

First Committee briefing book



Reaching Critical Will

2015

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Contributing campaigns and organisations:
Campaign to Stop Killer Robots (www.stopkillerrobots.org)
Cluster Munition Coalition (www.stopclustermunitions.org)
Control Arms (www.controlarms.org)
Human Rights Watch (www.hrw.org)
International Action Network on Small Arms (www.iansa.org)
International Campaign to Abolish Nuclear Weapons (www.icanw.org)
International Campaign to Ban Landmines (www.icbl.org)
International Network on Explosive Weapons (www.inew.org)
PAX (www.paxforpeace.nl)
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Toxic Remnants of War Network (www.toxicremnantsofwar.info)
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Introduction

Reaching Critical Will

Recent data shows that global civilian deaths and injuries from the use of explosive weapons have gone up for the third year in a row. Deaths and injuries and guns and firearms remain unabated. Prohibited weapons such as cluster munitions and chemical weapons have been used in recent conflicts in Ukraine and Syria. Nuclear weapons are still not subject to a categorical legal ban and hundreds remain on high alert. Profits continue to soar from the design, manufacture, and sale of arms.

It's a dangerous world and our weapons make it more dangerous. The United Nations should be a place where states, international organisations, and civil society groups come together to figure out how to best integrate our approaches and solutions to the collective crises we face, such as poverty, inequality, climate change, environmental devastation, patriarchy, militarism, and violence. First Committee could play a crucial role in confronting these crises holistically, through disarmament and arms control. Creative and bold measures to reduce, restrict, prevent, and end the development, production, trade, use, and threat of use of weapons can help embolden our so-called international community to communicate with one another through nonviolent means to solve tensions and overcome challenges.

Unfortunately, delegations often use First Committee to articulate decades-old positions and table resolutions that change little in substance or result from year to year. Reports on the implementation of these resolutions are issued each year, with contributions from states trending downwards. New perspectives or approaches are generally considered too difficult to incorporate, as precedent seems to trump progress in almost every respect. Civil society is denied an effective place in the Committee's work, relegated to delivering a block series of statements from the back of the room one afternoon every year—a session that tends to be one of the least well-attended, as if it were considered optional by some.

This state of affairs does not reflect the intended role of the UN as a problem-solving forum for the international community. In many cases, it is a handful of countries that prevent effective change on either substance or process. The civil society organisations, coalitions, and campaigns participating most actively at First Committee have argued consistently that we can and must replace stalemate and watered-down outcomes with alternative results that advance human security and social and economic justice. Governments and civil society alike should not continue to settle for less. We call for an approach

to disarmament that is driven by the rights of people most affected by armed violence, not by the discretion of states and organisations most responsible for it.

This briefing book provides an overview of the state of play on some of the most pressing issues that will (or should) be addressed at this year's First Committee. It also outlines recommendations from some of the key civil society groups working on these topics.

The groups that have contributed to this book work on many different issues and weapon systems from a variety of perspectives, but they all share one thing in common: the desire for more effective, transparent, and inclusive diplomatic work at the United Nations. We believe that most delegates seek true progress and the enhancement of human security. We hope that this briefing book will provide inspiration and alternatives as delegates engage in the important work ahead.

Nuclear weapons

International Campaign to Abolish Nuclear Weapons

Background

70 years after the United States used two nuclear bombs on the cities of Hiroshima and Nagasaki, hospitals in Japan are still treating victims for the long-term health consequences they've experienced.

Nuclear weapons are unique in their destructive power and the threat they pose to humans and the environment. The effects of just a single nuclear weapon are shocking and overwhelming, and their use goes far beyond what is acceptable. A nuclear war on any scale, for any reason, would kill tens of millions and cause severe, long-term environmental devastation.

Nuclear weapons fundamentally violate the principles of international humanitarian law. They are morally intolerable and illegitimate instruments of terror. As the International Committee of the Red Cross stated, "their destructive power is unrivalled, their potential impact catastrophic, and yet they remain the one weapon of mass destruction not yet banned."¹

Current context

In recent years, support for the humanitarian dimension of the conversation about nuclear weapons has rapidly increased among governments, international organizations, and civil society representatives.

States have delivered several joint statements discussing the humanitarian impact of nuclear weapons, the latest one garnering support from 159 states at the 2015 NPT Review Conference.

Three conferences on this topic have been held, in Oslo, Nayarit, and Vienna. At the last conference in December 2014 in Vienna, the Chair's summary noted that "there is no comprehensive legal norm universally prohibiting possession, transfer, production and use of nuclear weapons." As a conclusion, Austria issued a pledge to "fill the legal gap for the prohibition and elimination of nuclear weapons".²

At the time of writing, 117 states have endorsed this "Humanitarian Pledge" and have committed to filling the legal gap and many governments are explicitly calling for the negotiations of a new legally-binding instrument to prohibit nuclear weapons.

Such negotiations should be undertaken by committed nations even without the participation of those armed with nuclear weapons, and should establish an international legal instrument that would prohibit the development, production, testing, acquisition, stockpiling, transfer, deployment, threat of use, or use of nuclear weapons, as well as assistance, financing,



CREDIT: INTERNATIONAL CAMPAIGN TO ABOLISH NUCLEAR WEAPONS

encouragement, or inducement of these prohibited acts.

Such a treaty should also provide an obligation for the complete elimination of nuclear weapons and a framework to achieve it. The ban treaty would not need to establish specific provisions for elimination, but states parties to the treaty could agree to relevant measures and timelines as part of the implementation process, through protocols or other appropriate legal instruments.

A new treaty prohibiting nuclear weapons should also include positive obligations for states parties, such as ensuring the rights of victims and survivors of nuclear weapons, requiring actions to address damage to affected environments, and providing for international cooperation

and assistance to meet the obligations of the instrument.

At the 2015 session of the UN General Assembly First Committee on Disarmament and International Security, all governments should support the immediate commencement of such negotiations.

Recommendations for governments

During First Committee:

- Delegations should highlight that any use of nuclear weapons would have catastrophic humanitarian consequences, and that such consequences make it imperative to prohibit nuclear weapons.

- Delegations should support the humanitarian pledge to fill the legal gap on the prohibition and elimination of nuclear weapons.
- Delegations should support proposals and resolutions for negotiations of a new treaty banning nuclear weapons to commence urgently in a forum open to all and blockable by none, even without the participation of nuclear-armed states.

with each other and civil society to negotiate a new treaty that would prohibit its parties, their nationals, and any other individual subject to its jurisdiction from engaging in the development, production, testing, acquisition, stockpiling, transfer, deployment, threat of use, or use of nuclear weapons, as well as assistance, financing, encouragement, or inducement of these prohibited acts.

Beyond First Committee:

- Governments that have not yet done so should endorse the humanitarian pledge to fill the legal gap on the prohibition and elimination of nuclear weapons.
- Nuclear-armed states should comply with their nuclear disarmament obligations and non-nuclear-armed states should increase pressure on them to do so.
- Governments committed to prohibiting and eliminating nuclear weapons should work



www.icanw.org

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- 1 “Peter Maurer, “ICRC Says Nuclear Weapons Are ‘Unacceptable Risk’ and Must Be Scrapped,” April 27, 2015, <https://www.icrc.org/en/document/icrc-says-nuclear-weapons-are-unacceptable-risk-and-must-be-scrapped>
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Armed drones

PAX

Background

A new era of warfare began in 2002 when the first armed Predator MQ-1 drone launched a Hellfire missile at a car with suspected terrorist in Yemen. Since then, increased use of “unmanned” aerial systems, also known as drones, has provided states with a new means to conduct lethal operations abroad. Thousands of strikes have been carried out in and outside of armed conflict, killing thousands of people, including many civilians. Neither the law nor the public debate around drones have been able to keep up with the technological developments enabling remote warfare. This has opened up a Pandora’s box of legal and ethical questions.

