaty, and outlined Control Arms priorities in advocating for robust implementation of the Treaty to ensure it establishes strong new international norms.

During the discussion, a number of states, including the United States, Switzerland, and Australia, expressed that they are pleased with the success of the Treaty to date. Overall, panelists and those in audience stressed that states parties need to begin ensuring a stronger norm of ATT practice. This includes promoting accession in their regions and making progress on reporting templates. The success of these goals will in turn create an atmosphere where the humanitarian goals promoted by the Arms Trade Treaty can become tangible. •

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## SIDE EVENT REPORT: STRENGTHENING THE NUCLEAR NON-PROLIFERATION TREATY

Elizabeth Minor | Article 36

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Chaired by Ambassador Dell Higgie of New Zealand, this event focused on New Zealand's discussion paper "Strengthening the NPT [Nuclear Non-Proliferation Treaty]: International Law and Effective Measures for Nuclear Disarmament". Ambassador Higgie explained that against the background of the New Agenda Coalition (NAC)'s working papers outlining the legal options for effective measures for nuclear disarmament, the current paper examines the legal reality of the assertion by some that the negotiation of a new legal instrument would undermine the NPT.

Professor Treasa Dunworth, Associate Professor of Law at the University of Auckland and the paper's author, stated that, in legal terms, pursuing discussions on a new legal instrument for nuclear disarmament would not imperil but only strengthen the provisions and obligations in the NPT, and would represent an implementation of article VI (regarding disarmament). Dunworth pointed out that the existence of multiple treaties on the same subject is not unusual and is provided for in law. Detailing some prohibitions that a new legal instrument might include, she observed how in each case reiteration, clarification, or consolidation of provisions would strengthen the NPT.

Michiel Combrink of South Africa, as current NAC coordinator, welcomed the paper for neutralising a distracting argument. Recalling the options for a new instrument set out in NAC's papers—a ban treaty, a convention for prohibition and elimination, a

framework agreement, or a hybrid arrangement—he welcomed the open-ended working group (OEWG) proposal from Mexico as a venue for dialogue on these options. He also cautioned that the OEWG should not be subject to rigid rules of procedure that could prevent progress.

Kathleen Lawand of the International Committee of the Red Cross (ICRC) recalled the Red Cross/Red Crescent movement's repeated calls on states to prohibit the use of and eliminate nuclear weapons, ever since dealing with the atomic bombings of Hiroshima and Nagasaki. Lawand noted that the ICRC has concluded that it is difficult to envisage how any use of nuclear weapons could be compatible with international humanitarian law.

During discussion, a representative from the UK said that the argument that negotiation of a ban treaty would undermine the NPT was not a legal but a political argument. He suggested that if not all non-nuclear armed states signed the ban, this could raise proliferation concerns: states might see it as a referendum on their non-nuclear-armed NPT status. He also suggested that a ban treaty would threaten NPT universality: given the NPT nuclear-armed states would not sign it, it would place them in the same category as those outside the NPT. The panel thanked him for this elaboration though questioned the concerns, given that for example there are already parallel obligations to the NPT. •



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## SIDE EVENT REPORT: DISCUSSING DRONES

Alexandra Hiniker | PAX

Following an introduction by Minister Counselor Maritza Chan of the Permanent Mission of Costa Rica, who outlined Costa Rica's concerns about the topic, experts discussed the legal, ethical, and political issues with the emerging use and proliferation of unmanned aerial vehicles, better known as drones.

Ms. Amrit Singh, Senior Legal Officer for National Security and Counterterrorism at the Open Society Foundation's Justice Initiative, began the discussion by pointing out that the imprecision of armed drones, as seen in the cases of Yemen and Pakistan, is cause for concern. She explained that armed drones help make it easier for states to kill, especially due to the absence of risks and perceived precision, which is quickly eroding longstanding rules of engagement. Ms. Singh questioned the legal basis of armed drone use in terms of both conducting and collaborating in strikes. She also reflected on the humanitarian concerns and human cost of armed drones.

