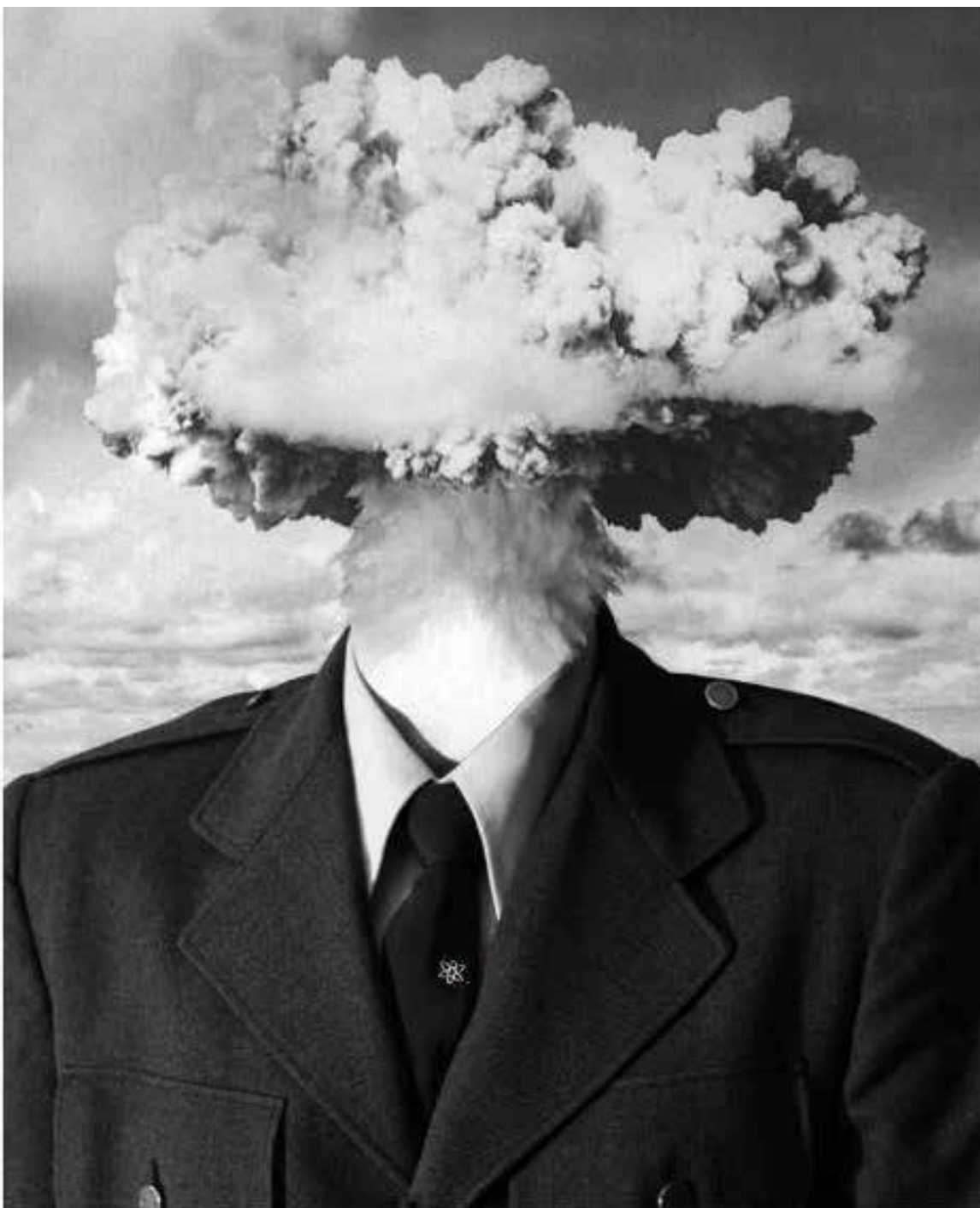


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Reaching Critical Will is a programme of the Women's International League for Peace and Freedom

777 UN Plaza, 6th Floor, New York, NY 10017
ph. +1 212 682 1265
email: info@reachingcriticalwill.org

Editor: Ms. Ray Acheson

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Reaching Critical Will is the disarmament programme of the Women's International League for Peace and Freedom (WILPF), the oldest women's peace organization in the world. Reaching Critical Will works on issues related to disarmament and arms control of many different weapon systems; militarism and military spending; and gendered aspects of the impact of weapons and of disarmament processes.

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Reaching Critical Will

EDITORIAL: IT'S TIME

Ray Acheson | Reaching Critical Will of the Women's International League for Peace and Freedom

This week, delegations to the UN General Assembly could help shift the course of history.

This sounds dramatic, especially for First Committee. While it always presents a good opportunity for progress, First Committee can sometimes seem like a recycling facility for statements and resolutions. Some of the proposals under discussion have been on the books for decades, while outside the conference rooms levels of armaments rise and bombs continue to fall.

This year is different. This year we have L.41.

L.41 is the document number for a resolution that will establish multilateral negotiations for a legally binding instrument to prohibit nuclear weapons. We have never had such a resolution. We have never had anything close.

None of the nuclear-armed states support this resolution. They are legally obligated to eliminate their nuclear arsenals, and have been for 46 years, since the nuclear Non-Proliferation Treaty (NPT) entered into force. Instead, however, they are investing billions of dollars into nuclear weapon modernisation.

Some of their allies that support the retention of nuclear weapons—because they believe that the ability to threaten the rest of the world with massive nuclear violence provides them with security—are torn. Many of their parliaments and publics are demanding they support a ban on nuclear weapons, but their state apparatus are resistant.

These governments are quite upset about L.41. Some of them warn about the unspeakable horrors that banning nuclear weapons will bring to the world—destroying the NPT and the nuclear non-proliferation regime; furthering regional and international tensions; etc. Underpinning this line of arguments is the assertion that a nuclear weapon ban treaty will not have any positive effect whatsoever on nuclear disarmament whilst angering the nuclear-armed states so greatly that they might become even more intransigent about retaining nuclear weapons and make even fewer commitments to disarmament and that they might even use nuclear weapons or start a nuclear war. We have been treated to various formulations of these overwrought warnings for more than two years.

Others argue that the ban treaty is not a “quick fix” for nuclear disarmament and does not “guarantee” the elimination of nuclear weapons—which is a

strange argument coming from countries that support incremental measures on nuclear disarmament, or that have previously championed prohibitions on other weapon systems such as landmines, cluster munitions, chemical weapons, and biological weapons.

The reality is that the problem with the ban treaty for these countries is that it is incompatible with the possession of nuclear weapons. A legally binding prohibition of nuclear weapons will stigmatise these weapons. It will draw a clear line around them for what they are—instruments of violent death and irredeemable destruction. It will help make unconscionable the concept of these weapons providing security or preventing conflict or deterring attack. It will create legal, political, and economic obligations on the basis of this stigma. It will change the way nuclear weapons are treated by people, corporations, banks, governments, and others. It will undercut the power, privilege, and profit that the few seek to derive from wielding weapons of mass destruction.

It is this that upsets those states that want nuclear weapons. It is this that has driven some of the extreme rhetoric against the ban treaty and its proponents. It should not, of course, be this way. The NPT does not confer legitimacy on their possession of nuclear weapons, or on the inclusion of nuclear weapons in security doctrines. On the contrary, the NPT seeks to prevent states from acquiring nuclear weapons and committed those that already had them to disarm. The idea that a small group of states would find it shocking and unacceptable that rest of the international community would press them to comply with their legal obligations is rather bewildering.

Not all of the rhetoric is aggressive. Some have tried to strike a more reasonable tone. “We and many others are frustrated by the pace of nuclear disarmament,” assured the delegation of Canada last week. But Canada, like many others, still finds fault not with the retention of nuclear weapons but with those who challenge this state of affairs. “Unfortunately, this frustration has spawned diverging approaches which threaten to overshadow our accomplishments, rather than renew our common commitment to the universal goal of a world free of nuclear weapons. It also risks undermining the foundation of trust and compromise essential for further action.”

Why? How? These are questions that those opposed to banning nuclear weapons have not answered. Who is undermining trust and compromise? When the majority of states in the world, parties to and in full

compliance with the NPT, have worked within that system for 46 years, trying in vain to encourage and facilitate the nuclear-armed states to proceed with multilateral nuclear disarmament as mandated by that Treaty, whose trust has been undermined? Who has made compromises time after time, only to see their good faith efforts trampled upon by those that say the "conditions are not ripe" to follow through on their legally binding obligations?

Divisions have been created by those states that possess nuclear weapons and those that rely on them in their security doctrines. They created these divisions decades ago by developing, testing, using, and stockpiling nuclear weapons. They have made agreements and broken them. They insist that they need a different "international security environment" before they can commence real work on disarmament—and in the meantime, they will keep building up their arsenals, as if preparing for the use of nuclear weapons will make it less likely.

It has been alarming to hear the way nuclear-armed and nuclear-supportive states defend these weapons as essential to their security. This is an incitement to proliferation, as well as being morally, legally, economically, and politically unjust. As Ireland and Trinidad and Tobago argued, "There should be no prestige attached to the ability to threaten the life of the planet and every living thing on it. Any such prestige can only beget proliferation and runs counter to the intention of the NPT."

It is also alarming to hear some of the nuclear-armed states denigrate those that support a ban treaty, locating the problem in states or others that bring attention to violations of law rather than in those that have violated the law. This reflects a broader societal tendency from the "powerful" to try to stop those who act to hold them accountable for committing or threatening violence or injustice. This imbalance of power, rooted in our established systems of patriarchy and militarism, is used relentlessly and in various ways to try to silence those that believe a different kind of world is possible.

This can't be allowed to succeed. "There comes a time when choices have to be made and this is one of those times," said Ireland in its remarks on the ban treaty last week. "Given the clear risks associated with the continued existence of nuclear weapons, this is now a choice between responsibility and irresponsibility. Governance requires accountability and governance requires leadership."

This week (probably), on Thursday afternoon (subject to change), in New York at the United Nations (definitely), all governments in the world have the chance to be responsible, to be accountable, and to be a leader. Every government needs to attend the most historic vote First Committee has ever seen, and we hope that courage and justice prevail when it comes time to take action on L.41. Collectively, as humans, we need a better story than the one we're writing now. This could be a turning point. •



CALIBAN AND THE NUCLEAR BAN: DECOLONISING POLITICS OF THE BOMB

Matthew Bolton

Last year, shortly after observing the collapse of the 2015 Review Conference of the Nuclear Non-Proliferation Treaty in New York, I saw the Public Theater's production of *The Tempest* in Central Park. Having just co-taught a university class on global politics and literature, I was receptive to and struck by the resonances between Shakespeare's play and the political drama I had just observed.

Watching Prospero—colonizer of his island—conjure a tremendous storm to punish his political rivals, I could not help but think of how, to threaten the Soviet Union, the United States had blown up atolls of the Marshall Islands, subjecting its people to rays of sickening radiation. Colonial legacies have imposed the majority of the human costs of nuclear testing and uranium mining on indigenous peoples in the American Southwest, in Australia, and in the South Pacific. France's first nuclear test was in Algeria, just as the colony was fighting for liberation.

As the actors on the stage contrasted Prospero's sophistication and learning with the indigenous Caliban's nonsensical "gabble," I recognized the ways "realist" scholars of international relations have dismissed as incomprehensible the post-colonial and feminist critiques of nuclear deterrence. It would be "ridiculous to construct a theory of international politics based on Malaysia and Costa Rica," wrote the neo-realist Kenneth Waltz in 1986, when challenged on his indifference to the concerns of non-nuclear-armed states.