There have been extensive investigations into the impact of targeted killings outside recognised areas of “hostile activities” such as Pakistan¹ and Yemen.² This work by NGOs and academics has highlighted the previously undocumented cost of drones. The drone programme, which has been shrouded in secrecy, has killed thousands and wounded many more. Increasingly, its critics suggest that the drone programme is perceived by affected communities as a hypocritical betrayal of the West’s purported commitment to the rule of law and justice.

Furthermore, this work has encouraged international debate on the legality and acceptability of remote warfare. UN Special Rapporteurs have led numerous investigations into the issue.³ The main concerns among humanitarian and human rights organisation have been that

the new technology has lowered the threshold for carrying out targeted killings. In the absence of proper transparency, accountability, and regulations, the increased use of drones has seen an accompanying rise of lethal force, particularly outside of traditional warzones. In addition, researchers, academics, and human rights activists have been challenging the assumption that these new technologies lead to less civilian casualties and have demonstrated the negative impact of continued drone operations on livelihoods and well-being of communities in affected areas.

Current context

Since last year, a number of states spoke out about drones in the First Committee⁴ and the Human Rights Council, while other political forums such as the European Parliament⁵ and the EU Parliamentary Assembly⁶ raised concerns over the impact of targeted killings and the use of armed drones outside areas of active hostilities. The accidental killing of two US hostages by US drones in Pakistan in early 2015 reignited the domestic debate in the US over targeting information, transparency, and accountability measures. Yet the international community has so far failed to provide any solutions to this debate, attaining a “wait-and see” attitude while extrajudicial killings continue, potentially setting a precedent for other states to follow.

A clear legal framework on the use of armed drones, including outside areas of active hostilities,

is needed to prevent the further stretching of definitions within international humanitarian and human rights law (IHL and IHRL) that is currently taking place. The current inertia from states to set boundaries to the blatant abuse of armed drones undermines the credibility of international community to uphold shared values on protection of civilians and human rights.

At the same time, the drone industry is picking up pace and proliferation of drones has exploded. Over 90 states have acquired military drones, 23 of which have the capability of using armed drones.⁷ Major drone exporters have no qualms exporting drones to repressive regimes or conflict areas such as Nigeria, Saudi Arabia, Sudan, or Syria.⁸

It is estimated that by 2020, over \$11 billion will be invested in drone technology, which covers both civilian and military drones. The ease with which dual-use drone technology is spreading already results in non-state actors and terrorist groups utilizing drones for military operations, e.g. most recently the Islamic State in Syria and Iraq.⁹

Existing arms export agreements seem unfit to counter the fast proliferation of new types of drones. Without an international effort to address this problem, too little will be done too late. A real and viable solution will need to focus on a solid legal framework and discussions with all key actors, including drone producers, states, and civil society.

Recommendations for governments

During First Committee:

- All delegations should express humanitarian, moral, and legal concerns over the use of armed drones inside and outside armed conflicts and increased proliferation of armed drone technology.
- They should highlight the need for a focused discussion on the use of armed drones, including the application of international law and transparency.
- They should call for legal regulations on the use and trade of armed drones, condemn and indicate their commitment to not participate in extrajudicial killing, and call for increased



CREDIT: PAX

transparency about armed drone use and casualty recording practices.

Beyond First Committee:

- States should also discuss the use of armed drones in Third Committee and the Human Rights Council, where they should support the work of Special Rapporteurs, and highlight concerns about extrajudicial killings and the human rights implications of drone strikes.
- States should provide their legal opinions and political positions on the use of armed drones for targeted killings outside of areas of active

hostilities, drawing upon the framework of IHL and IHRL.

- Manufacturers, states, and export control regimes should work together to establish standardised categories for export control lists, in order to provide consistent understandings of platforms, payloads, and dual-use applications of drone technologies. This should support improved control measures over the import and export controls on “unmanned” systems and prevent proliferation to unintended end-users.



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- 6 “Drones and targeted killings: the need to uphold human rights and international law,” EU Parliamentary Assembly Resolution 2051, 2015, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=21746&lang=en>.
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Fully autonomous weapons (“killer robots”)

Campaign to Stop Killer Robots

Background

Two multilateral meetings on “lethal autonomous weapons systems” have been held at the United Nations (UN) in Geneva since May 2014 to consider technical, legal, operational, ethical, and other questions raised by these weapons that, once activated, would select and fire on targets without further human intervention. It is crucial that states demonstrate progress on the challenges posed by “killer robots” by agreeing in November to an expanded and more substantive mandate of work in 2016 that identifies actions that need to be taken.

The Campaign to Stop Killer Robots, a coalition of non-governmental organisations launched in April 2013, is calling for the talks to result in the adoption of new international law to preemptively ban fully autonomous weapons. Others have proposed national moratoria on fully autonomous weapons until new international law is achieved. A number of states have expressed their support for these calls, while others have proposed greater transparency and a focus on legal reviews of new weapons systems. No state has objected to the emerging international process on killer robots or proposed that nothing be done.

Current context

Some 87 states participated in the first “informal meeting of experts” held by the Convention on Conventional Weapons (CCW) on 13–16 May 2014, while 90 attended the second experts meeting held on 12–16 April 2015.

Of the 50 states that have expressed their views to date on fully autonomous weapons, almost all have highlighted various concerns with the weapons and most have indicated their strong support for the international talks. Several states—including Canada, France, Japan, and the UK—have explicitly stated that they are not developing fully autonomous weapons and have no intent to do so in the future. Only three states—the Czech Republic, Israel, and United States—spoke about the possible advantages or benefits that they perceive fully autonomous weapons could provide.

At both CCW experts meetings, a majority of states referred to the need for meaningful or effective or adequate human control of autonomous weapons. For the campaign, the concept of human control is not about finding or building “better” or “safer” autonomous weapons. Rather it is a notion that states should use to draw the line and prohibit weapons systems that do not operate under human control.



CREDIT: CAMPAIGN TO STOP KILLER ROBOTS

At the CCW meetings there has been widespread acknowledgment that fully autonomous weapons must fully comply with key principles of international humanitarian law, but many questions about whether the current technology will do that and what the foreseeable future holds. The campaign, the International Committee of the Red Cross, the Stockholm International Peace Research Institute, and others have suggested that states focus on critical functions of target acquisition and selection as well as the use of force involved in today's automated or autonomous weapons, as this would provide a platform for future discussions on the nature of human control required.

The notion of human dignity and the moral question of whether machines should be permitted to take a human life on or off the battlefield have emerged as overarching issues of concern. Russia and other states have suggested the Martens Clause is applicable to fully autonomous weapons, and that the question of whether such weapons would run counter to the dictates of public conscience and the principles of humanity will need to be answered.

The nature of the work going forward (formal or informal), content of a future mandate (area of focus), and amount of time to be dedicated (one week again or additional time) is currently the focus of consultations led by Sri Lanka's

Ambassador Ravinath Aryasinha, who will preside over the next CCW meeting, where states will decide on November 13 whether to continue their deliberations in 2016.

An ambitious mandate is needed so that states can act with the urgency that this issue demands. A Group of Governmental Experts (GGE) would help advance deliberations to a new level, demonstrate progress, and emphasise that the CCW work is outcome-oriented and not a talk shop. Open-ended GGEs have been the established method of work for CCW deliberations over the past two decades on concerns ranging from landmines to explosive remnants of war to cluster munitions. Based on that long-standing precedent, the GGE would be open to all interested states as well as to NGO representatives and key documents would be translated into the official UN languages. A GGE would therefore help to enable the broadest possible participation by all states.