The Director of the American Civil Liberty Union's National Security Project, Ms. Hina Shamsi, spoke about the "vague, elastic, and shifting" legal interpretations of armed drone use. She explained that drones are not per se unlawful, but that the body of secret law and secret interpretations present a danger to international peace and security. She underscored that transparency in decision-making processes is key not only to prevent abuses, but also

for a state's own security. She concluded with the point that armed drone attacks by the US can also result in increased hostility towards the US and further undermine international peace and security.

Humanitarian Disarmament Project Leader Wim Zwijnenburg of PAX addressed proliferation issues, showing examples of military-grade drone exports, listing states producing drones, and sharing some examples of non-state drone use. He described export controls and limitations, encouraging participants to share their thoughts on what could be done to establish better export controls.

The final speaker of the day was Mr. Michael Spies, a Political Affairs Officer at the UN Office for Disarmament Affairs, who presented the recently completed UNODA study on armed unmanned aerial vehicles. He asserted that the strict application of international humanitarian law could alleviate some concerns about the use of armed drones, but complementary actions need to be taken to address the ethical, moral, and political aspects. He explained that improving transparency is at the heart of the study, raising proposals such as common definitions of key terms and reparations to victims and survivors. He finished with the remark that a follow up in-depth study is needed, which would also include multilateral discussions with states, experts, and civil society. •

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## SIDE EVENT REPORT: ADDRESSING CONCERNS OVER AUTONOMOUS WEAPONS

Erin Hunt | Mines Action Canada

On 20 October, the Permanent Mission of Costa Rica to the UN and the Campaign to Stop Killer Robots hosted a side event to explore concerns about autonomous weapon systems. Maritza Chan from the Costa Rican Mission opened the event by highlighting the need for urgent action to prevent technology from overtaking the international community's norms.

Chair of the panel, Miriam Struyk from PAX, a co-founder of the Campaign to Stop Killer Robots, spoke of the wide variety of stakeholders concerned about the possible development of autonomous weapons systems. Non-governmental organizations, academics, scientists, and others have concerns about the technology.

The first panelist was artificial intelligence (AI) expert Professor Toby Walsh of the University of New South Wales, who helped create the July 2015 artificial intelligence open letter calling for a ban on autonomous weapons. Professor Walsh had three messages for the audience. First, the technology is relatively near and

a fully autonomous weapon with dumb AI would not be hard to make. Second, the open letter shows that there is wide support for a ban in the AI community. Third, the international community has limited time to prevent an arms race.

The second panelist, Mary Wareham, Coordinator of the Campaign to Stop Killer Robots, outlined the history of the campaign and the issue, before calling on states to make progress at the Convention on Conventional Weapons by agreeing to mandate for a Group of Governmental Experts.

The third speaker, Dr. Ian Kerr, Canada Research Chair in Ethics, Law and Technology, criticised the media focus on science fiction as distracting from the actual problem, which he identified as the delegation of human decision-making to machines. Dr. Kerr believes that taking humans out of killing is a major shift. He said that scientists know that you have to set limits on what should be done and while it may be difficult, the UN is where to set those limits.

The final panelist, Richard Moyes of Article 36, focused on meaningful human control. He argued that commanders need to maintain control over the time, space, and process of each individual attack. Mr. Moyes said that delegates need to make decisions on the issues surrounding autonomous weapons systems or the progress of technology will take the decisions away from us.

After the presentations, the floor was opened for an active discussion with delegates and panelists, which touched on dual use technology and meaningful human control. •

## SIDE EVENT REPORT: PROTECTING CIVILIANS FROM THE USE OF EXPLOSIVE WEAPONS IN POPULATED AREAS

Thomas Nash | Article 36

Opening a side event on 19 October, Ambassador Thomas Hajnoczi of Austria noted the unacceptable toll on civilians caused by the use of explosive weapons in populated areas. He highlighted both the direct civilian deaths and injuries of bombing and shelling in towns and cities—90% of casualties are civilians—as well as indirect harm including damage to infrastructure and refugee flows from conflict areas.