Waltz's claim that the so-called nuclear superpowers' policies of Mutually Assured Destruction kept the peace during the Cold War has become conventional wisdom. But just as Prospero seemed oblivious to the heartache of his slave Ariel, the "nuclear peace" discourse disregarded the millions of civilian casualties in the proxy wars—fueled by displaced Cold War nuclear tensions—of Viet Nam, Cambodia, Laos, Afghanistan, Angola, Mozambique, and Nicaragua.

The proponents of the "nuclear peace" also had a more subtle discursive impact. By framing the nuclear powers as those most responsible for maintaining global peace and security (institutionalized by vetoes in the UN Security Council), they set themselves up as the most influential agents in the international system.

Prospero's daughter Miranda is shocked by the distress of those who were shipwrecked by her father's storm, saying that she has "suffered" by seeing the

suffering of others. Prospero responds with sexist condescension to her highlighting the humanitarian consequences of his actions, calling her "ignorant" and claiming that he has "done nothing but in care of thee." Indeed, Prospero's language is remarkably similar to the UK's statement in defense of nuclear weapons last week at the UN: "Be collected:/ No more amazement: tell your piteous heart/There's no harm done."

The Marxist-infused discourse of the Non-Aligned states and even national liberation movements actually contributed to this sense of disempowerment by depicting a world run by the powerful few at the expense of the many. Some developing countries—notably India, Pakistan, and the Democratic People's Republic of Korea—have argued that the only way to challenge the disparities of the nuclear order is for less powerful states to build their own Bomb.

However, in a line that has inspired many post-colonial thinkers, Caliban responds to Prospero's insults by retorting that since learning Prospero's language, "I know how to curse" in words Prospero will understand. Caliban discovers he can "talk back".

Over the last five years, the majority of the world's governments—mostly in the Global South—have decided to talk back to the nine nuclear-armed countries and their allies, by focusing on the potential catastrophic humanitarian consequences of a nuclear weapon detonation and the human rights and social justice implications of what South Africa has called "Nuclear Apartheid". At First Committee this month, they are promoting a landmark resolution that would commence negotiations on a nuclear weapon ban treaty in 2017. Such a prohibition would allow non-nuclear armed states to stigmatize nuclear weapons, currently the only weapons of mass destruction not outlawed in international norms.

The genius of this strategy—often called the "Humanitarian Initiative"—has been to use the language of international humanitarian law and human rights, rather than the dominant techno-strategic discourse, to challenge the great powers. The humanitarian discourse—which suggests that "civilized nations" abstain from using "barbaric" ways of killing—has condemned chemical weapons, cluster munitions, and landmines as "Other weapons" that are beneath the dignity of the chivalrous military officer. It is rooted in European and North American efforts to distinguish their ways of war (in a series of late 19th century conferences

in St. Petersburg and The Hague) from those of the people they were colonizing. While it is unlikely that the states pushing for the ban see themselves as “flipping the colonial script,” the Humanitarian Initiative functions in a way that pushes nuclear-armed states to live up to the commitments they demand of others.

In the narrowly-dismissed Marshall Islands lawsuit against nuclear-armed states and at the UN this month, the people most marginalized from the international system are showing they have learned to turn humanitarian discourse on their former colonizers. They are casting a new spell, one that the curses nuclear weapons—designates them *mala in se*, evil in themselves—by using the very language created by the colonial powers most complicit with the nuclear order. How can you claim to be civilized if you threaten the world with weapons that could end all civilization?

“Entire atolls remain unsafe for habitation, for agricultural production, and for fishing. Many Pacific

islanders have been permanently displaced from their homes and disconnected from their indigenous way of life. They have suffered, and continue to suffer, untold anguish, heartache and pain,” Dr. Caleb Otto, ambassador of the South Pacific island nation Palau told the UN this week. “How can any nation claim that nuclear weapons are legitimate weapons when we know the harm they cause to people and the environment?”

By the end of *The Tempest*, Caliban is free and Prospero resolves to destroy his magical staff. When asked by a reporter what he thought of “Western Civilization,” Mahatma Gandhi once replied, “I think it would be a good idea.” Here at the UN this month, non-nuclear-armed states are hoping a ban treaty will force powerful countries to be measured by their own claims to civilization and eventually renounce the Bomb. •

Dr. Matthew Bolton is the Associate Chair of the Department of Political Science and Associate Professor at Pace University.

NUCLEAR WEAPONS

Ray Acheson | Reaching Critical Will of the Women’s International League for Peace and Freedom

The thematic debate on nuclear weapons concluded last Monday. Unsurprisingly, states continued to focus on the proposed nuclear weapon ban treaty, contained in draft resolution L.41 on “Taking forward multilateral nuclear disarmament negotiations”. While there are more than 25 resolutions related to nuclear weapons at this year’s First Committee, consideration of L.41 dominated discussion. A small number of states—exclusively those that possess nuclear weapons or support them as important for their security—have indicated their opposition to this resolution. But the majority of states have firmly put their support behind the approach recommended by the open-ended working group (OEWG) that met in Geneva earlier this year, to set up a conference in 2017 to negotiate a legally binding instrument prohibiting nuclear weapons.

“Something extraordinary happened in Geneva this year,” said Ms. Helena Nolan of Ireland. “As we listened to one another and to the compelling expert presentations, a momentum developed and a sense of possibility and renewed optimism emerged and grew.” Even states that do not necessarily support its outcome have recognised its importance. Speaking as a group, the Nordic states (of which only Sweden has indicated its support for the ban treaty) noted that despite the lack of consensus on the final report, the OEWG “demonstrated a strong commitment to move nuclear disarmament forward.”

This commitment has propelled the majority of states to support the negotiation of a legally binding instrument to prohibit nuclear weapons, which as Ireland and others have explained, will be “complimentary” to the nuclear Non-Proliferation Treaty (NPT) and give effect to the commitment on nuclear disarmament in article VI.

A treaty prohibiting nuclear weapons “would constitute a significant step towards filling a glaring gap in the international legal architecture pertaining to the legality of nuclear weapons,” explained South Africa. “Such a treaty is not an end in itself nor a panacea to cure an otherwise ailing regime,” noted Brazil, but it is fully consistent with the NPT and the wider nuclear disarmament and non-proliferation regime.

Not everyone agrees. On Monday, Russia asserted that negotiating a prohibition treaty would be a “great mistake” and argued that states have a “clear consensus based road map for nuclear disarmament” through the 2010 NPT action plan.

However, as New Zealand pointed out, “Not only has nothing in the way of a vision, or framing, for a world free of nuclear weapons been put forward by the Nuclear Weapon States” since the 2000 NPT Review Conference, they also have not “outlined anything along the lines of a plausible roadmap or scenario—



one that does not lead instantly into a seemingly insurmountable roadblock—for the way forward.”

A prohibition treaty provides a clear path forward and will help create conditions for nuclear disarmament, many states have argued. “We are aware that an instrument prohibiting nuclear weapons will not disappear them immediately,” explained Ecuador, “but with the negotiation and adoption of this instrument, just as it happened with other weapons of mass destruction, the legal foundation and juridical standard for their elimination” will be set.

Some states, such as Norway and Netherlands in a joint statement, as well as Canada, did not outright oppose a ban treaty, but instead argued that the time is not right. They suggest such a treaty should come at the end of the disarmament process—even though most supporters see it as an instrumental step to facilitating disarmament. “Outlawing a particular weapon is a necessary first step towards their elimination,” explained Trinidad and Tobago. Highlighting the stigmatising effect of a ban treaty, Ms. Roopnarine argued that nuclear weapons must be “seen as a menace. The prestige of a country should not be associated with its destructive capability, but rather, with its ability to build and maintain peace.”

But while Trinidad and Tobago and many others highlighted the benefits of the proposed treaty towards building and maintain peace, others that support the indefinite retention of nuclear weapons continued to speak out against the ban.

Poland asserted that the treaty would have “serious negative consequences” for international security. Germany and Czech Republic argued that it would not help reduce arsenals and that it requires verification to be effective. Bulgaria argued that it “would not be effective without the participation of all states” and “will further divide us”. Australia said it “would not rid us one nuclear weapon,” would “not change the realities we all face in a nuclear-armed DPRK,” and would not change tensions among “major powers”. “Far from giving expression to Article VI commitments,” warned the Australian delegation, “we believe a ban treaty would do the opposite, creating parallel obligations, and thus ambiguity and potential confusion.”

Similarly, Germany on behalf of 26 nuclear-supportive states said it is their “understanding” that negotiations of a prohibition treaty “would only engage non-nuclear weapon states that are already bound by the NPT not to develop nuclear weapons and would likely mirror existing obligations, creating confusion and ambiguity—without any mechanism to ensure that obligations were being fulfilled.”

These arguments can be countered by the working papers submitted to the OEWG and the annex in the final report, which offer insights into the types of prohibitions and positive obligations that a ban treaty could contain. Furthermore, as several delegations argued, the negotiation process is not limited to any particular group of states. Ireland pointed out that those that did not attend the OEWG stayed away by choice, while Ecuador noted that the ban treaty negotiations “will be authentically inclusive” as they will be open to all states without conditions.

Germany’s group of nuclear-supportive states—and others in the past—argued there is no “quick fix” to nuclear weapons and believe that the step-by-step approach is the only way forward. However, the Brazilian delegation underlined that the ban treaty is not being proposed as a “shortcut” to nuclear disarmament. “It is actually part of a gradual process, explained Brazil, “which begins by setting out core prohibitions to be followed by elimination and verification arrangements.”

New Zealand likewise expressed weariness with criticisms against the ban treaty process for what “it might not do (for instance, remedy the NPT’s failure to persuade the DPRK to relinquish its nuclear weapons or prevent nuclear materials from falling into the hands of terrorists).” Ambassador Higginson encouraged other delegations to “join with us in doing everything possible to ensure that it does both strengthen the NPT regime and contribute, yet more broadly, to global peace and security.”

She also expressed concern with Germany’s suggestion that some countries would join a ban treaty and leave the NPT, describing this suggestion as “a false—but dangerous—fantasy.” Ecuador similarly described it as a “dangerous argument” that is “illogical and contrary to the facts and to the engagements expressed by the states that promote it.”

Other resolutions

L.1, Establishment of a nuclear-weapon-free zone in the region of the Middle East, contains only technical updates from last year.

L.2, The risk of nuclear proliferation in the Middle East, contains only technical updates.

L.10, Convention on the Prohibition of the Use of Nuclear Weapons, contains only technical updates.

L.11, Reducing nuclear danger, contains only technical updates.

L.13, Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, contains only technical updates.

L.20, Mongolia's international security and nuclear-weapon-free status, contains only technical updates.

L.23, Humanitarian consequences of nuclear weapons, contains only technical updates.

L.24, Humanitarian pledge for the prohibition and elimination of nuclear weapons, contains two new paragraphs. New operational paragraph (OP) 4 "Calls upon all States to pursue an additional legal instrument or instruments with urgency and to support international efforts to prohibit and eliminate nuclear weapons;" and new OP 5 "Recalls that all such efforts are aimed at contributing to the full implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and the achievement and maintenance of a world without nuclear weapons."