Recommendations for governments

During First Committee:

- Delegations should acknowledge the concerns raised over fully autonomous weapons and express support for a strengthened and expanded CCW mandate of work in 2016 via a GGE meeting for a total of three to four weeks.
- Delegations should articulate their national policy on fully autonomous weapons, including their position on the calls for a moratorium or ban.

Beyond First Committee:

- At the CCW meeting on 13 November 2015, states should agree to a mandate that establishes a GGE that will meet for three to four weeks of work in order to deepen discussions on fully autonomous weapons and recommend action to be taken at the CCW's Fifth Review Conference in late 2016.
- All states should implement the recommendations on autonomous weapons contained in the 2013 and 2014 reports by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, including the call for a moratorium on fully autonomous weapons until new international law is achieved.
- All states should develop formal national policies on fully autonomous weapons.



Explosive weapons in populated areas

International Network on Explosive Weapons

Background

The use of explosive weapons in populated areas has been a key cause of harm to civilians in conflicts around the world. The bombardment of towns and cities has continued to cause widespread civilian casualties, displacement, and destruction of infrastructure. Conflict in Côte d'Ivoire, Gaza, Iraq, Libya, Somalia, Sudan, Syria, Ukraine, Yemen, and elsewhere provide clear illustrations of the persistent pattern of harm. Against this background, discussions are now starting towards a political response to this humanitarian problem.

Explosive weapons use blast and fragmentation to kill and injure people in the areas where they detonate, as well as to damage objects, buildings, and infrastructure. When used in populated areas they tend to cause high levels of harm to individuals and communities. This problem is particularly severe where the explosive weapons used have wide area effects.

Destruction of infrastructure vital to the civilian population, including water and sanitation, housing, schools, and hospitals, results in a pattern of wider, long-term suffering. Victims and survivors of explosive weapons can face long-term challenges of disability, psychological harm, and social and economic exclusion.

In 2014, more than 32,000 civilians were reported as killed or injured by explosive weapons according

to Action on Armed Violence (AOAV), a founding member of the International Network on Explosive Weapons (INEW). AOAV found that where explosive weapons were used in populated areas, 92% of the casualties were civilians.

Current context

Over recent years the harm caused by the use of explosive weapons in populated areas has attracted increasing concern within the international community, and 2015 sees the start of discussions towards a political response to this problem.

In 2011 a group of NGOs set up the International Network on Explosive Weapons to respond to this problem. So far around 40 countries have expressed concern about this humanitarian issue, mostly in the context of the UN Security Council debates on the protection of civilians in armed conflict. The UN Secretary-General and the International Committee of the Red Cross have called on states to avoid the use in densely populated areas of explosive weapons with a wide impact area.

Recognition of this problem has grown against the background of heavy casualties from the bombardment of populated areas in many armed conflicts. The use of explosive weapons with wide area effects such as rockets, heavy artillery, and large aircraft bombs in such populated areas has stood out as particularly harmful in these contexts. In Syria and Iraq, the use of so-called “barrel bombs” has attracted

2011-2014: FOUR YEARS OF DATA

THE IMPACT OF EXPLOSIVE WEAPONS

From 2011-2014, AOAV has recorded the impact of explosive weapons around the world using English-language media sources. Explosive weapons include manufactured ordnance like mortars, rockets and air-dropped bombs, as well as improvised explosive devices (IEDs).

EXPLOSIVE VIOLENCE IN POPULATED AREAS



90%

OF CASUALTIES FROM EXPLOSIVE VIOLENCE IN POPULATED AREAS WERE CIVILIANS



10,395

TOTAL NUMBER OF INCIDENTS RECORDED



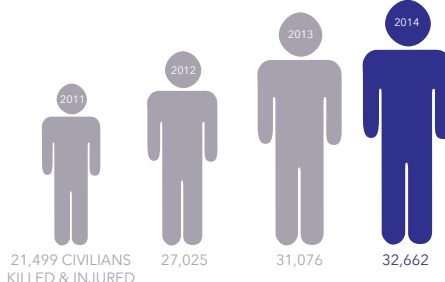
34%

OF CASUALTIES FROM EXPLOSIVE VIOLENCE IN NON-POPULATED AREAS WERE CIVILIANS

CASUALTIES (DEATHS & INJURIES) OF EXPLOSIVE WEAPONS



TOTAL CIVILIAN CASUALTIES: 112,262 TOTAL CASUALTIES: 144,545



78%

OF ALL CASUALTIES FROM EXPLOSIVE VIOLENCE WERE CIVILIANS

+52%

INCREASE IN CIVILIAN CASUALTIES RECORDED IN 2014 COMPARED TO 2011

MOST AFFECTED COUNTRIES



IRAQ

35,959 CIVILIAN CASUALTIES



91% FROM IEDs



SYRIA

22,574 CIVILIAN CASUALTIES



44% FROM GROUND-LAUNCHED WEAPONS



PAKISTAN

13,058 CIVILIAN CASUALTIES



76% FROM IEDs



AFGHANISTAN

8,683 CIVILIAN CASUALTIES



80% FROM IEDs



GAZA

4,769 CIVILIAN CASUALTIES



59% FROM AIR-LAUNCHED WEAPONS

Extracts from: *Four years of harm: AOAV records over 110,000 civilian casualties of explosive violence (2011-2014)*

CREDIT: ACTION ON ARMED VIOLENCE

attention because of their wide area effects. In addition, civilians have been killed and injured in towns and cities where other improvised explosive devices such as car bombs and “suicide” bombs have been detonated amongst crowds of people in public places.

Over the course of 2013–2015 there has been a growing international discussion on how this humanitarian harm can be prevented. At an international conference on the protection of civilians in Oslo attended by 90 countries in May 2013, the Co-Chairs’ Summary suggested that the use of explosive weapons with wide area effects should be avoided. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) has co-hosted two expert meetings on this topic: the first with Chatham House in London in September 2013 and the second with Norway in Oslo in June 2014. These meetings have identified practices by armed forces that can be undertaken to reduce harm to civilians from the use of explosive weapons.

On 21–22 September the government of Austria and OCHA hosted a meeting for states that have recognised this problem and are interested in working together to address it. Austria invited states to discuss how an international political commitment could be developed in response to the predictable pattern of humanitarian harm caused by the use of explosive weapons in populated areas. This meeting was the first step to act upon the Secretary-General’s call for a political commitment, and other calls for action. During that meeting several states discussed ideas of potential key elements of a political declaration to address the harm to civilians from the use of explosive weapons in populated areas.

INEW urges governments to join these efforts to develop a political commitment that can help reduce harm to civilians from the use of explosive weapons in populated areas. In such an instrument, states should commit to:

- Stop the use in populated areas of explosive weapons that have wide area effects;
- Review national policy and practice and make changes that will strengthen the protection of civilians;
- Support stronger data-gathering on the use and impact of explosive weapons, including age-, sex- and disability-disaggregated recording of casualties, and information on disabilities amongst survivors; and
- Recognise the rights of survivors, families of those killed or injured, and affected communities and to ensure a response to their short- and long-term needs.



Recommendations for governments

During First Committee:

- Recognise that civilian harm from the use of explosive weapons in populated areas is a humanitarian problem that must be addressed.
- Endorse the UN Secretary-General’s recommendation that the use in densely populated areas of explosive weapons with wide area effects should be avoided.
- Set out national policies and practices related to the use of explosive weapons in populated areas, including in response to the Note Verbale sent by the UN Secretary-General to all states, via their Permanent Representatives to the United Nations in New York.
- Indicate support for the development of an international commitment to reduce harm from the use of explosive weapons, including by stopping the use in populated areas of explosive weapons with wide area effects.

Beyond First Committee:

- States should participate constructively in discussions to develop an international commitment to address this humanitarian priority.