Kathleen Lawand of the International Committee of the Red Cross (ICRC)'s Arms Unit gave a clear presentation on the ICRC's independent work on the humanitarian problems posed by the use of explosive weapons in populated areas. The ICRC, which hosted an expert meeting on this topic in February, is concerned with the use in populated areas of explosive weapons that have wide area effects. Examples of such weapons could include large or unguided aircraft bombs, unguided artillery and mortars, and multi-barrel rocket systems. Given that such weapons are commonplace in most military arsenals, this is a problem that concerns all states, she said.

Lawand reiterated the ICRC position, adopted by the entire Red Cross and Red Crescent movement, that all parties to conflict should avoid the use of such weapons in densely populated areas. Such use is likely to fall foul of the prohibition on indiscriminate attacks and the rule of proportionality, Lawand said. She described the reverberating effects of explosive weapons in populated areas, including through a short, but powerful animated film available on the ICRC website. One example of these reverberating effects is the way in which bombing and shelling can cut off water and electricity supplies, shutting down hospitals and disrupting medical care, causing knock on effects of disease and further deaths. The consistent pattern of harm in modern conflict makes such reverberating effects reasonably predictable and foreseeable and provides a strong case for commanders to take this into account when conducting proportionality assessments prior to undertaking an attack.

The ICRC will continue to work on this theme and is inviting states to share their policies and practices in relation to the use of these weapons in populated areas. The forthcoming ICRC report on international

humanitarian law (IHL) and the challenges of contemporary armed conflict will include a section on the use of explosive weapons in populated areas.

Richard Moyes of Article 36 and the International Network on Explosive Weapons (INEW) described the work of INEW member organisations to gather data; assess particular attacks; help communities to protect themselves and to assist survivors as well as to deal with unexploded ordnance; and work on the broader development and humanitarian challenges of countries affected by conflict.

The work of INEW is motivated by a humanitarian imperative, based on a clear pattern of harm that is consistent over a period of several years of systematic data gathering. Like the ICRC, INEW is particularly concerned by the use of explosive weapons with wide area effects. Moyes noted that this is one of the most fundamental and central questions for protection of civilians in armed conflict and as such it presents very significant challenges. Reflecting on the prominence of barrel bombs, Moyes pointed out that the problem with such weapons is not that they are made from barrels, but that they are an example of an explosive weapon with wide area effects.

Many thousands of lives are made unliveable by the widespread use of explosive force and this is not just happening in Syria, he noted. The Gaza Commission of Inquiry highlighted harm from use of explosive weapons with wide area effects. In Yemen thousands of civilians have been killed and injured, mainly from aerial bombardment in populated areas. The conflict in Ukraine has been characterised by bombing and shelling in towns and cities. This is a problem, then, in a wide range of contexts.

The numbers of casualties represent real people and real experiences, Moyes said. It is the physical pain of death and injury, but also the pain of dealing with the deaths and injuries of family members and loved ones. Echoing the ICRC's concerns with reverberating effects, Moyes also noted the longer term effects caused by bombing and shelling: "If you destroy people's houses you are going to move a lot of people."

INEW is calling for a response to this pattern harm, which cannot just be seen as an inevitable result of conflict. There has been strong engagement on this theme within the protection of civilians context, including through reports and statements by the UN Secretary-General as well as by states in the Security Council open debates. During the Vienna meeting in September there was positive recognition that this is an issue about which something can be done and a move towards setting a stronger standard internationally against the use of explosive weapons with wide area effects in towns and cities.

A formal political commitment would be a good first step, Moyes suggested. It should speak against the use in populated areas of explosive weapons with wide area effects, call on states to review policies, require them to gather data on use and casualties, promote operational work to strengthen civilian protection, and recognise the rights of survivors and their families. Even if some states will not join, that will not prevent responsible states from setting those standards, Moyes concluded.

Aurelien Buffler of the UN Office for the Coordination of Humanitarian Affairs (OCHA) described the way in which use of explosive weapons in populated areas has become a priority for the humanitarian community. A recent report by OCHA and Action on Armed Violence found that in Yemen, 95% of casualties from explosive weapons in populated areas were civilians.