L.26, United action with renewed determination towards the total elimination of nuclear weapons, adds some new preambular text. One new PP reaffirms the UNGA's "determination to further strengthen the universality of the regime for nuclear non-proliferation". Another stresses the importance of the 2010 NPT Review Conference and one expresses concern "over recent developments in regional security situations." Another new PP stresses "the need to continue to explore possibilities" for overcoming the deadlock in the CD. The text welcomes the CTBT ministerial meeting in 2016 and the related UN Security Council resolution. It also welcomes the visits of political leaders to Hiroshima and Nagasaki. It also contains a variety of technical updates to other paragraphs.

New OP 4 encourage all states to "exert their utmost efforts towards the success of the 2020 Review Conference" and new OP 7 encourages nuclear- and non-nuclear-armed states "to further engage in meaningful dialogue that facilitates practical and concrete measures on nuclear disarmament and non-proliferation." A new OP 12 encourages the nuclear-armed states to continue convening regular meetings, "with a view to facilitating nuclear disarmament actions," throughout the 2020 NPT review cycle. It adds new OP 26, calling on states "to establish and enforce effective domestic controls to prevent proliferation of nuclear weapons and encourages cooperation among States and technical assistance to enhance international partnership and capacity-building in non-proliferation efforts." The text updates some language regarding the DPRK's nuclear weapon and ballistic missile tests. It deletes a call to engage in appropriate multilateral

forums to further explore effective measures necessary for achieving a world free of nuclear weapons.

L.28, Comprehensive Nuclear-Test-Ban Treaty, contains a few updates. A new preambular paragraph (PP) references UN Security Council resolution 2310 (2016) and reaffirms the Council's "resolute determination, 20 years after the Treaty was opened for signature, to achieve its entry into force." It also has a new PP welcoming ministerial meetings in Vienna in 2016 and a new PP noting the establishment in 2016 of a youth group engaged in promoting the CTBT. OP 5 now "strongly condemns" the nuclear tests conducted by the Democratic People's Republic of Korea (DPRK) on 6 January and 9 September 2016. OP 8 welcomes the ratification of the CTBT by Myanmar and Swaziland. It welcomes the report from the Secretary-General on universalisation.

L.31, Nuclear-weapon-free southern hemisphere and adjacent areas, contains only technical updates.

L.33, Decreasing the operational readiness of nuclear weapons systems, contains only technical updates from the last version in 2014. In her introduction of the resolution, Ambassador Walder of Sweden explained that the resolution "calls for further practical steps to be taken to decrease the operational readiness of nuclear weapons systems, with a view to ensuring that all nuclear weapons are removed from high alert status."

L.34, Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), contains a few updates from its last version in 2013. It adds a PP and OP noting that the 50th anniversary of the Treaty of Tlatelolco will be commemorated at a ministerial meeting on 14 February 2017 in Mexico City. It also adds a PP highlighting the beneficial influence of militarily denuclearised zones on other regions and another noting that the Treaty "remains a living instrument and a source of inspiration" for the creation of other such zones. It removes some references to past meetings and awards and elaborates further on activities for member states in the future.

L.35, Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments, was not yet released by the time of writing.

L.36, Ethical imperatives for a nuclear-weapon-free world, contains only technical updates.

L.42, Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons, contains technical updates.



L.47, Nuclear disarmament, contains a few technical updates. It also removes a PP welcoming a 2015 working group in the CD and adds one taking note of the report of the OEWG and its recommendation for the negotiation of a legally binding treaty to prohibit nuclear weapons.

L.49, African Nuclear-Weapon-Free Zone Treaty, contains only technical updates.

L.53, Treaty on a Nuclear-Weapon-Free Zone in Central Asia, last tabled in 2014, has been updated to reflect the ratification of the Treaty by four of the nuclear-armed states.

L.57, Nuclear disarmament verification, is a new resolution. It takes as its starting point that regardless of the path to the elimination of nuclear weapons, verification will be necessary once that point is reached. The resolution thus reaffirms the unequivocal undertaking of the nuclear-armed states to accomplish the total elimination of their nuclear arsenals and calls on them to make progress towards this end; reaffirms the need for adequate verification; calls on states to cooperate to identify and develop practical and effective verification measures “through, inter alia, advancing, understanding and addressing technical challenges of nuclear disarmament verification and monitoring, including tools, solutions and methods and capacity-building;” calls for the development of verification measures that will build confidence; encourages the CD and UNDC “to substantively address nuclear disarmament verification;” requests the Secretary-General to seek the views of member states on this subject and to report back to the General Assembly next year; and asks the Secretary-General to establish a GGE “of up to 25 participants” to “consider the role of verification in advancing nuclear disarmament” to meet in Geneva in 2018 and 2019 “for a total of three sessions of five days each”.

L.59, Missiles, last adopted in 2014, is a draft decision containing only technical updates.

L.64, Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament, contains only technical updates.

L.65, Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, traditionally tabled by Canada alone, is this year cosponsored by Germany and the Netherlands. It adds a PP recalling document CD/1299, the “Shannon mandate” on a fissile material cut-off treaty (FMCT). It also adds a PP “expressing frustration at the years of stalemate” in the CD and recalling relevant conclu-

sions of the 2010 NPT Review Conference. The resolution now also recognises “that a future treaty should not prohibit the production of fissile material for non-proscribed military purposes or civilian use, consistent with the obligations of State parties, nor interfere in any other way with a State’s right to peaceful uses of nuclear energy.” It welcomes the Group of Governmental Expert (GGE)’s adoption of its report as a “useful resource for negotiators” of this treaty and notes the GGE’s conclusion that “the various perspectives of States on a treaty should not be an obstacle to the commencement of negotiations.”

The key change is in the operational portion, which requests the Secretary-General “establish a high-level preparatory group on a fissile material cut-off treaty with a membership of 25 States, chosen on the basis of equitable geographical representation, which will operate by consensus, without prejudice to national positions in future negotiations.” It specifies that this group will meet in Geneva for two sessions of two weeks each in 2017 and 2018 “to consider and make recommendations on substantial elements” of and to “examine, with a view to making possible recommendations,” the report of the GGE. It also requests the Chair of this group to organize two open-ended informal consultations in New York of two days each in 2017 and 2018. It calls on the UNSG to transmit the report of the group to the General Assembly in 2018 and to the CD in 2019. It invites the CD to examine the group’s report and “consider further action, as appropriate.” It also decides that in the meantime, if the CD agrees upon a programme of work that includes negotiation of an FMCT, these activities would conclude and the work of the group would be transmitted to the CD.

When introducing the resolution, the Canadian delegation said, “We believe we have developed a credible, realistic and inclusive proposal that will set the stage for future negotiations in the Conference on Disarmament.” •

See www.icanw.org for more statement extracts related to nuclear weapons.

SIDE EVENT: NEGOTIATING NUCLEAR DISARMAMENT; CLARIFYING THE LAW

Margaret McNish

On 17 October, New Zealand held a side event moderated by Ambassador Dell Higgie on the legal aspects of nuclear disarmament. The event focused on a nuclear weapon prohibition treaty and its relation to the nuclear Non-Proliferation Treaty (NPT). Ambassador Higgie countered some of the assertions recently put forward concerning a prohibition treaty, chiefly that a new treaty would table a “revised grand bargain” that would undermined the NPT. She argued against this proposition, explaining that rather than undermining the NPT, the prohibition of nuclear weapons is part of fulfilling article VI of the Treaty.

Dr. Gro Nysteun, a senior partner at the International Law and Policy Institute (ILP), addressed the question: Is the threat or use of nuclear weapons in any circumstance permitted under international law? She argued that the rules of international humanitarian law (IHL) would prohibit the use of nuclear weapons in almost all conceivable scenarios, and that under IHL, if it is illegal to use a weapon it is also illegal to threaten to use it.

Kathleen Lawand of the International Committee of the Red Cross noted that although nuclear weapons are not explicitly prohibited by IHL, a prohibition is clearly compatible with IHL. First, this is true under the rule of distinction. It is impossible to ensure that

nuclear weapons are directed only at military combatants and not civilians via direct and indirect, short term, and long term consequences of nuclear weapon detonations. Second, it is clear that the use of a nuclear bomb would contradict the rule of proportionality. Finally, even if a nuclear attack were to occur outside of a populated area, “there would remain concerns of radiation on combatants in terms of excessive suffering.”

Treasa Dunworth of Auckland University spoke about her recent paper, “Strengthening the NPT: International Law and Effective Measures for Nuclear Disarmament.” She explained that it is common within international regimes for there to be different norms in handling a similar issue. For example, laws against torture are present throughout various treaties and resolutions, but it is never suggested that that cuts across or questions the fundamental norm against torture. On the contrary, these repetitions strengthen the norms against it, she argued.

The disarmament pillar of the NPT has yet to become operational, and as Ambassador Higgie first mentioned, that is the main problem. Dr. Dunworth believes that any negotiations that would occur next year would only be a “concrete, solid realization” of Article VI. •



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BIOLOGICAL AND CHEMICAL WEAPONS

Kathryn Millet | Disarmament Dynamics and Biosecu.re

During the thematic debate on other weapons of mass destruction (WMD), states reaffirmed the importance of the Biological and Chemical Weapons Conventions, particularly in the context of the growing threat of terrorism and recent erosion of the norm against the use of chemical weapons. States subsequently called for universalisation of both instruments and welcomed the most recent accessions to the conventions.

All 30 states and seven regional groups speaking under this topic addressed the use of chemical weapons in Syria, with the vast majority strongly condemning chemical weapons use and reiterating the need for the perpetrators to be called to account. Clear divisions along regional groups lines were evident in the discussions, however, when attributing blame for the use of chemical weapons. Many European Union countries and other traditional Western Group members and supporters, including Canada and the United States, referenced the findings of the United Nations (UN) - Organisation for the Prohibition of Chemical Weapons (OPCW) Joint Investigation Mechanism (JIM) that Syrian Armed Forces had twice deployed chemical weapons in its territory, in violation of the provisions of the Chemical Weapons Convention (CWC) and UN Security Council resolution 2118 and international humanitarian law. These states, and others, called to hold the government of Syria to account through appropriate action in the OPCW and the UN Security Council. In parallel, while the majority of states lauded the completion of the destruction of Libya's chemical weapons stockpile, a large number of states drew attention to the OPCW's Declaration Assessment Team's findings on discrepancies and inaccuracies in Syria's chemical weapons stockpile declarations and demanded that Syria address any outstanding concerns.

Syria and the Russian Federation disputed the findings of the JIM and were joined by almost all states and regional groups in emphasising the need to better address the threat of chemical (and biological) weapons use by non-state actors. In this context, Pakistan expressed support for the Russian Federation's proposed Convention on the Suppression of Chemical (and Biological) Terrorism. In contrast, the United States and the Nordic Group were of the view that chemical and biological terrorism should be addressed within existing international instruments. A number of states and regional groupings also reaffirmed their support for UN Security Council resolution 1540 (UNSCR 1540) in combatting the proliferation of WMD materials to non-state actors and called for enhancing the role

of the 1540 Committee and expert capabilities. The European Union announced it was favourably considering a new Council Decision in support of UNSC 1540 implementation and universalisation.

Poland reported that once again there were divergent views on this year's resolution on the implementation of the CWC, describing its efforts to reach middle ground as "more challenging than ever". Poland stressed its efforts to consult with states to produce a text rooted in fact that condemns the use chemical weapons in the strongest possible terms and sends a united message that those responsible for chemical attacks will be held accountable. Poland emphasised that the message of the resolution should be "strong, united, and shall encourage us to adopt the resolution by consensus."