Landmines

International Campaign to Ban Landmines

Background

The *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction* (or Mine Ban Treaty) is a shining example of humanitarian disarmament, having a real, lasting impact on the ground every day in dozens of states. It provides the best framework for the full elimination of these indiscriminate weapons, while also ensuring that their legacy is addressed through the clearance of contaminated land and comprehensive assistance to survivors.

the Mine Ban Treaty. The stigma on the weapon holds so strong that most of those remaining outside the Treaty abide by the norm against use, production, and transfer. Many hundreds of square kilometers of land have been cleared of landmines, 28 formerly affected countries are now mine-free, and more than 48 million stockpiled landmines have been destroyed in 88 countries. The number of new casualties caused by landmines and explosive remnants of war has dropped dramatically to fewer than 3,500 cases recorded last year.

Current context

More than 80% of the world's states are parties to

Despite this remarkable progress, some 60 states and areas are still contaminated with



CREDIT: TAMAR GABELNICK

antipersonnel mines. Every day civilians are killed or maimed by these weapons. Survivors in dozens of countries still need to see their rights fully respected and their needs met. Thirty-five countries still have to join the Treaty.

The International Campaign to Ban Landmines (ICBL) is concerned that a small number of governments outside the Treaty are still using antipersonnel landmines, including Myanmar and Syria in recent years, and that serious allegations or instances of use by states parties to the Treaty (South Sudan, Sudan, Turkey, Yemen) are still unresolved.

The ICBL is also concerned that Ethiopia is currently in violation of the Treaty for missing its clearance deadline without sharing information in a proactive manner about measures taken to remedy this situation.

The Third Review Conference of the Treaty (2014) adopted the Maputo+15 Declaration. It commits states to complete the implementation of their respective time-bound obligations “with the urgency that the completion work requires” and “to the fullest extent possible by 2025”. The Maputo Action Plan provides detailed guidance. Four new thematic committees led by states parties were created, covering Cooperative Compliance, Clearance, Victim Assistance, as well as Cooperation and Assistance. States have embraced their roles on the committees with enthusiasm and dedication, fostering the spirit of cooperation and transparency that prevails among the Mine Ban Treaty community.



Recommendations for governments

During First Committee:

- All states should vote in favour of the resolution on the Mine Ban Treaty, which provides an important opportunity for states to reaffirm their support for the ban on antipersonnel landmines. Each year, a large number of states not party vote in favour of the resolution, thus demonstrating their support for the Treaty’s humanitarian aims.
- States should condemn any use of antipersonnel mines and call for public investigation of allegations or instances of use by states parties.
- Delegations should express support for the “completion” goals of the Third Review Conference and name their own completion targets if they have not yet done so.
- States not party should report on progress made towards accession and communicate their support for the humanitarian objectives of the Treaty, as many of them do each year.

Beyond First Committee:

- All states must halt any use of antipersonnel landmines, anywhere, under any circumstances.
- The 35 states outside the Mine Ban Treaty should join without delay.
- States parties must comply with all Treaty obligations, especially clearing their land of mines and ensuring victims receive support on an equal basis to others with similar needs. States should report annually in accordance with Article 7, to reverse the current lowest-ever reporting rate.
- All states should provide the necessary resources to achieve the Treaty’s goals efficiently.

Cluster munitions

Cluster Munition Coalition

Background

1 August 2015 marked five years since the Convention on Cluster Munitions (CCM) entered into force. In this short amount of time, remarkable progress has been made in the eradication of cluster munitions. The Convention's wide membership and even wider support from the international community contribute to a growing stigma against cluster munitions. Stockpiles are being destroyed at an impressive rate, states are steadily clearing cluster munition remnants, and efforts are underway to address the needs and respect the rights of survivors.

Cluster munitions have a devastating impact on civilians, both at the time of use and long afterwards. They have a wide area footprint, with no way of distinguishing between civilian and military targets. Often a significant number of submunitions fail to explode when deployed, which mean unexploded submunitions remain on the ground, threatening lives long after a conflict has ended. They have killed and injured thousands of civilians over the past decades, and their presence over large areas of fertile land or urban settings poses a threat to the safety and livelihood of communities.

The CCM was adopted in 2008 as a comprehensive solution to this problem. It bans the use, production, stockpiling, and transfer of cluster munitions; requires destruction of stockpiled cluster munitions within eight years and clearance

of contaminated land within ten years; protects the rights of victims of these weapons; and entitles affected states to international assistance to meet their legal obligations.

Current context

Today 117 countries have renounced cluster munitions through their signature, ratification, or accession to the CCM. Ninety-six of them are full states parties to the Convention. Some 160 million submunitions have already been destroyed by 27 states parties.

Since September 2014, the Cluster Munition Monitor has recorded new use of cluster munitions in the following states not party to the Convention: Libya, Sudan, Syria, Ukraine, and Yemen.² International reaction to use in recent years has been strong, including 157 states that have condemned use of cluster munitions in the context of ongoing use in Syria. The Dubrovnik Declaration adopted at the First Review Conference of the CCM reaffirms states parties' deep concern over, and condemnation of, any use of cluster munitions by any actor.

The First Review Conference of the Convention (Dubrovnik, Croatia, 7-11 September 2015) agreed on an ambitious and realistic Action Plan to guide efforts towards ending the suffering caused by cluster munitions.

Recommendations for governments

During First Committee:

- All delegations should condemn the recent use of cluster munitions in Libya, Sudan, Syria, Ukraine, and Yemen.
- States parties should emphasise that universalization of the CCM is essential to preventing any further harm, and report on their contribution to the implementation and universalization of the Convention.
- States outside the CCM should report on progress made towards joining and communicate their support for the humanitarian objectives of the Convention, as many of them do each year.
- All states should join the CCM and implement the Dubrovnik Action Plan.
- States parties to the Convention must sustain their efforts to comply with all obligations, especially to clear their land and destroy their stocks within deadlines, and provide assistance to cluster munition victims on an equal basis to others with similar needs. They should report annually in accordance with Article 7.
- States parties should adopt legislative measures to implement the Convention, including a prohibition on investments in cluster munition producers.
- All states should provide the necessary resources to achieve the Convention's goals efficiently.

Beyond First Committee:

- All states must halt their use of cluster munitions, anywhere, under any circumstances.



1 While it is not always possible to establish which conflicting party is responsible for using the weapon, Cluster Munition Monitor reports evidence confirming use in all five states. The 2015 issue of Cluster Munition Monitor is available at www.the-monitor.org.

Incendiary weapons

Human Rights Watch

Background

Calls to strengthen international law on incendiary weapons have intensified in recent years in light of the harm to civilians caused by the use of such weapons in Syria, Ukraine, Afghanistan, Gaza, and elsewhere. Incendiary weapons produce heat and fire through the chemical reaction of a flammable substance. They inflict excruciatingly painful burns that are difficult to treat and lead to long-term physical and psychological injury. The weapons also start fires that can destroy buildings and infrastructure.

Incendiary weapons are not a new problem. In 1972, Nick Ut photographed 9-year-old Kim Phuc running naked with burned skin hanging from her body after a South Vietnamese airstrike dropped napalm on her village. Public revulsion at such shocking injuries served as a catalyst for the adoption in 1980 of Protocol III to the Convention on Conventional Weapons (CCW), which prohibits certain uses of napalm and other incendiary weapons. A total of 112 countries, including all five permanent members of the UN Security Council, have joined Protocol III.

Current context

Despite this international law, incendiary weapons are still being used in armed conflict, often with disastrous consequences for civilians.

Human Rights Watch documented 57 incendiary weapon attacks by the Syrian Air Force between November 2012 and November 2014. On 26 August 2013, a devastating airstrike in Aleppo governorate killed more than three dozen civilians and wounded 44. An incendiary bomb fell on a secondary school courtyard and splashed a burning, napalm-like substance over its victims, most of whom were students. In March 2014, the UN Independent International Commission of Inquiry on the Syrian Arab Republic reported that government forces have also dropped incendiary materials in improvised “barrel bombs”.