Currently OCHA is working on a compilation of policy and good practice, building on examples from ISAF and AMISOM, in which the use of explosive weapons was constrained in populated areas. OCHA is also working to put a human face on the issue, through case studies on Ukraine, Yemen, and Libya.

Ambassador Hajnoczi concluded by providing a summary of the Vienna expert meeting his government hosted with OCHA in September. This meeting followed two previous expert meetings held at Chatham House in London in 2013 and in Oslo, Norway in 2014. The key outcome from the Vienna meeting was the discussion amongst states of possible elements for a political declaration to prevent harm from the use of explosive weapons in populated areas. Some of the elements Hajnoczi set out included: reiterating the overarching goal of protection of civilians, building awareness of the problem, acknowledging the humanitarian impact, reconfirming existing IHL, calling for better compliance with international law, recognising the concerns caused by non-state armed groups, and making specific commitments such as refraining from the use of explosive weapons with wide area effects in populated areas, collecting data, sharing good practices and policies, supporting victims, assessing impact of strikes, ensuring access to those affected, and ensuring practical measures to protect civilians. Hajnoczi noted that there was broad support at the Vienna meeting to take this idea up and to start work on a declaration. •

## CALENDAR OF EVENTS

When	What	Where	Who
Monday, 26 October 13:15-14:30	Applying small arms and ammunition guidelines in conflict-affected areas: lessons learned and tools for solutions	Conference Room A	UN Institute for Disarmament Research
Tuesday, 27 October 10:00-12:00	Initiating a global dialogue on strengthening end user control systems: can harmonization help tackle diversion?	Conference Room E	UN Institute for Disarmament Research
Wednesday, 28 October 13:15-14:30	ATT Reporting: Launch of the ATT - Baseline Assessment Project Online Training	Conference Room 6	Permanent Mission of Australia and ATT- BAP
Wednesday, 28 October 13:15-14:30	UN military transparency mechanisms: what are they and how to report to UNODA	Conference Room A	UN Office for Disarmament Affairs
Wednesday, 28 October 13:15-14:30	Seconds to stop the final countdown: the Cuba Missile Crisis in Okinawa	Conference Room 8	Permanent Mission of Chile to the UN, Mayors for Peace
Thursday, 29 October 13:15-14:30	ATT Implementation in Africa: Opportunities and Challenges	Conference Room 9	Permanent Missions of Sweden and Nigeria, SIPRI, and Control Arms

## SIDE EVENT REPORT: PERSPECTIVES ON DISARMAMENT AND INTERNATIONAL SECURITY

Ghazal Rahmanpanah | PeaceWomen of WILPF

On 21 October, Sweden and the Stockholm International Peace Research Institute (SIPRI), held a panel discussion on the Blix Commission's 2006 report, "Weapons of Terror". The event began with introductory remarks from Olof Skoog (Sweden), who sought to argue that there was still relevance in the recommendations of this report and to review challenges to its implementation.

Dr. Tariq Rauf (SIPRI) discussed the inception of the WMD Commission and moderated the event. Henrik Salander, who was Secretary-General of the Commission, noted that it had served independently to provide proposals to slow down proliferation and mitigate the risks of WMD. Salander highlighted some of the Commission's 60 recommendations, including the importance of multilateralism; the importance of treaties and international law; the firm belief that outlawing of WMDs is not out of reach; and the imperative for a strong and fair UN Security Council.

Dr. Irma Arguello of the Nonproliferation for Global Security Foundation spoke on strategies and priorities for the reduction of global security risks, including WMD. The risks of proliferation are still alive and well. Multilateral diplomacy on disarmament and non-proliferation is close to paralysis, while US-Russian relations continue to deteriorate, resulting in a lack of consensus in the UN Security Council to deal with the current risk. On the other hand, the idea of nuclear weapon prohibition is also alive and with the process of nuclear security summits and the recent Iran nuclear deal, there is a positive side as well. Advances made, though, fall far short of the WMD Commission's recommendations, Arguello said. She called for a paradigm shift from thinking about "global security" to focus instead on "global insecurity". A feeling of security leads to inaction while a feeling of insecurity is a powerful call for action and a change of mindset.