Iran spoke to the role of Western companies in supplying chemical and biological materials to the Iraqi regime under Saddam Hussein and urged the OPCW Technical Secretariat to increase its efforts with regards to the International Support Network for Victims of Chemical Weapons and its Voluntary Trust Fund. Cuba, Nigeria, and the Non-Aligned Movement (NAM) called for the promotion of international cooperation in the field of chemical activities for purposes not prohibited under the Convention without any discrimination and restriction, and attached high importance to the adoption of a Plan of Action on Article XI on economic and technological development.

This focus on the "non-discriminatory" implementation of scientific and technological exchanges was echoed in a number of delegations' stated priorities for the upcoming Eighth Review Conference of the Biological Weapons Convention (BWC). Many emphasised the importance of Article X on the exchange of equipment, materials, and scientific and technological information for the use of biological agents and toxins for peaceful purposes. Again, traditional regional group divisions were in evidence with India, Iran, Pakistan, and the NAM and the Union of South American Nations (UNASUR) calling for a return to negotiations on a legally-binding Protocol to strengthen verification of the BWC.

With a wide range of states emphasising the need to strengthen the BWC to ensure the instrument remains "fit for purpose" in today's climate of rapid scientific and technological advances and the increased threat of biological and chemical terrorism, a number of possible areas of agreement for the forthcoming BWC Review Conference emerged. There was broad-based

support for an enhanced UN Secretary-General's Mechanism to deal with allegations of use of biological and chemical weapons and for a more regular science and technology impact assessment. A number of states also stressed the need for a more effective intersessional work programme, including decision-making capabilities at Meetings of States Parties, and enhanced international cooperation and assistance mechanisms. In this context, France and India highlighted their joint working paper on strengthening assistance under Article VII of the Convention. Several states also highlighted working papers submitted for consideration at the Review Conference including China's working papers on a code of conduct for biologists and on an export control regime under the BWC. The Republic of Korea expressed its support for practical measures to enhance the BWC's confidence-building measures as outlined in a co-sponsored working paper, and the Nordic Group drew attention to the joint working paper by Finland, Norway, and Sweden on science and technology review processes. India and the United States have also submitted a working paper on strengthening the implementation of Article III of the Convention. Iran raised its proposal to include the term "use" in the title and provisions of the BWC.

While a number of states stressed the need to "review the implementation of all articles of the Convention, and to strengthen them in a balanced and comprehensive manner"—often taken as code for battle lines

being drawn around issues relating to a legally-binding Protocol and on Article X—all states underlined the need for a consensus outcome and a willingness to work constructively to achieve this. A statement delivered by Hungary on behalf of the Foreign Ministers of Hungary, the Russian Federation, the United Kingdom, and the United States highlighted the importance for all states to approach the Conference with this spirit of constructive work. In its national capacity, Hungary introduced its resolution on the BWC and called to have the resolution once again approved by consensus. Aside from technical changes such as welcoming the increase in the number of states parties to the Convention, this year's draft gave recognition to the "innovative preparatory process" for the Review Conference and updated language adopted prior to the previous Review Conference that urged states parties to work together to achieve a consensus outcome.

In addition to discussions surrounding the Biological and Chemical Weapons Conventions, the Non-Aligned Movement (NAM) and Iran called especial attention to the NAM-sponsored resolution on the 1925 Geneva Protocol, calling for states to withdraw their reservations without further delay. In addition, the issue of the proliferation of ballistic missiles as a means to deliver weapons of mass destruction also proved a high priority for a number of states, accompanied by calls to strengthen existing export control regimes such as the MCTR and Hague Code of Conduct against Ballistic Missile Proliferation. •

ARMED DRONES

Elizabeth Minor | Article 36

During the past fortnight, six states raised armed drones in their statements to First Committee, along with the Chair of the Group of Governmental Experts on the UN Register on Conventional Arms, Ambassador Paul Beijer of Sweden. A joint statement endorsed by forty-four civil society organisations, focused on the need for international action to prevent and mitigate harm from armed drones, was given during the informal NGO presentation session. A side event on armed drones hosted by the Netherlands and PAX was also held last Monday.

The NGO statement on armed drones, endorsed by organisations from fourteen countries and regions, highlighted the harm caused by armed drones; the wide range of concerns expressed by states, civil society organisations, and UN experts and bodies on this subject; the necessity of rejecting use of armed drones that erodes the boundaries that should constrain harm and facilitates the expansion of use of

force practices normally associated with the conduct of hostilities; and the need for open and transparent collective action on this matter.

At the thematic debate on conventional weapons, the United States and Ambassador Beijer noted the inclusion of "unmanned combat aerial vehicles" within the reporting categories of the UN Register of Conventional Arms. The US has not remarked on the subject of armed drones at First Committee for at least the last three sessions.

Costa Rica reflected on issues civil society has raised, including armed drones' use being characterised by a lack of accountability and transparency, eroding democratic controls and oversight over the use of force; the humanitarian impact of drones as well as concerns around the implementation of human rights and international humanitarian law; and UN studies on this question. Costa Rica declared that it was time



to move beyond words and take action on the use of drones outside of “areas of active hostilities.”

Ireland noted that the use of armed drones must conform with international humanitarian law and human rights law, and called for continued discussion at the Convention on Certain Conventional Weapons and in human rights forums. Venezuela reiterated its condemnation given in the general debate of the use of armed drones for extrajudicial killings and violations of international law.

Venezuela also asserted that the proliferation of armed drones amongst states and non-state actors such as ISIS was predictable given the lack of regulation or response to this issue. During the debate on other weapons of mass destruction, Bangladesh expressed concern at the possibility of the use of commercial drones to deliver chemical weapons. Botswana expressed general concern regarding armed drones and autonomous weapons during the conventional weapons debate.

During its statement, Ireland also welcomed the recent “Joint Declaration for the Export and Subse-

quent Use of Armed or Strike-Enabled Unmanned Aerial Vehicles,” issued by the US earlier this month with the support of forty-eight other states, and also welcomed follow-up on this document. At Monday’s side event, the Ambassador of the Netherlands reported that his country was aiming to host a meeting on the declaration in April 2017, whose aim would primarily be to increase its number of supporters. The Netherlands and Ireland are the only states endorsing the declaration that have raised armed drones in their statements to First Committee this year. Panelists and the audience at the side event raised the weakness of the document’s provisions compared to those of the Arms Trade Treaty, and discussed the opportunities and risks presented.

The side event included Wim Zwijnenburg of PAX, Alex Moorehead of Columbia University, and Nureen Shah of Amnesty International, and was moderated by Alexandra Hiniker of PAX. Issues presented included the importance and limits of transparency; recent disclosures about US practice in the use of armed drones; and the current state of drone proliferation worldwide. Jessica Dorsey of PAX presented the call to action of the European Forum on Armed Drones. •

SIDE EVENT: THE DRONE DIALOGUES

Tiffany Moton

On 27 October, the Mission of the Netherlands and PAX hosted a side event on “new challenges for states on armed drone use and proliferation”. Ambassador van der Kwast of the Netherlands opened the discussion by expressing that his government wants to emphasise the importance of working towards a global norm that deters the use of armed drones, as well as their transfer and sale. He also suggested that member states aim to improve and build upon the joint declaration of 5 October 2016 issued by the United States on armed drone import and export. Finally, he mentioned that non-state actors, as well as state actors that have not signed the agreement, are major participants in the transfer and sale of armed drones. He believes this is a problem that must be addressed immediately.

Naureen Shah, Director of Amnesty International USA’s Security and Human Rights Program, discussed the US government’s use of drones and the concerns that have arisen as a result. She stated that the US has set a dangerous precedent for how much information is released regarding drone strikes. She titled the issue, “a game of selective disclosure,” in which the US gov-

ernment paints its drone programme in the best light possible. For example, the government has claimed that only a small group of people who had been highly vetted were being targeted, when in fact many people are being killed based on a pattern of behaviour. She also explained that the United States uses a “global war paradigm” to justify drone strikes outside of “actively hostile areas” by viewing the world as a battlefield. Eventually, Shah explained, after pressure from the public and the international community, the US government has begun to release reports of civilian casualties. However, these reports are misleading, do not describe how the numbers were obtained, and do not include civilian casualties from all conflict zones. Shah stated that the United States had come up with a drone policy that satisfied them but did not limit them. She urged the government to become more transparent and hoped to see the application of international humanitarian law all the time, everywhere, and not just when it’s convenient.

Alex Moorehead, Director of the Project on Counterterrorism, Armed Conflict, and Human Rights at Columbia Law School, discussed the importance of

transparency regarding the use of drones. He argued that transparency is important because it sets a prerequisite for accountability, is central to principles of democratic oversight and decision making, makes it easier to investigate the legality of strikes, and because, in his opinion, the use of drones will most likely drastically increase over the next 5-10 years. Moorehead also noted that if only a few states are transparent, then their view becomes the norm and that could set a dangerous precedent. He explained that every drone strike should be acknowledged and identified, reports should be broken down specifically, and there must be clear, visible reparation mechanisms. According to Moorehead, failure to do these things will result in a world in which all programmes to “eliminate enemies” are conducted in secret with no legal framework or repercussions.

Wim Zwijnenburg, Policy Advisor on Disarmament and Security at PAX, discussed the growing theatre

of drones use, including commercial use by non-state actors. He explained that drones are attractive to non-state actors because surveillance, intelligence, and reconnaissance can provide tactical advantage of the battlefield. He also said that drones can be used for target acquisition, and footage can be used as a recruitment tool for videos. Zwijnenburg then discussed the potential for creating a global norm on armed drone use and exports, emphasising the necessity to express clear goals in relation to existing arms export control regimes and an inclusive process to obtain these goals. He highlighted the importance of preventing exports to conflict zones, and noted how improving controls over bulk shipment and engaging with the industry could prevent the use of drones by terrorists. Finally, he urged First Committee to confirm the need for constructive discussions on the implications of armed drone use and the improvement of arms export control regimes. •

SIDE EVENT: FULLY AUTONOMOUS WEAPONS AND THE CCW REVIEW CONFERENCE

Aimee Michele Giguere

Fully autonomous weapons, also known as lethal autonomous weapons systems or “killer robots” are at a key decision-point after three years of informal talks, according to a side event briefing convened by the Campaign to Stop Killer Robots on 18 October.

As president of the Convention on Conventional Weapons Fifth Review Conference, Ambassador Tehmina Janjua of Pakistan encouraged states to come prepared to agree to the recommendation that they establish an open-ended Group of Governmental Experts to take work on killer robots forward.

According to campaign coordinator Mary Wareham, there is no need to agree on a definition of fully autonomous weapons before moving forward. She said the concern is over “future weapon systems that, once initiated, will be able to operate without meaningful human control.” She emphasized that an entire class of weapons are involved and this has the potential to change the nature of warfare. She described recent campaign outreach in Moscow, Oslo, Ottawa, and other capitals.

Artificial intelligence expert Professor Stuart Russell of UC Berkeley pointed out that fully autonomous weapons would decide who, what, and when to attack. At this point, the technology necessary to produce

autonomous weapon systems is in place but is subject to a high degree of error and would likely make many mistakes in distinguishing between combatant and civilian. There is an emerging consensus among members of the artificial intelligence community that such weapon systems should not be developed, not only because of the high degree for error, but because of they also subject to hacking and could easily be redirected or misused.

Steve Goose, arms director at Human Rights Watch said the Fifth Review Conference and CCW process on lethal autonomous weapons systems provides an opportunity for states to make a real difference. He said if there are to be any “LAWS” it should be a preemptive ban. Goose called on delegates to create a Group of Governmental Experts in December then move to negotiations in 2018 and complete them within a year.