In the second half of 2014, Human Rights Watch researchers documented the use of incendiary weapons in rocket attacks in Ilovaisk and Luhanskoe in eastern Ukraine. Residents reported that the strikes burned several homes. While researchers found fragments of ground-launched incendiary warheads at both sites, it was not possible to determine who was responsible for the attacks.

Although use of incendiary weapons has continued, it is usually accompanied by international condemnation. Stigmatisation of these weapons seemed to contribute to changes in Israel's policy and practice, exemplified by its apparent decision not to use white phosphorus in Gaza in 2014 after Israel's previous use of this weapon in 2009 attracted widespread international criticism.

At the international level, during the November 2014 Meeting of CCW States Parties, 12 countries voiced concerns about the use of incendiary weapons: Austria, Croatia, Cuba, France, Germany, Mexico, the Netherlands, Pakistan, Palestine, South Africa, Switzerland, and the United States. Repeating language from the previous year, the final report of this annual meeting “noted the concerns raised by a number of High Contracting Parties over the allegations of use of incendiary weapons against civilians.”

Recent use of incendiary weapons demonstrates the urgent need for action, while increasing concern presents an opportunity to strengthen international law governing the use of these weapons. All countries that have not yet done so should join Protocol III. States parties should agree to review the protocol, which has not been re-evaluated since its adoption 35 years ago. The CCW protocol prohibits the use of air-delivered incendiary weapons in “concentrations of civilians,” but it has weaker regulations for ground-launched models. Furthermore, many states parties believe the current definition does not cover multipurpose munitions, such as white phosphorus, because the definition is based on the purpose for which they were “primarily designed”. Since 2010, a large number of states have expressed willingness to reconsider the protocol, and some have called for its strengthening.

Recommendations for governments

During First Committee:

- Delegations should publicly condemn the use of incendiary weapons in Syria and Ukraine and urge the Syrian government to accede to the CCW and its Protocol III.

- Delegations should call for a review of Protocol III and amendments to address the negative humanitarian impact of incendiary weapons.

Beyond First Committee:

- CCW parties should approve a mandate to review the text of Protocol III and, at the 2016 Review Conference, agree to amend the protocol to address the negative humanitarian impact of incendiary weapons. A comprehensive ban on incendiary weapons would have the most far-reaching humanitarian benefits. At a minimum, the protocol should be strengthened to prohibit use of all incendiary weapons within or near concentrations of civilians (regardless of whether the weapons are air dropped or ground launched) and to include an effects-based definition that encompasses white phosphorus and other multipurpose munitions.
- As a state party to Protocol III, Ukraine should investigate instances or allegations of use of incendiary weapons and determine who was responsible.
- All states should report on their current practices and policies with respect to incendiary weapons and indicate their position on the call for strengthening international law governing the weapons.

HUMAN
RIGHTS
WATCH



A misfired Grad 9M22S rocket equipped with a 9N510 incendiary warhead found near Ilovaisk, Ukraine on October 12, 2014.

CREDIT: © 2014 MARK HIZNAY/HUMAN RIGHTS WATCH:

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- 1 Meeting of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, "Final Report," CCW/MSP/2014/CRP.1, November 14, 2014.
 - 2 For more information on the current context, see Human Rights Watch and Harvard Law School's International Human Rights Clinic, "Incendiary Weapons: Recent Use and Growing Opposition," November 2014, <https://www.hrw.org/news/2014/11/10/incendiary-weapons-recent-use-and-growing-opposition>.

Small arms and light weapons

International Action Network on Small Arms

Background

Small arms and light weapons (SALW) kill and injure more people on a daily basis worldwide than any other weapon. They are used in every act of armed violence from armed conflict to domestic violence. There is a multi-billion dollar industry surrounding the production, sale and trade, illicit traffic, and use of SALW and their ammunition.

In 2001, United Nations member states adopted a Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (UNPoA). The UNPoA is a non-legally-binding instrument that encourages states to develop programmes for collecting and destroying illegal weapons, strengthening import and export controls, raising awareness on the effects of illegal weapons, improving the security and safety of weapons storage facilities, and helping affected countries track down illegal transfers of small arms and the brokers involved. SALW were also included as a category of weapon covered by the Arms Trade Treaty, which entered into force on 24 December 2014.

Current context

The UNPoA and ATT have the potential to reduce and prevent the illicit trafficking and misuse of SALW. Implementation of the UNPoA at the national level has been effective in many countries. At the international level, there

have also been some laudable developments. The establishment of the UN Trust Facility for Supporting Cooperation on Arms Regulation (UNSCAR) to support implementation of the UNPoA and ATT is also welcome development. The UN Security Council has adopted two resolutions in recent years— 2117 (2013) and 2220 (2015) underscore the need for the full and effective implementation of the UNPoA and provide for measures related to securing government stockpiles and weapons collection, among others. They also call for further measures to facilitate women's full and meaningful participation in all policy making, planning, and implementation processes to combat and eradicate the illicit transfer, destabilizing accumulation, and misuse of small arms. In June 2015, a second meeting of government experts met in New York to discuss emerging technologies related to SALW that have implications for effective marking, record-keeping, and tracing of weapons, including 3D printing, polymer frames, and modular weapon systems.

Yet despite this activity, the commitment of governments to address SALW issues has seemingly diminished. A key challenge is that the resolutions on SALW at First Committee are virtually unchanged from year to year, giving a sense that the issue is stale and lacks urgency. Another challenge is that some states

seem reluctant to explore synergies between the UNPoA and ATT. And states largely seem to lack an appetite to address the crux of the SALW issue: manufacture and production.

While vitally important national and local work continues on implementing these instruments, it would be useful to revitalise some of the urgency and innovative thinking on SALW at the international level. All technical discussion and political will to control SALW should be checked against the purpose of reducing the impact of gun violence on people and communities. States should get rid of the narrow perspective of only controlling tools of violence per se and increase their understanding, action, and cooperation to address survivors needs and their input into this international processes, and the complementarity between SALW processes and the ongoing discussion to strengthen global commitments on sustainable development goals.

Recommendations for governments

During First Committee:

- Delegations should commend ongoing work to implement the UNPoA and to explore synergies and complementarities between it, the Arms Trade Treaty, and the sustainable development goals (SDGs) process. On the SDGs, they should indicate support for goal 16(4), which seeks to reduce illicit arms flows by 2030.
- Delegations should take a progressive view on the omnibus resolution on SALW and suggest language that involves action to strengthen implementation such as effective tracing programmes to address diversion of weapons to the illicit market, improving border surveillance, and strategic approaches

to monitoring and implementing UN Security Council arms embargoes.

- Delegations could propose new SALW resolutions that address some of the UNPoA's gaps such as assistance to survivors, ammunition, SALW production, stockpile management, and emerging technologies. States may want to make obligatory the submission of biennial national reports, as these are necessary for stocktaking. Only 36.6% of UN member states submitted reports in 2014 as compared to 2012's 43.5%.

Beyond First Committee:

- States should propose a concrete way forward towards international controls of SALW ammunition—not only of its trade, but from production to destruction.
- States should develop initiatives to address challenges related to stockpile management standards, excessive arms production, and emerging technologies.
- States should call for the establishment of an independent mechanism to systematically measure and evaluate assistance, as well as UNPoA implementation so as to identify and fill in the gaps. Developing indicators will be a good first step to this end.

Arms Trade Treaty

Control Arms

Background

On 24 December 2014, the Arms Trade Treaty (ATT) entered into force, following its opening for signature on 3 June 2013. This followed more than a decade of campaigning and seven years of work at the United Nations, at the end of which, the UN General Assembly overwhelmingly adopted the Treaty by 154 votes to 3. At the time of writing, there are 72 states parties and 59 signatories.