Dr. Hans Blix provided a lengthy set of remarks on the challenges and accomplishments associated with the UN Security Council and its role on non-proliferation and disarmament. He began by highlighting Sweden's call for a feminist foreign policy, spoke of the need for "détente" in the world, argued for the important role that is played by the Security Council and went through the recommendations of his nine-year-old report. Despite the widespread criticism of the Council's failures in global stewardship and the continued use of the veto by its permanent members, Blix sought to argue that the Council could still have some relevance for nuclear non-proliferation and disarmament.

Swedish Foreign Minister Margot Wallström gave concluding remarks, highlighting the important need for a humanitarian lens on addressing nuclear weapons. Wallström urged collaboration between states to begin taking action towards a more human rights-based approach to disarmament. She said the current state of chemical weapon use within the Syrian conflict by warring parties without accountability and with impunity was unacceptable. She called for an OPCW commission to inquire on this matter. Wallström urged action on behalf of the global health security movement, including a mechanism to review and strengthen action against use of biological weapons. Finally, she stated that today's worsening security environment makes it more urgent than ever to redouble efforts and take action for a world free from weapons of mass destruction.

Finally, UN High Representative for Disarmament Kim Won-Soo stressed the importance for action, especially with regards to the situation in Syria. Kim cited the need for a focus on mitigating global insecurity and protecting civilians from the use of various types of weapons. •

## SIDE EVENT REPORT: PROGRESSIVE APPROACHES TO DISARMAMENT

Ghazal Rahmanpanah | PeaceWomen of WILPF

On 23 October, the Permanent Mission of Jamaica to the UN, together with Reaching Critical Will and Article 36, hosted a side event to discuss some of the negative practices and challenges to the development of progressive policies on disarmament, the trade and use of weapons, and the prevention of humanitarian harm. The panel discussed recent events related to international arms transfers, the use of explosive weapons in populated areas, cluster munitions use, and nuclear disarmament initiatives within

the context of government commitments to promote development and human rights as well as reduce inequality and suffering. Panellists also highlighted critical challenges to progressive policies such as those relative to participation and representation within international discussions and negotiations.

The event began with introductory remarks from Ambassador Courtenay Rattray, who spoke of the challenges facing disarmament initiatives and the role



played by states that lack the political will to implement commitments and obligations. A paradigm shift is needed to counter the status quo of inaction on the challenges to moving the disarmament agenda forward. Amb. Rattray concluded by stating that he believes alternative approaches to advancing disarmament goals may be needed, such as tackling structural challenges and the lack of political will and commitment, which is reflected in “the yawning gap between rhetoric and reality”. The humanitarian approach to disarmament will allow for more ambitious and progressive mechanisms and methods for moving in the right direction.

Ray Acheson, Director of Reaching Critical Will, spoke about the disconnect between governments’ stated priorities and their actual policies and actions. While armed violence and conflict is impacting every corner of the world today, states blame each other for the violence while the reality is that all are responsible if they are participating in the global arms trade that is perpetuating the conflicts and cycles of violence directly impacting civilians. Weapons exporters and producers are key beneficiaries to this perpetual militarism. The United States (31%) and Russia (27%) dominate the global arms industry. There are billions of dollars going into innovative ways to kill people while simultaneously, there is an “off-loading” of older technologies on developing countries. Often times, this happens by the earmarking of weapons purchases via aid packaging.

The humanitarian lens to disarmament is described as impractical, even emotional, by many of the major arms producers. While there have been attempts to reframe security in the lens of “human security,” the pushback to this framing is still extremely strong, which highlights the need for framing towards global justice. Furthermore, we need a gendered perspective that highlights the male-dominated, highly militarised structures that dismiss the humanitarian framework as “weak” and “feminine”. While men comprise the most direct victims of armed conflict and armed violence, female casualties are still considered to be disproportionately grave and women are framed as inherently vulnerable.