Representatives from at least 10 states attended the briefing, including France, Russia, and the US. In the Q & A, Russia’s representative said there are differences between how states and NGOs view the issue of options for future work, including proposal for a Group of Governmental Experts. He expressed skepticism, but said, “we listen” and discuss the matter at inter-agency meetings. •

EXPLOSIVE WEAPONS IN POPULATED AREAS

Laura Boillot | International Network on Explosive Weapons

The start of the conventional weapons debate saw seven states raise concern over the use of explosive weapons in populated areas (EWIPA): Austria, Guatemala, Ireland, the Netherlands, New Zealand, South Africa, and the United Kingdom.

Austria described the use of explosive weapons in populated areas as “a major cause of civilian harm in many countries” and a “humanitarian problem of extreme gravity”. It brought attention to the impact EWIPA has on population displacement, saying, “many people are desperate to find shelter abroad precisely because of the violence and the use of explosive weapons in their countries of origin and the lack or breakdown of protection for civilian populations.”

Austria drew attention to the international expert meeting it hosted in Vienna in 2015, which invited around twenty states to highlight “the importance of awareness-raising on the basis of continuing collection and dissemination of data as well as the sharing and promotion of states’ good practices in using explosive weapons.” Austria went on to provide an update on an event it hosted in New York on 4 October 2016 and its plans to “issue an international political declaration to prevent civilian harm from the use of explosive weapons in populated areas.” It reminded delegations that the UN Secretary-General has encouraged

all states to engage constructively in the initiative to develop a political declaration on explosive weapons.

Ireland stated that it regards the use of explosive weapons with wide area effects in populated areas as “one of the most serious challenges facing us with regard to conventional weapons questions at this time.” Ireland said it “welcome[d] the attention being given to this question.”

New Zealand expressed support for the “development of a political declaration as part of an international effort to address the immediate and long-term harm being caused to civilians by the use of explosive weapons with wide-area effects in densely populated areas” and stated that a declaration must be “meaningful and effective”.

The Netherlands said that it supports “the international discussion on the use of explosive weapons in populated areas,” which should “focus on concrete and practical measures in order to limit casualties and damage.”

South Africa and Guatemala both expressed concern over the use of explosive weapons in populated areas, alongside the United Kingdom, which emphasised the need to limit casualties and damage from EWIPA. •

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ARMS TRADE TREATY

Allison Pytlak | Control Arms

During the thematic debate on conventional weapons, there were 44 references to the Arms Trade Treaty (ATT) in statements from national governments as well as regional bodies. Overwhelmingly these statements were positive and recognised the landmark and ground-breaking nature of the Treaty and its strong potential to save lives.

A few governments referenced arms transfers that constitute violations of the ATT. Costa Rica raised this concern referencing their “impact on civilians particularly in the Middle East and North Africa”. Iran, too, raised the issue of irresponsible arms transfers to parties that violate international human rights and humanitarian law in conflicts such as the one in Yemen. Iran claimed that it had argued during negotiations of the ATT for the inclusion of prohibitions against arms exports to aggressions and foreign occupiers in order to prevent these types of conflicts.

Through reporting and media, civil society has raised this issue for nearly a year in the context of ATT implementation issues, but the response has been disappointing both from those who are making the transfers and from other states parties. Somewhat ironically, the United Kingdom noted that when states fail to control the supply and sale of weapons and ammunition they jeopardise the safety of civilians worldwide.

Several statements recalled the recent second Conference of States Parties (CSP) that took place in Geneva from 22-26 August 2016 and its key outcomes. The EU, CARICOM, the US, the Netherlands, Germany, Switzerland, and New Zealand welcomed in particular the establishment of a Voluntary Trust Fund (VTF).

Also noteworthy were more detailed statements highlighting the importance of the inclusion of small

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arms and light weapons (SALW) in the ATT, or its relationship to other arms control instruments. Senegal spoke about the long history of small arms control in the West Africa region such as the Bamako Declaration and the ECOWAS Convention and said that both can reinforce the ATT. Mexico proposed broadening the discussion about UN instruments on conventional weapons to consider synergies with national instruments and proposed a Group of Governmental Experts to present recommendations on this to the UN General Assembly. Cambodia shared that ASEAN countries are considering a regional firearms agreement meant to complement the ATT.

The UK referred to the impact of arms and the arms trade on wildlife, specifically through an increase in armed poaching, the first time that this has been noted by a government at First Committee. The Control Arms Coalition and Pace University had presented a research report on the subject earlier this month.

Many states emphasised that universalisation must be a key priority over the coming years and called on all countries to become party to the ATT. Lao People's

Democratic Republic provided updates on its accession processes.

Positive updates on implementation were made by some countries including Ghana, Senegal, and Jamaica, which have developed relevant legislative and regulatory frameworks to fully implement the ATT.

A small group of statements expressed skepticism about the ATT. Russia restated its frequently-made view that it does not understand the need for such an instrument, if its collective standards are lower than the individual standards of many nations. Cuba noted the lack of balance between importers and exporters, a concern that India and Kuwait touched on, too.

Several countries noted the constructive role played by civil society. Senegal in particular highlighted the historic role played by civil society in "raising awareness of the scourges caused by illicit weapons" and noted that it actively supports the "Control Arms campaign initiated by civil society to promote the Arms Trade Treaty." •

SIDE EVENT: BOMBS, STARVATION, AND WAR: THE HUMANITARIAN CRISIS IN YEMEN

Lisa Mueller-Dormann and Raluca Muresan | Control Arms

"Do you have to be killed in an airstrike to count?"

This is the despairing lament of a Yemeni doctor after seeing yet another child die from starvation, shown in the BBC film "Starving Yemen". The powerful documentary was screened at a well-attended side event co-sponsored by Control Arms, the BBC, Human Rights Watch, Oxfam, and Saferworld, and chaired by BBC producer Nada Tawfik.

Reporter and film director Nawal Al Maghafi introduced her documentary, which depicts the starvation facing many children, in a country where millions have been displaced and 84% of the population is now dependent on aid, an unprecedented proportion in any ongoing humanitarian crisis. She discussed the context where since the beginning of the civil war between the Houthi rebel group and the Saudi-led coalition in March 2015, air strikes have targeted schools, hospitals, mosques, markets, warehouses, and most recently, funerals. 600 hospitals have been forced to close, and there has been a further deterioration of the economic situation in an already-impooverished nation.

A panel discussion after the film covered the extent of this civilian suffering, the human rights and humanitarian law violations committed by all parties to the conflict, and the role of weapons in fueling this. Paola Emerson from the UN Office for the Coordination of Humanitarian Affairs (OCHA) explained that humanitarian aid from the UN aims to reach 15 million people, but its delivery has been made difficult by the ongoing aerial blockade, as well as an ongoing fuel shortage. Malnutrition and limited access to health facilities and medication has left one million children facing starvation.

Noah Gottschalk from Oxfam explained that the international community has enabled the violence in Yemen, both through action and inaction, and called on UN member states to immediately stop arms transfers to all parties in the conflict, as well as working towards an urgent political solution.

Priyanka Motaparthy from Human Rights Watch discussed how HRW has documented the use of internationally banned landmines and cluster munitions by both sides to the conflict. The high likelihood of many



Reaching Critical Will

unexploded munitions remaining on the ground now poses ongoing risks, especially to children.

The frequent use of explosive weapons in populated areas, particularly by the Saudi-led coalition's air-strikes, have been devastating to communities.

Robert Perkins of Control Arms criticized the "business as usual" attitude that many ATT states parties have adopted as they continue to supply arms to the Saudi-led coalition, in spite of the humanitarian crisis and ongoing human rights violations. While some states, such as Netherlands, Spain, and Belgium have scaled back their exports, others, in particular France, the US, and UK, have continued to supply arms to Saudi Arabia and its allies. Some of these breaches have led to legal action in court, including in the UK which, according to a legal analysis by eminent international

law experts commissioned by Control Arms UK members Amnesty International and Saferworld, has been in violation of national and international exporting regulations, including articles 6 and 7 of the ATT.

An engaging discussion followed the panel presentations, the first question being the one on everyone's minds after the screening of "Starving Yemen": "What more can be done?" The panel called for a better monitoring system on the ground and for violations of international instruments, such as the Arms Trade Treaty, to be thoroughly documented in order to push governments to review their arms transfer decisions. Questions were also raised about a new UN Security Council resolution on humanitarian access. The main point raised by the panel was the lack of access due to the air blockade, noting that a number of ports are out of capacity, as well as the war economy. •



SIDE EVENT: ATT MONITORING AND REPORTING IN 2016

Robert Perkins | Control Arms

On 19 October, Control Arms and the ATT-Baseline Assessment Project (ATT-BAP) presented new analysis of progress made by States in implementing the Arms Trade Treaty (ATT). The event was co-hosted by Australia and the Netherlands, and chaired by Ambassador John Quinn (Australia), who opened the discussion by welcoming the role of civil society in providing critical analysis and oversight of state behaviour and progress. Mark Verstedden (Netherlands) echoed the tone of these opening remarks, noting the value of civil society monitoring as a service that fills the gap left by a small ATT Secretariat.

The event centred around two new publications. The first, *Reviewing 2016 ATT Annual Reports on Arms Exports and Imports*, was introduced by Rachel Stohl (Stimson Center and ATT-BAP). The report analysed 44 annual reports submitted by states parties to the ATT. While 71% of states parties due to submit these reports had done so by 31 August 2016, only 28% made the legal deadline of 31 May. A key question addressed by this publication was whether the introduction of the ATT Annual Report, given its clear overlap with the reports already submitted to the 25-year-old UN Register of Conventional Weapons (UNROCA), had helped to increase transparency in the arms trade. Among its key findings, the report revealed that eight states reported to the ATT who had not recently reported to UNROCA, while one, Liberia had never reported to the Register.

Deepayan Basu Ray (Control Arms) launched the second Annual Report of the ATT Monitor project. The report explores all aspects of ATT implementation and universalisation efforts carried out in the last year. It found that while the pace of new ATT membership globally had been positive, that progress had been inconsistent between regions. Commenting on the state of implementation efforts, Basu Ray noted that meaningful implementation is about more than simply updating ones' systems, and requires more fundamental behavioural change to ensure compliance with the goals and spirit of the ATT.

Ambassador Paul Beijer (Sweden), co-Chair of the newly mandated ATT Working Group on Reporting and Transparency, introduced the new group's ambitions and compositions, and the challenges in defining its mandate. He focused on the need for the new group to look at ways to improve reporting returns and avoid delays in meeting deadlines, including finding appropriate incentives for reporting officials.

Improving transparency in the arms trade is one of the main purposes of the Arms Trade Treaty, and public reporting is critical if the arms trade is to be brought further out of the shadows, building confidence between states and improving the security of states and civilians alike. •

SIDE EVENT: ARMS TRADE TRANSPARENCY

Margaret McNish

As it goes with any international agreement, it is the responsibility of states parties to implement its measures. This is true even when the obligation includes imputing data into a computer system.

On 20 October, Daniel Prins of the UN Office for Disarmament Affairs introduced a side event focusing on arms trade transparency in relation to the UN Register on Conventional Arms and the pattern of states' reporting.