The ATT is the first treaty aimed at reducing humanitarian suffering by bringing the conventional arms trade under control. Implemented effectively, it will create new global norms for the transfers of arms and ammunition, assessed against the risk of misuse.

Current context

The first Conference of States Parties to the ATT took place from 24-27 August 2015 in Cancun, Mexico. It followed five informal and formal preparatory meetings that took place over the previous twelve months and represented a critical opportunity for states parties to make decisions to ensure that the ATT will be implemented robustly.

Progress was made in many areas at the CSP. The adoption of the Rules of Procedure came early on the second day of the meeting. Financial rules were also adopted, although agreeing on a budget for both the ATT Secretariat and the

second CSP is scheduled for an extraordinary meeting scheduled for January 2016.

Following two rounds of informal voting, the CSP decided that the ATT Secretariat will be located in Geneva, and that Dumisani Dladla of South Africa will serve as Provisional Head of Secretariat until the 2016 CSP, at which time a process will be undertaken to select a longer-term Head of the Secretariat. A Management Committee to support the work of the ATT Secretariat was also established, including the Czech Republic, Côte d'Ivoire, France, Jamaica, and Japan.

Decisions were also made about CSP 2016. Ambassador Emmanuel Imohe of Nigeria was confirmed as its President-designate, and Costa Rica, Finland, Montenegro and New Zealand will serve as Vice Presidents.

Reporting was the weakest outcome of the CSP. Considerable effort was spent ahead of and during the CSP in developing draft reporting templates, with the intention that the CSP would recommend these for use by states parties when preparing their national initial and annual reports. However, in the draft final report of the CSP, states parties decided instead only to “take note ... of the reporting templates” and to “establish an informal working group on reporting” to continue template development. While it was disappointing that the CSP did not

make a stronger recommendation in support of the templates, a number of significant problems still existed with the substance of the latest drafts, and further work by a working group is clearly needed.

Apart from the CSP, the last year has seen continued emphasis on increasing understanding about implementation issues. The Control Arms Coalition has continued to organise and participate in workshops in all regions, as well as produce resources to support implementation. These include an implementation guide for Pacific states; a report on the reporting practices of states parties and signatories; and a series of legal surveys of the rules and practices of other comparable treaty regimes.

Multiple meetings of the Expert Group on Treaty Implementation, which includes governmental and non-governmental experts, have also been convened. Two briefings papers from the group address information exchange under the ATT and preventing diversion, with a third to be presented at the CSP. The Arms Trade Treaty-Baseline Assessment Project (ATT-BAP) is another initiative aiding implementation. Through a survey, the project helps states understand the obligations of the ATT as well as review their existing policies and practices.

Meanwhile, the Women's International League for Peace and Freedom (WILPF) is producing research and training for civil society and export licence officials to ensure the effective implementation of the ATT's provisions related to preventing gender-based violence. WILPF also monitors all international ATT-related meetings and produces a daily monitor with analysis and information.

The Control Arms Secretariat published the first edition of its "ATT Monitor," an independent civil society monitoring mechanism on ATT implementation, which will be a resource for both states and civil society.

These civil society initiatives complement those organized by governments and the UN, such as the practical training course on ATT Implementation created by UNLIREC and resources being developed by UNODA.

Recommendations for governments

During First Committee:

- Delegations should support an ATT resolution that calls for strong and effective Treaty implementation.
- Delegations should encourage continued universalization of the Arms Trade Treaty.
- Delegates should participate in and contribute to the substantive discussions taking place in side events and elsewhere in order to share expertise and strengthen capacity for the robust implementation of the ATT.

Beyond First Committee:

- States parties must implement the ATT robustly and in a transparent manner.
- States parties should develop robust, comprehensive, and public reporting templates.
- States should share best practices and provide implementation support through information exchange and resources.
- Signatories should ratify the ATT as soon as possible, and non-signatories should accede.



Outer space

Reaching Critical Will

Background

Concern with space security issues is driven by numerous factors such as economic growth, communication, trade, climate change, and development. Outer space is a global commons and as our dependency on outer space assets grow, it is becoming increasingly important to address the issue of safety and security in order to preserve this unique environment so it can be used by all for a long time to come.

The increase in space activities has amplified the risk of collisions that create enormous amounts of debris, which can have devastating effects. The increase of debris in space itself increases the risk of collisions with operational space crafts and radio frequency interference. The average impact speed of orbital debris with another space object is close to 10 km/s, meaning a collision with even a small piece of debris will cause severe damage. Today more than 21,000 pieces of debris are being tracked in the orbit around earth. However, since only pieces larger than 10 cm can be traced, the number of actual debris is impossible to estimate.

Development of satellites and other technologies dedicated to military purposes has also increased. Some satellites that can be used for telecommunications and earth observation can be and sometimes are used for military purposes, leading to a militarisation of outer space. There have been some worrying trends in technology

development in recent years indicating that the weaponisation of space technology is no longer just science fiction. Some states, such as the United States and China, have developed and even tested anti-satellite systems. Some ground-based “missile defence” technologies also have dual-use capabilities as space weapons, as they can be used to attack space-based assets.

This makes it more important than ever to protect space against weaponisation, militarisation, and irresponsible behaviour. A conflict in space would lead to devastating consequences for our daily life on earth and also affect the overall long-term sustainability and peaceful use of space. This significant increase of space activities has meant that the continued absence of a solid regime of rules in space could potentially harm the future of our space endeavours, no matter what country you are from.

Current context

The overwhelming majority of UN member states are concerned that the weaponisation of outer space will lead to an arms race and believe that a multilateral approach is the best way to prevent this. A number of new initiatives have taken off in recent years, including the Committee on the Peaceful Use of Outer Space (COPUOS) debris mitigation guidelines, the Group of Governmental Experts (GGE) on transparency and confidence-building measures

in outer space, the EU International Code of Conduct for Outer Space Activities, and Russia and China's draft treaty on the prevention of an arms race in outer space (PAROS) in the Conference on Disarmament.

None of these efforts have yet managed to achieve the results needed. While negotiation of an instrument on PAROS has been on the CD's agenda for decades, the US government has prevented negotiations from beginning on that issue. The other initiatives, while important for increasing transparency and confidence amongst states in terms of practice and policy, cannot replace a legally-binding instrument preventing the weaponisation of outer space. In the meantime, money is being spent to develop technologies that could disrupt and destroy our use of outer space now and for future generations.

Recommendations for governments

During First Committee:

- Delegations should highlight the importance of preventing the weaponisation of outer space to preserve international peace and security and benefit all humankind.

- They should condemn any anti-satellite tests and the development of weapons to be placed in orbit or to be used to target space-based assets.
- They should welcome the outcome of the latest GGE on transparency and confidence-building measures in outer space and report on their implementation of measures recommended by the GGE and the COPUOS debris mitigation guidelines.
- They should indicate support for the negotiation of a treaty preventing an arms race in outer space and for interim measures such as the International Code of Conduct on outer space activities.

Beyond First Committee:

- States should begin negotiations on a legally-binding instrument to prevent the weaponisation of outer space.
- States should refrain from developing and deploying space-based weapons or weapons that target space-based assets, including anti-satellite technologies.
- States should work to enhance synergies and cooperation between First Committee and other relevant UN bodies working on outer space security issues.



Reaching Critical Will

Cyberspace, disarmament, and human security

Article 36 and Reaching Critical Will

Background

The 21st century has seen increasing social and economic reliance on computer networks and interlinked networks of critical infrastructure. These networks provide significant advantages to human society.

Cyber attacks present a broad spectrum of risks to individuals and societies. Such attacks can range from contraventions of individual or corporate privacy, mass espionage and surveillance, up to the disabling or destruction of infrastructures vital to the general population or the manipulation of elements of civilian infrastructure in order to use them as weapons.