Elizabeth Minor, researcher at Article 36, presented patterns on the representation of developing countries and women in international disarmament discussions and negotiations. She looked at patterns in attendance and delivery of statements in various disarmament forums from 2009-2014. At any one given meeting, only a quarter of women representatives speak. The lower-income countries are less likely to attend meetings; to hold office; or to give statements. Furthermore, lower-income countries also seemed to have a lower proportion of female participation. There was also distinct variation by region: Africa and Asia-Pacific have the lowest women’s representation, while Latin America and the Caribbean have some of the highest. Given that disarmament deals with

global issues, the most equitable outcomes can only be reached through more inclusive participation. More diverse forums are often more productive in addressing complex multi-dimensional problems such as disarmament.

Thomas Nash, Director of Article 36, highlighted three key tactics that constrain progressive disarmament and how to work through them. Nash grouped these constraints into three major categories: deny; deflect; and defer.

Denial involves denying that a problem exists and that “we” as subjects are involved or responsible for the situation. For example, users of cluster munitions categorically and consistently deny the use of these weapons. Often times, steps are taken to block observations and humanitarian aid to the effected areas as part of the aftermath of these forms of violence. In order to pushback on this, there must be a people-centric approach paired with data collection on the humanitarian impact of various weapons.

Deflection entails arguments that the problem is actually something else or someone else’s problem. A strong articulation of this is around the idea that existing international and humanitarian law is adequate, which changes the narrative from a “failure in compliance” to a “lack of restraint”. Humanitarian problems such as the use of explosive weapons in populated areas are seen solely as political problems and stances depend on whether one is on “Russia’s side” versus “Israel’s side” versus “Syria’s side,” for example. Civil society, however, from the humanitarian side essentially states that these relations should not prevent states from taking a clear position on the “protection of civilians.” Shifting the burden of proof away from those making a case for a humanitarian problem towards the possessors to justify their conduct as acceptable is a strong way to address the deflection challenge.

Deferral via inaction is a major challenge as well. When there is a lack of progress within the context of the mechanisms that exist, countries will defer action. However, it is clear that states will take steps forward when negotiations begin and political will is seen. This is clear in the way states blocking action on cluster munitions pushed for a mandate in the Convention on Conventional Weapons after the Oslo process meetings began. The same phenomenon is playing out in relation to the open-ended working group, which some nuclear-armed states strongly opposed, but now strongly support as prospects for a ban treaty gather steam. To move past the culture of deferral, there needs to be a more practical way to push an agenda forward even when universal buy-in is not available, otherwise, there will be momentum backwards and rollback in progress. •

## SIDE EVENT REPORT: CONTROL ARMS' "ATT MONITOR" LAUNCH

Raluca Muresan | Control Arms

The Permanent Missions of Australia, Netherlands, Ireland, Trinidad and Tobago and Control Arms hosted an event to launch Control Arms' first annual report of its new ATT Monitor. The panel focused on identifying the next steps in the Treaty's universalisation and implementation process, and the role the ATT Monitor can play in this.

Ambassador Cor van der Kwast of the Netherlands, who chaired the event, said we are still making progress on the Arms Trade Treaty (ATT) and steps forward will be taken towards transparency and accountability once the initial reports are submitted. He believes that "ATT Monitor will play a sustainable role in enhancing the treaty and ensuring that it is effectively implemented". Ambassador Quinn from Australia agreed with the Chair, stated that "there is a connection between the formal reporting process and the ATT Monitor, as the only verification mechanism we have so far." He enumerated some of the important gaps the ATT Monitor can fill, such as keeping civil society engaged in the implementation process, determining reliable and objective data collection processes, and evidencing good practices in implementation. "The flow of arms have led to incalculable harm, have inflamed conflicts that are becoming worse around the world," which is why the Treaty's implementation is key and robust reporting is essential, concluded Ambassador O'Brien from Ireland.