Sachi Claringbould, representing the government of the Netherlands, explained that this event did not pop up out of thin air. The recent Group of Government Experts (GGE) on the Register recommended the organisation of an event to discuss the Group's

report and promote the Register's new website and database. She urged all member states to visit www.unroca.org and submit their reports in a timely manner. She also recognised the importance of the GGE's inclusion of a +1 category for small arms and light weapons and a new heading for "unmanned aerial combat vehicles".

Ms. Claringbould also highlighted the transparency and confidence building nature of the evolving Register. She noted that the world is "globalising in such a way that we are reaching unknown territory." For that reason, traditional balance is shifting and with it, so is the nature of warfare. Showing signs of good will through trust will help states navigate an unstable and insecure global environment, she argued.

Kim Won-Soo, the UN High Representative for Disarmament Affairs, explained there are two functions of the Register beyond transparency, including in relation to UN Security Council decisions on sanctions and monitoring post-conflict situations. He noted that the Register is a “living instrument” that must continue to stay “ahead of the curve”. This means that work needs to be done.

Last year, only 25 states reported on military holdings and 10 on production. Mr. Kim regards it as “puzzling” that the resolution that formed the Register is adopted by consensus every year, but the number of reporting has gone down, not up. He does, however, acknowledge UNODA’s responsibility in helping member states with their reporting. There is a push to make a “one stop” online service.

Ambassador Roberto Garcia Mortan of Argentina acknowledged the “painful reality that all armed conflicts have been fought with conventional weapons.” Conventional weapons and armed forces account for 4/5 of military expenditures and 80% of world arms trade. There is consensus for the rigorous regulation and eventual elimination of weapons of mass destruction, whereas conventional weapons are seen as a legitimate means of exercising collective or self-defence. For this, he says that, “in a way, there exists a tacit *qui pro quo* in prohibiting WMDs and allowing conventional weapons.”

Mortan acknowledged the most important achievement of the Register as the normalisation of governments reporting their arms imports and exports. What used to be publicised voluntarily and sporadically through newspaper reporting, he said, is now available through official mandates. 25 years of data is enough to start analysing the negative effects of arms transfers. Yet, the Register does not and cannot stand

as an arms control measure alone. A better synergy between the resolution, the register, and the Arms Trade Treaty could be more effective, he suggested.

Ambassador Paul Beijer, the Chair of the GGE on the Register, gave his thoughts on how member states could be persuaded to follow through on reporting. He recognised the reality of “reporting fatigue” that is caused by the pressure pushing down on bureaucracies around the world. Priorities have to be made, and the highest government officials simply may not put the Register at the top of the list. Ambassador Beijer suggested that UNODA could play a key role in emphasising the importance of the data and encouraging individuals and groups at a local level to report. He encouraged keeping the Register relevant, which would include going a step further and making small arms and light weapons an eighth category. Keeping it in 7+1 category would be sufficient, he said, but at the very least it cannot be dropped back down into the “other information” category. There are also questions around dual-use technologies, he said. Night vision goggles, for example, are not a weapon, but they are a destabilising tool that can easily give a state an advantage over another and should be considered for inclusion in the Register.

The last speaker was Rachel Stohl from the Stimson Center. A standout line from her statements, which Prins later repeated, was that “the Register has become a victim of its own success.” Transparency has become a norm that states are beginning to take for granted. In terms of relevance, the Register has only made two changes in the last 25 years: the addition of MANPADS over a decade ago and the recent attachment of small arms and light weapons. These changes are a great start, Ms. Stohl believes, but they are not enough. There is a system for improving the Register, so, she says, “let’s use it.” •

SMALL ARMS AND LIGHT WEAPONS

Leslie Brice | International Action Network on Small Arms

During the thematic discussions on conventional weapons during last week’s session of First Committee, member states expressed their concerns about the illicit manufacture, transfer, and circulation of small arms and light weapons (SALW) and their excessive accumulation and uncontrolled spread. Speaking on behalf of 61 member states, France submitted a declaration noting that SALW have killed more people than any other weapon, are involved in more than 500,000 deaths per year, and account for more than 90% of victims in armed conflicts. “We are mindful of the fact that governments bear the primary respon-

sibility for preventing, combating, and eradicating the illicit trade in small arms and light weapons in all its aspects. To this end, we underline the necessity to intensify efforts to define the origins of such illicit trade and find ways of addressing them,” stated the declaration.

Venezuela noted that according to some sources, there are approximately 875 million SALW in circulation globally, many in the hands of individuals and non-state actors. Excessive production of SALW is a threat to millions of people, noted the delegate.

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Several other delegates pointed out the need for stockpile destruction of illicit weapons. Germany emphasised the need for both practical measures and better coordination to effectively address SALW issues, and noted that it tries to partner with other states, UN agencies, civil society organisations, and research institutions to this end.

While a number of delegations asserted the right of states to manufacture, import, and retain conventional weapons to meet their security and defence needs, other delegations maintained that weapon-producing states need to ensure that these arms will refrain from falling into the hands of non-state actors and individuals, in particular terrorists. Speaking on behalf of the Caribbean Community (CARICOM), Trinidad and Tobago noted that although CARICOM states are neither manufacturers, exporters, nor large importers of conventional weapons, they have not been spared the destructive effects of the illegal trade in small arms and light weapons and associated ammunition. CARICOM urged all states that manufacture these weapons to increase their efforts to reduce the possibility of their diversion for illegal purposes.

Ambassador Rattray of Jamaica, Chair of the Sixth Biennial Meeting of States (BMS6) held in June of 2016, highlighted the meeting's most significant outcomes. These included: acknowledging the link between the UN Programme of Action on SALW (UNPoA) and the Sustainable Development Goals (SDGs), particularly SDG 16; the consideration of recommendations from the Second Meeting of Governmental Experts regarding technological developments of SALW; the emphasised role of sub-regional and regional organisations; the inclusion of stronger gender-related paragraphs and the promotion of women's participation; recognition of synergies between instruments; the emphasis on the role of international cooperation; the consideration of new dimensions impacting the illicit trade of SALW; and reference to ammunition. Although the BMS6 outcome document provides a blueprint for

moving forward, he pointed out that it is up to each member state to act on it, and urged them to begin taking steps now to prepare for the 2018 Review Conference. Ambassador Rattray also highlighted the positive contributions made by civil society during BMS6. "Bringing ideas and on-the-ground experiences to the PoA process is vital for its success," he stated.

Ambassador Paul Beijer, Chair of the Group of Governmental Experts on the UN Register on Conventional Arms, reported on the successful efforts made by the 117 member states that currently report to the Register. He also reported on the discussion of including SALW as its own category in the Register. Although consensus could not be reached, GGE participants agreed that SALW will be taken out of the section on background information and included next to the seven categories in a 7+1 solution. This year marks the 25th anniversary of the UN Register, and the submission of reports by states was encouraged.

Complementing the thematic discussions, several states, civil society organisations, and UN agencies organised side events focusing on topics such as curbing arms flows in Latin America and the Caribbean, preparing for the 2018 Review Conference, the UN Register, weapons and ammunition management, and perspectives from the UN regional centres for disarmament.

Finally, several draft resolutions related to small arms and light weapons were made available during the week, dealing with illicit arms brokering, assistance to states fighting arms trafficking, women in disarmament, as well as the "omnibus resolution" on small arms put forward each year by Colombia, South Africa, and Japan. This year's draft omnibus resolution welcomes the 2030 Agenda for Sustainable Development, including SDG 16; reminds us that the Third Review Conference on small arms will be held in 2018, and supports the idea of holding regional meetings to prepare for the Conference. •

SIDE EVENT: ACHIEVING SDG 16

Chanda Daniels

The UN Office for Disarmament Affairs (UNODA) hosted a side event chaired by Mr. Kim Won-Soo, High Representative for Disarmament Affairs, to discuss how to implement measures to achieve Sustainable Development Goal (SDG) 16 and to highlight how the work of the UNODA regional centres for peace and disarmament can aid in achieving this goal. Ambassador Courtenay Rattray, Permanent Representative of Jamaica, opened the event by welcoming

the 30 years of achievements made by the regional centres and stressing the importance of their role in lasting disarmament initiatives. He highlighted the centres' ability to have a grassroots approach, such as practical programmes that work in community contexts, as well as aiding civil society participation, which complements initiatives made at the state level. He closed his remarks with a powerful personal anecdote about development in the context of his country and



how violence can hinder opportunity. He stressed the need to address root causes of violence to promote sustainability.

Simone Monasebian, Director of UNODC in New York, spoke about SDG 16 more comprehensively, and how achieving the goals contained within require an inter-agency effort. She presented how SDG 16 is a cross-cutting goal, providing examples of firearms trafficking in Syria. In order to reach SDG 16, she provided recommendations such as a robust registration tracing instrument of arms, pushing for more accountability for trafficking violations, working to build national criminal justice systems capacity to break cycles of violence, and maximizing the interconnectivity with other agencies.

Mélanie Régimbal, Director of UNLIREC, stressed the linkage between peace and development stating that without one, you cannot have the other. She presented the centre's mission to provide technical assistance in combating illicit trafficking in small arms and light

weapons, as well as improving security and stockpile management. She highlighted that last year alone UNLIREC destroyed 65,000 weapons, 70 metric tons of ammunition, and enhanced security of more than 140 stockpile facilities.

The final panelist, Baffour Doki Amoa, Chair of the International Action Network on Small Arms, gave a civil society perspective on achieving SDG 16. Mr. Amoa stated that the success of the goals must be a collective effort between states and civil society and that states should utilise the synergies between instruments such as the UN Programme of Action on small arms and light weapons, the Arms Trade Treaty, and the Firearms protocol, and recognise the gendered aspects of weapons.

Mr. Kim closed the event by restating the accomplishments of the regional centres towards reaching SDG 16, but also recognised the tremendous amount of work that still needs to be done in order to fulfill the 2030 Agenda. •

LANDMINES

Amelie Chayer | International Campaign to Ban Landmines

The spirit of collaboration that characterises the Mine Ban Treaty community was at the core of First Committee statements this year, many of which highlighted the central role of cooperation and assistance among states working to alleviate the suffering caused by antipersonnel mines.

A range of states explained the financial or technical support they provide for mine clearance, assistance to victims, or other aspects of treaty implementation, including Bangladesh, Cambodia, Finland, Italy, Japan, Latvia, the Netherlands, New Zealand, Russia, the United Kingdom, the United States, as well as the Association of Southeast Asian Nations and the European Union. The Non-Aligned Movement called for increased assistance to affected states, including for the "social and economic rehabilitation of victims." The Union of South American Nations said it attached the "utmost importance" to international cooperation and assistance, and offered many examples of successful collaboration within the region.

Algeria, one of the very few states that fund their mine action programmes entirely through national budgets, "encourage[d] all States Parties to overcome the remaining challenges, in particular by working together to assist and cooperate with each other." Cambodia, Libya, and Ukraine called for increased support from international partners.

The Mine Ban Treaty is among the most universally accepted international instruments, with 80% of the world's states already on board and faithfully respecting its core provisions. Ireland said that the treaty "provides strong evidence of the power of normative action," while Croatia emphasised the treaty is "a crucial contributor to the strengthening of international humanitarian law." There were several calls for further universalisation, including from Austria, Ghana, South Africa, and the Non-Aligned Movement, as well as an interesting statement from Lao PDR about its intention to join the treaty.

Russia appears to have been the only state expressing its interest in the continued use of antipersonnel mines, stating that they are a "reliable means for security and defense," without referring to their adverse humanitarian impact. Singapore gave up the production of antipersonnel mines last year and its statement expressed support for "initiatives ... governed under the ... Ottawa Convention," which might signal an intention to take steps towards the treaty.