Within this broad spectrum of cyber activity, different sorts of cyber attacks may require different responses and restrictions. It is a human rights imperative to protect privacy and respect for Internet freedoms. This part of the agenda is rightly being pursued in other forums, including in the Third Committee.

Whilst some cyber attacks may create impacts similar to those of kinetic attacks in armed conflict and others may have direct military or security implications without having direct physical effects, many will have effects that are

separate from the military or security realms. In any case, the complexity of networks can mean that the full impact is hard to predict and so control. Treating cyber attacks primarily as a military and security issue risks a reflexive response that can escalate incidents, including misunderstandings, into armed conflict.

It also risks adopting a legal framework that is more permissive of harm to the population than international human rights law allows. In working to prevent cyber attacks, states should consider the full range of impacts on human rights, international humanitarian law, protection of civilians and state responsibility.

Current context

States have a responsibility to provide security to their citizens, but state practice across this spectrum of cyber issues is already concerning. Privacy intrusions, denial-of-service attacks and malware operations have been linked to states, without those states accepting any responsibility. Transparency is sorely lacking around states' cyber operations.

Within First Committee, work on cyber issues has been undertaken in four groups of governmental experts (GGEs). The first failed



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to reach consensus in 2005; however, the 2010, and 2013 groups issued substantive consensus reports. Many delegations were pleased with the consensus outcome of the 2013 GGE, noting the affirmation of existing international law, but also emphasised that further study of the application of norms is needed and that additional norms could be developed over time. Another GGE of 20 experts commenced its work in July 2014 with Brazil in the chair. It has the mandate of examining how international law applies to the use of information and communication technologies (ICTs), which requires identifying how technological features of ICTs affect the functioning of legal rules. This discussion reveals the differences between states in their competition for influence and power in cyberspace and beyond. “This context,” notes a Council on Foreign Relations writer, “means that GGE discussions involve political sub-texts,

particularly between the United States and China, that involve more than ICTs and that will make reaching anything more than superficial consensus difficult.”¹

It will be important for states to reach common understandings of the concepts they are debating. Likewise, understanding how existing laws, either national or international, can be applied to the cyber framework will be crucial. But all of this must be done with the objective of developing a legal framework that prevents cyber attacks, whether undertaken by states, by private entities contracted by states or by other institutions or individuals. Discussion of norms on mercenaries and private military contractors provide an illustration that contracted services need to be brought under standards of control. Furthermore, the dual use nature of civilian infrastructures in cyber space should not be used

an excuse to avoid strong rules to govern cyber operations by states.

We must also recognise a wider responsibility amongst the public and institutions of all kinds to build resilience alongside reliance on computer networks. While we seek to prevent cyber attacks by adopting and enforcing clear standards, we must also develop the capacity to survive them and to mitigate the damage that they can do.

Many delegations have noted the need to preserve the digital domain as a peaceful one. We share the goal of an Internet that is used only for peaceful purposes. We have an opportunity and a responsibility to act now, before we find ourselves locked in a new cyber arms race that could further destabilise our world.

Recommendations for governments

During First Committee:

- Delegations should express concern about the risk of cyber attacks and the militarisation of cyberspace.

- They should indicate support for the current GGE to develop concrete recommendations on preventing the development, deployment, and use of cyber weapons.
- They should also seek to establish new avenues for wider discussions open to all states and inclusive of civil society and other relevant actors. Including the voices of states from all regions, including low and middle income countries, will be crucial in this process.

Beyond First Committee:

- States should work towards adopting an effective international legal framework that will prevent cyber attacks and protect the networked infrastructure upon which societies rely for their wellbeing.

Article 36



Reaching Critical Will

1 David Fidler, "How International Law Applies to Cyberspace," Net Politics, Council on Foreign Relations, 14 April 2015, <http://blogs.cfr.org/cyber/2015/04/14/the-un-gge-on-cyber-issues-how-international-law-applies-to-cyberspace/>.

Gender and disarmament

Reaching Critical Will

Background

Gender issues intersect with weapons issues in at least three ways:

- Gendered patterns of harm from armed violence and armed conflict
- Gendered discourse and approach to weapons and war and violence
- Gender diversity in arms control and disarmament negotiations and discussions

Women and men are exposed to different patterns of violence. This is not as a result of biology, but of socially constructed gender roles. Gender-based violence is violence that is directed at a person because of their sex, or their perceived gender roles, or their gender identity, or their sexual orientation. The majority of gender-based violence is violence inflicted by men onto women.

We see this most easily with guns and other small arms. The illegal or poorly regulated arms trade results in weapons flows to areas of conflict and instability in order to generate profits. These sales often result in ample access to small arms, which are used in conflict and after it to commit gender-based violence, including sexual violence.

Even when women are not targeted for acts of gender-based violence, they can face different experiences from the use of weapons. Nuclear weapons are a stark example of this. Women face

unique devastation from the effects of the use of nuclear weapons, such as the effects of radiation on reproduction and maternal health. Women who have survived nuclear weapon tests or use also face unique social challenges related to how they are treated in societies and communities.

Gendered patterns of harm are clear throughout every example of armed conflict. The use of explosive weapons in populated areas can have a unique effect on women, such as access to public places and services. Women affected by explosive violence often have fewer opportunities to engage with health care services and reconstruction processes. If heading the household they sometimes face systematic discrimination in trying to provide for their families. They also become more susceptible to further physical attack and sexual exploitation, especially when displaced from their homes.¹

However men also face gender-based violence and differential impacts of armed conflict, where men and adolescent boys tend to be the most frequent direct victims of violence. And men are often targeted just for being men. We can see this expectation in the reported policy of using maleness as a signifier of militancy in the targeting and casualty analysis of drone strikes.²

Weapons are considered to be men's business. Our societies still expect men to be violent. And our social relationship with weapons is linked

to a persistent construction of women as the “weaker sex,” in need of protection by men. While men make up the most direct victims, this is rarely presented as evidence of their weakness. States and groups often call for the protection of “innocent civilians”—described as women, children, and the elderly—which reinforces expectations that men are violent, undermines the law, and strips women of their agency. Framing women as weak and in need of protection continues to enable their exclusion from authoritative social and political roles and weakens the effectiveness of those processes. From all male panels of experts, to participation in peace talks, or treaty negotiations the voices of women must be heard.

Current context

UN Security Council resolution (UNSCR) 1325 and its follow-up resolutions provide a political framework recognising that men and women experience wars differently. It requires these differences be taken into account and recognises that women’s full and equal participation in all aspects and stages of peace processes is essential to building sustainable peace. And in 2010, the General Assembly began to consider the specific implications of 1325 for disarmament with the adoption of resolution 65/69 on “Women, disarmament, arms control and non-proliferation”. In 2014, the UNGA adopted a fourth resolution on this subject, which urges member states and other

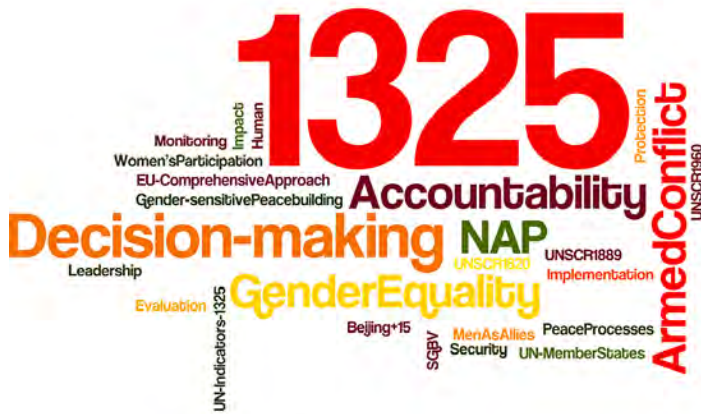
relevant actors to promote equal opportunities for women in disarmament decision-making processes and to support and strengthen the effective participation of women in the field of disarmament.