ATT Monitor Coordinator, Deepayan Basu Ray explained that the project's aim is to provide independent analysis on the effectiveness of the ATT. With no global verification mechanism in place, the ATT Monitor can fill this gap by generating data and tracking countries' implementation progress. He further explained that the ATT Monitor will be comprised of three main components: an annual report, case studies, and the ATT Monitor website. The annual reports will contain analysis on technical issues, reporting

trends, data on transfers, and implementation updates. The case studies will focus on specific countries, such as the one presented on South Sudan, thematic issues such as gender-based violence or terrorism, and on good practices and the positive examples in the ATT's implementation. All reports and case studies will be available online in English, French, and Spanish.

Referring to the South Sudan case study, Ambassador O'Brien remarked that it furthers the understanding of how flows of arms in conflict zones occur and provides potential solutions to stop them. The case study on South Sudan was presented by Nounou Booto Meeti, Programme Director at Centre for Peace, Security and Armed Violence Prevention. Booto Meeti highlighted statistics—50,000 deaths, 500,000 refugees, 1.5 displaced people—to illustrate the devastating impact that irresponsible arms transfers have had, not only in fueling the conflict, but in undermining development, access to basic services, and education. She explained how the ATT has the potential to stop such situations in the future, if effectively implemented. The prohibitions under Article 7, the transit and transshipment requirements under Article 9, and the measures to prevent diversion under Article 11 could all be used to stop arms transfers to South Sudan.

The comments and questions following the panel focused on the "reliability of public information" for data collection and the possibility of including a country by country assessment of their performance under the Treaty's obligations. The ATT Monitor Coordinator expanded on future plans to establish a reliable network of researchers and experts that would help address these issues and would ensure that the ATT Monitor publications are "verified and corroborated" to ensure its objectivity and credibility. In his concluding remarks Ambassador Quinn stated that the ATT Monitor can become an example for those reporting on other issues such as responsibility to protect. •

## SIDE EVENT: RETHINKING GENERAL AND COMPLETE DISARMAMENT

Matthew Bolton, Pace University New York City

Article VI of the Nuclear Non-Proliferation Treaty (NPT), General Assembly Resolutions 808(IX) and 14/1378, and the Final Document of the 1978 Special Session on Disarmament commit states to work toward General and Complete Disarmament (GCD) under effective international control. States have reaffirmed their commitment to this goal in the preambles of 12 disarmament and arms control treaties.

While now often misunderstood, misused, or disused, GCD remains a binding global obligation. A 21

October seminar, organised by the Permanent Mission of Costa Rica and SOAS University of London's SCRAP project, aimed to provide background and new thinking on GCD to the diplomatic and civil society community.

In his opening remarks, Kim Won-soo, UN Acting High Representative for Disarmament Affairs, said that while GCD, "sounds ambitious ... we must remind ourselves that it remains" the UN's expressed goal, affirmed by the NPT's "legal obligation". He paid tribute

to the humanitarian initiative on nuclear weapons for its effort to “revive the hope” of nuclear disarmament and called on nuclear-armed states to “reenergize the political will” necessary to achieve comprehensive disarmament. Finally, he wished to “reiterate the commitment” of the UN Office for Disarmament Affairs to assist the international community in its disarmament efforts.

Maritza Chan, Minister-Counsellor of Costa Rica, on behalf of Ambassador Juan Carlos Mendoza Garcia, Costa Rica’s UN Permanent Representative, stated that it is important to bring GCD back “into the discussion,” for in the current global security environment “we are losing the big picture.” As a unilaterally disarmed and demilitarized state, she said, Costa Rica, “aims to refresh the discussion of General and Complete Disarmament in operational and technical detail.”