Resolution L.7 on the MBT was introduced by Austria, Belgium, and Chile. It only features technical updates to last year's text. The resolution usually enjoys broad support, and each year about half of the states not party to the treaty vote in favor in order to demonstrate their adhesion to its humanitarian aims. •

CLUSTER MUNITIONS

Amelie Chayer | Cluster Munition Coalition

The devastation and civilian casualties caused by cluster munitions continue to inspire abhorrence of those weapons and urgent calls for their elimination. During last week's First Committee debates, Austria, Croatia, Ireland, Mexico, New Zealand, and South Africa expressed deep concern with recent and ongoing use of cluster munitions, and they condemned such use or otherwise urged parties to current conflicts to refrain from using the weapon. The Union of South American Nations stressed "the necessity of banning the use of all types of cluster munitions, under any circumstances and by any actor" and the European Union (EU) called "upon all actors to fully observe the principles of International Humanitarian Law."

The Association of Southeast Asian Nations said that its region was adversely affected by the presence of explosive remnants of war and that their impact threatened peace and security and hampered "economic and social progress including the attainment of Sustainable Development Goals."

Lao PDR explained that its newly adopted 18th Sustainable Development Goal tackles the elimination of unexploded ordnance. As the state with the heaviest contamination with cluster munition remnants, it called for support from the international community to realise this goal. Cambodia, Libya, and the Non-Aligned Movement also called for sustained support for the clearance of contaminated land. A range of states provided details about the financial and techni-

cal assistance they provide for mine action (see summary on Landmines.)

Bangladesh and Pakistan referred to the Convention on Conventional Weapons as the appropriate forum to deal with the issue of cluster munitions. Russia, which is largely responsible for the significant increase in cluster munition attacks on opposition-held areas of Syria in the past year, expressed the view that these are "fully legal" weapons.

The Dubrovnik Action Plan adopted in 2015 establishes the target of 130 states parties to the Convention by 2020. Austria, Croatia, Ghana, Lao PDR, Mexico, the Netherlands, New Zealand, and South Africa encouraged all states not yet on board the Convention to join at the earliest opportunity.

Czech Republic, the Netherlands, and the European Union referred to the goal of completing Convention implementation by 2030, adopted at the most recent meeting of states parties. This target date is now included in resolution L.22 on the implementation of the Convention on Cluster Munitions, which also includes technical updates to the 2015 version. The resolution reaffirms states' determination "to put an end for all time to the suffering and casualties caused by cluster munitions." Last year, 32 states that have not signed the Convention voted in favor of the resolution, an excellent sign of support for the aim of eradicating the weapon. •

OUTER SPACE

Jessica West | Project Ploughshares

The dedicated debate on outer space during the third week of First Committee focused overwhelmingly on the challenges posed by the potential for conflict and use of weapons in outer space, but demonstrated the continuation of entrenched divisions over appropriate governance measures.

Three draft resolutions tabled on this subject—all virtually unchanged from previous years—are illustrative. The resolutions include the two-decades old "Prevention of an arms race in outer space" (PAROS), inviting the Conference on Disarmament (CD) to establish a working group of the same title; "No first placement of weapons in outer space" (NFP), first tabled in 2014, emphasising the multilateral, negotiating role of the CD and calling for it to resume substantive work spe-

cifically on the draft Treaty on the Prevention of Placement of Weapons in Outer Space (PPWT) put forth by Russia and China as well as for political commitments against the deployment of weapons; and the United States (US)-Russia-China sponsored "Transparency and confidence-building measures on outer space activities," which is focused on implementation of the proposed measures in the 2013 report of the Group of Governmental Experts (GGE) on Transparency and Confidence-building Measures in Outer Space Activities (TCBMs).

The debate demonstrated wide support for pursuing TCBMs in outer space activities, but whereas the US posited this as the only viable approach to enhancing "sustainability, stability, safety, and security of



the space environment,” Canada described it as an approach to supporting legally-binding governance measures in the future. Regarding specific measures, leading spacefaring states and groups including the US, Canada, the European Union (EU), and France supported the GGE report. Iran argued that the GGE was not adequately representative. The EU—with the support of the US, France, Switzerland, and Italy—renewed its commitment to the voluntary Code of Conduct process. Russia posited commitments to NFP as “the highest form of interstate responsibility and trust,” which Canada refuted on the basis of it being unilateral and ambiguous. Moreover several states including Bangladesh, Pakistan, China, and Algeria asserted that voluntary measures cannot replace new legal measures.

Alternatively, debate also demonstrated support for a legally-binding approach to ban the use of weapons in outer space, albeit varied. Russia, China, Bangladesh,

Pakistan, Algeria, Democratic People’s Republic of Korea, Malaysia, Cuba, Venezuela, and the Union of South American Nations (UNASUR) provided support for the draft PPWT. The EU disagreed, asserting that it is not “comprehensive, effective and viable.” Switzerland and Australia supported a treaty approach generally but emphasized that such efforts must include ground-based anti-satellite capabilities. Indeed, the development and demonstration of anti-satellite capabilities, particularly ground-based systems, was a commonly raised concern.

Thus, despite near universal support for the long-standing PAROS resolution in the past, it remains unclear what the basis of substantive work in the CD would be. There is stark division between support for a new legally-binding arms control agreement and the assertion by the US that such an approach “cannot form the basis for negotiations in Geneva.” The frustration is palpable. •

SIDE EVENT: TRACKING SPACE SECURITY

Jessica West | Project Ploughshares

The Canadian government sponsored a First Committee side event on 18 October in cooperation with the Space Security Index (SSI), titled “Tracking Space Security: Are We Ready to Go ‘Live’?” The event featured the release of the latest SSI report, *Space Security 2016*, which tracks annual developments and long-term trends related to the security of outer space, and provided an opportunity to assess options for moving forward on pressing governance challenges through the UN.

Ambassador Rosemary McCarney, Canada’s Permanent Representative to the United Nations in Geneva and the Conference on Disarmament, opened the event with an overview of the SSI project. Highlighting that the annual report is currently in its 13th addition, she commended the unique contribution that it makes to space security governance initiatives, particularly through its effort to support a common approach to space security as the security of space, defined as secure and sustainable access to, and use of space, and freedom from space-based threats. Jessica West of Project Ploughshares provided an overview of the project and its most recent findings. In her presentation, Ms. West called attention to what is described as the most significant shift in the history of the annual report: from an assumption of relative stability in outer space to one of instability and conflict on the part of leading spacefaring states. Ms. West argued that in the face of a growing possibility

that geopolitical conflicts will escalate and cascade into outer space, “it is critical that the challenge of constraining the use of force in outer space be taken seriously.”

Assessing possible diplomatic responses, Mr. Paul Meyer, a former Canadian ambassador for disarmament who is currently associated with Simon Fraser University and The Simons Foundation, argued that “the prospects are not bright” right now. He asserted that there is a pressing need to reaffirm the principles of the Outer Space Treaty, urging a first ever meeting of states parties to the treaty as a celebration of its 50th anniversary next year, including a reinstatement of international cooperation as the pre-eminent aim of activities in outer space.

Closing the panel, Mr. Michael Spies of the United Nations Office of Disarmament Affairs (UNODA) spoke to what he views as areas of progress on space security within the UN, including growing dialogue and cooperation between UN bodies separately tasked with “security” and “safety” provisions of outer space governance. Mr. Spies emphasised the need for states to implement existing transparency and confidence building measures. In closing he drew attention to a potential new role for UNODA through the UN Disarmament Commission and its effort to encourage states to report on military space expenditure as part of its reporting mandate. •

DEPLETED URANIUM

Wim Zwijnenburg | PAX

This year's updated draft resolution "Effects of the use of armaments and ammunitions containing depleted uranium" paves the way for states to reiterate their concerns about human health and environmental concerns of the impact of depleted uranium munitions. Being a toxic chemical and radioactive heavy metal, depleted uranium (DU) is heavily regulated in peace-time circumstances by states to prevent civilian exposure. Disturbingly, these concerns are cast aside when DU is used in munitions and fired in large quantities in or near populated areas. In Iraq, over 400,000kg of DU was fired in 1991 and 2003, which led to major concerns among Iraqi civilians, medical experts, and civil society organisations. These concerns are now reflected in new language in the resolution, as is a recognition of the difficulty of meeting international standards for dealing with low-level radioactive waste, as DU is labelled to be, in post-conflict circumstances.

In 2014, the last time the resolution was introduced, 150 states voted in favour. Iraq, the most DU-affected country, stated that it "is highly concerned about using weapons and ammunition in wars and armed conflicts that contain depleted uranium, and also concerned about its negative effects on human beings and environment" and called for international assistance. This call has so far not been answered. Last month, PAX and the International Coalition to Ban Uranium Weapons (ICBUW) published analysis of the use of DU in Iraq by the A-10 aircraft in 2003, based on data released under a Freedom of Information request. The outcome showed that DU weapons, designed as anti-armour piercing munitions—and according to a US legal weapon review, only to be used as such—was mostly used against non-armoured targets. There was also substantial use against targets

in or near populated areas, which increased the risk of civilian exposure.

More alarmingly, on 20 October, US Central Command (CENTCOM) confirmed that during Operation Inherent Resolve—its airstrikes in Iraq and Syria against Islamic States—A-10s did actually fire DU, despite previous denials it did and would not. Already back in 2014, civilians in Raqqa, Syria, voiced their concerns over potential DU use, being well aware what happened in Iraq in 2003, and stated their "fear of a slow death," referring to exposure to DU and the stories about potential health effects coming from Iraq since its initial use in 1991. Ireland's call this year in First Committee for identification, management, and clearance of DU contaminated sites should therefore be taken up by the United States.

With the current humanitarian crisis from the wars in Syria and Iraq, the continuing use of DU is irresponsible and only compounding the many other grave concerns over human health due to the bloody conflict. As was the case in Iraq, it's unlikely that the necessary expertise and financial resources will be available to identify and remediate contaminated sites, due the many competing other humanitarian priorities, thus adding to wider environmental and human health impacts of the conflict. States should clearly articulate their concerns over DU in First Committee to ensure transparency over DU use and call for fast clean-up of affected sites to ensure protection of civilians against exposure to these toxic munitions. •

The report by PAX and ICBUW, Targets of opportunity, can be downloaded at <https://www.paxforpeace.nl/publications/all-publications/targets-of-opportunity>.

PROTECTION OF THE ENVIRONMENT

Doug Weir | Toxic Remnants of War Project

Earlier this year, the UN Environment Assembly (UNEA) passed a resolution calling on states to implement the applicable international law related to the protection of the environment in situations of armed conflict. States were also invited to cooperate closely on preventing, minimising, and mitigating the negative impacts of armed conflicts on the environment. The text, UNEP/EA.2/Res.15, was adopted by consensus. Its sponsors included both states affected by conflict-related environmental degradation, and those lucky enough not to have been.

As we've noted in previous editions of the FCM, First Committee doesn't do "the environment" particularly effectively at the moment. What few mentions there have been have related to nuclear weapons, sea-dumped chemical weapons (Lithuania), and landmines (Iraq). Nevertheless, since 1995, First Committee has adopted a Non-Aligned resolution on the "Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control"—and this year is no exception. The aims of the resolution are commendable, high-

lighting as it does the environmental risks from demilitarising conventional weapons and weapons of mass destruction. Yet given the scope and scale of the challenge that conflicts and military activities present to the environment, and to those who depend on it, the resolution seems astonishingly inadequate. The message from the UNEA resolution couldn't have been clearer. The environment is both victim and driver of conflicts, and it is civilians, ecosystems, natural resources, and sustainable development that pay the price. First Committee's failure to address these problems is not unique but it is becoming increasingly untenable. If the question is one of promoting environmental norms, why restrict this only to arms control agreements?