While important, promoting women’s participation does not fully address the need for incorporating a gender perspective into the implementation weapons-related instruments. A more robust reflection of the relationship between weapons and gender-based violence, differential impacts of the use of weapons or of the arms trade on the sexes, and gendered engagement in armed conflict and armed violence are crucial to addressing the challenges associated with the proliferation and use of weapons in and out of conflict. The inclusion in the Arms Trade Treaty of a legally-binding provision on preventing armed gender-based violence is a good example of such efforts.

Recommendations for governments

During the First Committee:

- Delegations should welcome the inclusion of the provision on gender-based violence in the ATT and highlight the need for implementation of this criterion.
- They should highlight the need to ensure gender diversity in disarmament discussions and negotiations.



- All states should submit reports to the Secretary-General on their implementation of the UNGA resolution on women and disarmament.

Beyond First Committee:

- States and other actors should avoid gender essentialism or victimisation of women in resolutions and action plans on disarmament and arms control. All actors should also develop awareness and policies to prevent reinforcement of violent masculinities or notions of men as expendable and as warriors.
- States should effectively implement the ATT provision against GBV by training export licence officials and updating their risk assessment procedures accordingly.

- All states, international organisations, and civil society groups should seek to ensure gender diversity in discussions, negotiations, and peace processes.
- All relevant actors should also continue to research and assess the specific impact that weapons and armed conflict have on people of different sexes in order to ensure a gender perspective in all policies on weapons and disarmament initiatives and to explore how gender constructions affect armament and disarmament policies and budgets.



Reaching Critical Will

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- 1 Women and explosive weapons, Women's International League for Peace and Freedom, February 2014.
 - 2 Sex and drone strikes: gender and identity in targeting and casualty analysis, Reaching Critical Will and Article 36, October 2014.

Conflict and the environment

Toxic Remnants of War Network

Background

Damage to the environment has long been a hallmark of conflict but technological developments, both in terms of how hostilities are conducted, and the locations in which wars are fought, have increased the risk of long-term damage to the environment, and with it threats to its civilian inhabitants. There is a consensus view among legal scholars and, increasingly, international organisations and some states, that current international humanitarian law (IHL) provisions for the protection of the environment during conflict are unfit for purpose .

As NGOs active in work related to the environment, humanitarian disarmament, human rights, and public health, the Toxic Remnants of War Network recognises that civilian protection cannot, and should not, be viewed as distinct from protecting the environment upon which people depend. In the coming decades, population growth, climate change, and pressure over access to natural resources will all continue to increase this dependency. The need to develop a stronger standard that helps minimise the generation of toxic remnants of war (TRW) and ensures robust post-conflict environmental assistance will therefore become ever more important.

Current context

The conflicts in Gaza, Ukraine, Iraq, Syria, and Libya have all created civilian health risks from environmental contamination. In Gaza the inadequate management of contaminated rubble continues to threaten public health. In Ukraine and Libya, damage to industrial facilities, and with it soil, air and water pollution has been widespread. In Iraq, Islamic State is suspected of deliberately releasing industrial chemicals into watercourses, while instability is exacerbating pre-existing environmental problems. The Syrian conflict has had direct and indirect consequences on environmental quality. From rubble and hazardous weapons residues, to the collapse of environmental management, to damage to industrial and oil infrastructure to pollution caused by the proliferation of artisanal oil refineries with non-existent environmental controls.

The toxic footprints of these conflicts are creating acute and chronic threats to the civilian population. Each demonstrates that the protection of the environment and the protection of civilians are intertwined, yet the prevailing discourse does not do enough to recognise this.

Four decades on from the development of IHL's environmental protection provisions, these

conflicts and others show that new approaches are urgently needed. Recent interventions on protection of the environment during and after armed conflict by the UN Environment Programme in 2009, the International Committee of the Red Cross in 2011, and the ongoing work of the International Law Commission are helping to create the space for dialogue on ways forward. The TRW Network is keen to ensure that the momentum that currently exists is not lost and that the debate moves on from the weakness of current legal provisions to the identification of solutions.

Our Network believes that the breadth and complexity of “conflict and the environment” has hindered historical efforts to reduce harm and protect civilians. A focus on the humanitarian and environmental imperatives to minimise the generation of conflict pollution, which ensures effective assessment and remediation, and which identifies and assists those affected, offers a pragmatic way forward. Dealing with toxic remnants of war could utilise lessons and approaches from the initiatives to reduce the threat from explosive remnants of war, and make a significant contribution to protecting both civilians and the environment upon which they depend.

Recommendations for governments

During the First Committee:

- Delegations should emphasise the relationship between the protection of the environment and the protection of civilians during and after armed conflict in their statements.
- Delegations should acknowledge the weakness of current legal protection for the environment during conflict, express support for substantive debate on efforts to improve it

and consider how harm from toxic remnants of war might be minimised.

Beyond First Committee:

- States should support efforts to ensure a mandate for the continuation and acceleration of work on increasing the protection of the environment during and after armed conflict at December’s 32nd International Conference of the Red Cross and Red Crescent.
- States should support the inclusion of the topic of conflict and the environment on the agenda of the UN Environment Assembly in May 2016. This would help support UNEP’s existing mandate and fit well with its current decade-long review of environmental law under its Montevideo Programme.
- States should support studies into the humanitarian impact of wartime environmental damage.



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- 1 See, for example, “Protecting the Environment During Armed Conflict - An Inventory and Analysis of International Law,” UN Environment Programme, 2009; Boethe et al, “International law protecting the environment during armed conflict: gaps and opportunities, International Review of the Red Cross, No. 879, 2010; “Strengthening Legal Protection for the Victims of Armed Conflicts, 31st International Conference, ICRC, 2011; “Protection of the environment in relation to armed conflicts,” International Law Commission, 2011-2016; Nordic statement to the sixth committee on Agenda Item 78: Report of the International Law Commission on the work of its sixty-sixth session, 2014; “Pollution Politics: Power Accountability and Toxic Remnants of War,” TRW Project, 2014; “Protection of the Natural Environment in Armed Conflict: An Empirical Study,” International Law and Policy Institute, Report 12/2014.
 - 2 Toxic Remnants of War Network, www.trwn.org, or follow @TRWNetwork. Founding members: Article 36, Green Cross International, IALANA, Norwegian People’s Aid, PAX, and the Toxic Remnants of War Project.
 - 3 These can be broadly defined as toxic or radiological substances released as a result of conflict and military activities and which raise environmental and public health concerns, for examples see <http://www.trwn.org/trw-sources>.
 - 4 “Rebuilding Gaza and the need to assess TRW risks,” TRW Project, 2014, <http://www.toxicremnantsofwar.info/rebuilding-gaza-to-assess-trw-risks>.
 - 5 “The Ukraine conflict’s legacy of environmental damage and pollutants,” Zoi Environment Network/TRW Project, 2015, <http://sustainablesecurity.org/2015/04/21/the-ukraine-conflicts-legacy-of-environmental-damage-and-pollutants-2>.
 - 6 “Iraq’s continuing struggle with conflict pollution,” PAX, 2015, <http://www.insightonconflict.org/2015/03/iraqs-continuing-struggle-conflict-pollution>.
 - 7 “The toxic footprint of Syria’s war,” PAX, 2014, <http://www.insightonconflict.org/2014/07/toxic-footprint-syrias-war>.
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Reaching Critical Will

The 2015 session of the UN General Assembly
First Committee on Disarmament
and International Security
will meet from 5 October–9 November 2015.

Follow the discussions on www.reachingcriticalwill.org



Women's International League for Peace and Freedom
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