Offering perspective on the possibilities for implementing GCD, Dr. Dan Plesch of SOAS stated that there is “no technical obstacle,” offering examples from successful disarmament, arms control, and non-proliferation instruments. He introduced the SCRAP proposal of “basic elements” for a GCD treaty—which draws on principles from existing international agree-

ments—to illustrate that the “problem is political”. He lamented the loss of a “disarmament track” in diplomatic relations between the major powers, unlike during the Cold War, when the US and Soviet Union engaged in serious arms control talks despite tensions. Seminar participants then heard from an array of distinguished panelists who sought to enliven and refresh the GCD debate. Ray Acheson of Reaching Critical Will called for “new approaches to tackle militarism” through a “gendered critique” and redirecting military budgets toward sustainable development. Dr. John Burroughs of the Lawyers Committee on Nuclear Policy argued that the GCD obligation under the NPT is now customary international law. Dr. Matthew Bolton of Pace University called for the many states with small armed forces to champion comprehensive disarmament through regional initiatives akin to nuclear weapon free zones. Paul Meyer of The Simons Foundation urged states to avoid making “hard linkages” between nuclear disarmament and GCD, but rather to pursue them in parallel, an approach which Jackie Cabasso of Western States Legal Foundation likened to a “Möbius strip”. Finally, Randy Rydell of Mayors for Peace stated that GCD “offers an integrated approach to address the ‘problem of war,’” which “has the potential to make an enormously positive contribution to international peace and security.” •

## SIDE EVENT: FROM SPACE DEBRIS TO SPACE GOVERNANCE: *SPACE SECURITY INDEX 2015*

Federica Dall’Arche | PeaceWomen of WILPF

On 21 October, the delegation of Canada, in collaboration with Project Ploughshares, hosted a side event on outer space security with a focus on security and sustainability of outer space debris. The panel was an opportunity to present the twelfth edition of the Space Security Index 2015. Dr. Anna Jaikaran, project manager of the 2015 Space Security Index, presented an executive summary of the report, highlighting its goals, structure, and key elements. The index is designed as an attempt to increase transparency on outer space activities and to create a common comprehensive knowledge on space security, in order to support the development of policies that can contribute to security and sustainability in outer space.

The issue of transparency in outer space activities and the necessity of confidence-building measures were underlined by the second panelist, former Canadian Ambassador Paul Meyer. After giving a brief introduction of the work of the UN Group of Governmental Experts (GGE) on transparency and confidence-building measures (TCBMs) and of the EU Code of Conduct on TCBMs, Mr. Meyer expressed his concerns in regards to the future of space security. The GGE, chaired by Mr. Victor Vasilev of the Russian Federation, issued a report that lists a set of criteria for TCBMs. The criteria is that the TCBMs should be clear, practical, and proven; that they are able to be confirmed by other parties; and that they seek to provide for the reduc-

tion of the causes of mistrust, misunderstandings, and miscalculation. The report also lists possible TCBMs for states to adopt and encourages states to undertake a political commitment not to be the first to place weapons in outer space.

Mr. Meyer critiqued this approach, arguing that it provides a justification for states to develop space weapons if another state did so. He also critiqued the EU initiative for failing to obtain support from other regional groups. He urged, therefore, the creation of a political and diplomatic momentum to take forward TCBMs, especially in the view of the upcoming 50th anniversary of the Outer Space Treaty in 2017.

The last panelist was Dr. David Kendall, incoming chair of the UN Committee on the Peaceful Uses of Outer Space. Dr. Kendall provided an update on the work of the working group on the long-term sustainability of outer space activities, underscoring the difficulties that have been encountered in terms of ensuring a safe, secure, and peaceful use of outer space. The different understanding by states on the definition and dimensions of space security and the lack of data sharing are key challenges. Dr. Kendall also presented a series of drafted guidelines, currently still under discussion within the working group, that should guide states in their conduct in outer space. •

# FIRST COMMITTEE MONITOR

The *First Committee Monitor* is a collaborative NGO effort undertaken to make the work of the First Committee more transparent and accessible. The *Monitor* is compiled, edited, and coordinated by **Reaching Critical Will** of the Women's International League for Peace and Freedom (WILPF).

*Contributing organizations and programmes to this edition:*

Article 36  
Control Arms  
Mines Action Canada  
PAX  
PeaceWomen of WILPF  
Reaching Critical Will of WILPF

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Reaching Critical Will