Alignment with the objectives of the UNEA resolution would require that states step back and consider environmental norms and rules across both the entire lifecycle of weapons, and in the conduct of activities and operations. This means reflecting environmental norms in the production and testing of weapons, and in the design of their components and constituents. It means ensuring the highest environmental standards in training. It should mean that states reflect all applicable international laws in their military manuals

and guidelines, and ensure their compliance in the planning and conduct of operations and, critically, in their aftermath.

Bilateral agreements between states over basing arrangements should protect the host nation's environment and local communities, and provide mechanisms for legal redress in the event of damage. Peace operations, whether involving states or international organisations, should similarly ensure that harm is minimised and, wherever possible, actively contribute to strengthening sustainable natural resource management and environmental cooperation. The environmental practices of private military and security contractors should be scrutinised and regulated, and engagement with non-state actors on environmental protection actively encouraged.

When we talk of environmental norms, this gives a sense of the scale of the task that the international community faces; a task that goes far beyond what First Committee can hope to achieve. Nevertheless it could, and should, play a more meaningful role in promoting environmental norms than at present, and by doing so, enhance the protection of civilians. •

DISARMAMENT AND DEVELOPMENT

Josephine Roele | Reaching Critical Will of the Women's International League for Peace and Freedom

References to disarmament and development surfaced in the thematic debates on nuclear weapons, outer space, and conventional weapons. In discussions on nuclear and conventional weapons, states cited a lack of financial resources for development purposes because of the modernisation of weapon technologies. South Africa, Ecuador, and Ireland drew on the link between nuclear disarmament and development. South Africa stated that the resources directed to nuclear weapons stand in "stark contrast" to those targeting socioeconomic development, especially in light of the 2030 agenda for sustainable development. Ecuador made similar observations, calling for resources to be used towards "reducing poverty and achieving the Sustainable Development Goals (SDGs)". The Republic of Korea spoke specifically on the issue of the Democratic People's Republic of Korea's (DPRK) diversion of resources that are already scarce for the development of its nuclear weapons, and expressed concern for the human rights of the people of DPRK.

The Non-Aligned Movement (NAM), African Group, Venezuela, and Paraguay noted that progress towards the SDGs would be improved with fewer financial resources going to military expenditure. NAM has

sponsored draft resolution L.46 on the relationship between disarmament and development, containing only technical updates from the 2015 version. In their statements, NAM and the African Group stressed poverty and disease as particular challenges, while Paraguay focused on the damage of the flow of illicit small arms and light weapons (SALW) on development. Jamaica, Botswana, Bangladesh, Mexico, Ghana, and Venezuela also raised the link between the circulation of SALW and hindered development. Some of these states specifically recalled the text of SDG 16.4, which commits states to "significantly reduce illicit financial and arms flows" by 2030. Jamaica's statement was particularly strong in highlighting the detrimental effects of SALW on communities. Ghana urged greater efforts towards the "broadening of assistance and support for SALW control initiatives" and the inclusion of developing countries that have not yet emerged out of conflict. Many draft resolutions this year make reference to the link between SALW and development, citing their implications for socio-economic development.

Nearly all states speaking on the weaponisation of outer space remarked on the many peaceful uses of

continued on next page

outer space technologies and noted that their use is both predicated on the absence of weapons in outer space and is essential to sustainable human development. This is consistent with the language used in the draft resolution on the prevention of an arms race in outer space (L.3) and on no first placement of weapons in outer space (L.18), both of which follow from two similar resolutions also adopted in 2015.

General references to disarmament and development included statements from Ireland and Costa Rica. The

European Union highlighted women's role in security and development, advocating for their active and equal participation. The UK and Iraq spoke on the effects of landmines and unexploded ordnance on the environment and economic development. Iraq also listed cluster munitions as a hindrance to development efforts. Iran spoke on new and emerging weapons technologies, stressing that greater efforts are needed to come to a common understanding about the role and implications of such technologies in the sustainable development of societies. •

GENDER AND DISARMAMENT

Josephine Roele | Reaching Critical Will of the Women's International League for Peace and Freedom

The most substantial discussions on gender were during the thematic debate on conventional weapons. Ireland, the European Union (EU), the Caribbean Community (CARICOM), Japan, Austria, and the Chair of the Sixth Biennial Meeting on Small Arms (BMS6) raised women's participation in disarmament processes as a central issue. Some of these speakers noted that this participation should be "meaningful", drawing attention to tokenistic representation. Ireland welcomed recent disarmament discussions that had reflected diversity and gender balance, and went on to stress the importance of women's inclusion and representation in policy-making, planning, and implementation. Similarly, Austria and the EU stated that women's participation should be equal and active, and recalled UN Security Council resolution 1325 on women, peace, and security (WPS) in this respect.

Three draft resolutions table women's participation as essential to disarmament processes. Resolution L.37, "Women, disarmament, non-proliferation and arms control," is the most extensive of these, and resembles the previous version, resolution 69/61 of 2014. It highlights women's participation in efforts to prevent, combat, and eradicate the illicit transfer of small arms, especially regarding policy-making, planning and implementation of disarmament processes. Women's participation is required because of the differential and disproportionate impact of armed conflict on women, including the facilitation of gender-based violence. The resolution also recognises the valuable contribution of women to practical disarmament measures thus far.

The text has been updated from 2014 to note the 2015 review of the WPS agenda and welcome the adoption of the 2030 Agenda for Sustainable Development. Operative paragraph (OP) 4 adds an encouragement to states to develop national action plans on WPS. A new OP 7 "Encourages States to seriously consider increasing funding for policies and pro-

grammes that take account of the differing impacts of illicit small arms and light weapons on women, men, girls and boys."

Resolution L.60, on the UN Centre for Peace, Disarmament and Development in Latin American and the Caribbean, also promote women's participation, as per a similar resolution last year that was adopted with a vote in First Committee. L.36, "Ethical imperatives for a nuclear-weapon-free world," emphasises the need for women's participation in discussions, decisions, and actions on nuclear disarmament, and calls for greater attention to the impact of a nuclear detonation on women. Paraguay, in the thematic debate on nuclear weapons, also highlighted the need to promote the participation of women in decisions and measure related to nuclear weapons.

Jamaica and Austria spoke on gender mainstreaming, stating that a "gender dimension should be placed at the centre of our efforts" and that a "gender perspective should be incorporated in all disarmament, arms control, and non-proliferation efforts" respectively. Resolution L.37 and the statement from Ambassador Courteney Rattray of Jamaica, Chair of BMS6, reflect this concern in language on strengthening data collection disaggregated by sex and age. Ambassador Rattray called for funding for gender-sensitive disarmament programmes.

Jamaica, CARICOM, South Africa, Japan, Finland, the Czech Republic, and the Chair of BMS6 drew links between small arms and light weapons and women in disarmament. Concerns ranged from the facilitation of violence against women to participation. Many of these states noted the role of the illicit arms trade in this regard. The United Kingdom made similar observations, pointing out that failures in the control of supply and sale of arms jeopardise the security of women (and children) worldwide and fuel instability. The Association of Southeast Asian Nations (ASEAN)

and Japan specifically called attention to gendered impacts of landmines and unexploded ordnance. ASEAN noted that victim assistance efforts should be aware of disproportionate affects on women (and children).

Once again, the formulation “women and children” was widespread among states with regard to suffering from armed violence. In response to this is an extract from Reaching Critical Will’s statement on gender and disarmament from 12 October last week: “Treating women as victims, and grouping them with children, facilitates their exclusion from participating

in political or social roles with authority and responsibility for decision-making. It also impedes the establishment of systems or approaches that benefit from a gender perspective in seeking to prevent violence and conflict.” If states are serious about women’s full and active participation, then aligning women’s suffering with that of children, however well intentioned, is a contradiction. This formulation simplifies women’s experiences to one-dimensional victimhood and does not promote or empower women to speak with authority or engage seriously in disarmament discussions and decisions. •

GENDER AND NUCLEAR WEAPONS

Tiffany Moton

On 19 October, the Permanent Mission of Ireland to the UN hosted a side event on gender and nuclear weapons. Ambassador Patricia O’Brien explained that gender and disarmament is about ensuring that women are equally represented in disarmament discussions, because currently the disarmament community is male-dominated. Finally, she noted that nuclear disarmament is an issue of global governance, in which it is crucial that women are involved.

Ambassador Caleb Otto of Palau described how his country was caught in the crossfire between the United States and Japan during World War II. He explained that Palau was the location of the worst battle in the Pacific, a battle in which Palau was destroyed and all inhabitants had to be temporarily evacuated. Ambassador Otto noted that they were lucky, as many of today’s refugees will not be afforded the chance to return to their homes. He also mentioned the Modern Women’s Conference that takes place in Palau. He stated this Conference has affected much change in the country. Otto explained that the exposure to radiation that occurred after the bombs were dropped in Japan have caused an alarming number of women to get cancer in the Pacific, an issue that must be addressed. He noted that nuclear-armed states spend billions of dollars on nuclear weapons every year. “What if,” he asked, “we spent that money on the 17 goals to transform the world, rather than on nuclear weapons to deform the world?”

John Borrie of UNIDIR discussed the findings of a recent study conducted by ILPI and UNIDIR on how nuclear weapons are talked about and who gets to talk about them. He explained that nuclear weapon detonations affect men and women differently biologically, socially, and psychologically. Drawing on previous work by feminist scholars such as Carol Cohn and organisations such as the Women’s Inter-

national League for Peace and Freedom, he stated that applying a gender lens is useful for insight into how ideas and policies related to nuclear weapons can be gendered, underpinned by notions of masculinity and femininity. He described the gender imbalance in multilateral disarmament forums, as researched by the organisation Article 36, and suggested that this could be the reason for the lack of progress made in these forums. He noted that women only represent one third of security forums. Because women are more susceptible to cancer as well as the many other negative impacts of nuclear weapon detonation (displacement, social stigma, discrimination, psychological impacts), it is crucial that women are represented equally in conversations about nuclear weapons.

Jackie O’Halloran of Ireland noted that the renewed focus on the humanitarian consequences of nuclear weapons is moving the debate forward again and engaging citizens in the conversation about nuclear weapons. She explained that despite improvements over time, security forums are still seriously lacking in female representation. She agreed with Borrie that it is no coincidence that forums with better results tend to have a more diverse representation.

Magnus Hellgren of Sweden explained that all individuals must be able to take part in decisions that affect their lives, and stressed the importance of applying a gender lens to nuclear weapon discourse. He described the steps that Sweden is taking to implement a feminist perspective in their foreign policy, which includes assigning advisors and delegates “gender coaches” who help to ensure that women are afforded the rights, representation, and resources needed to actively participate in the conversation. Finally, he noted, “Women are not just victims, but the best chance we have for a solution.” •

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 organisations and campaigns to this edition:

Article 36
Biosecu.re
Cluster Munition Coalition
Control Arms
Disarmament Dynamics
International Action Network on Small Arms
International Campaign to Ban Landmines
International Network on Explosive Weapons
PAX
Project Ploughshares
Reaching Critical Will of WILPF
Toxic Remnants of War Project

www.reachingcriticalwill.org | info@reachingcriticalwill.org



Reaching Critical Will