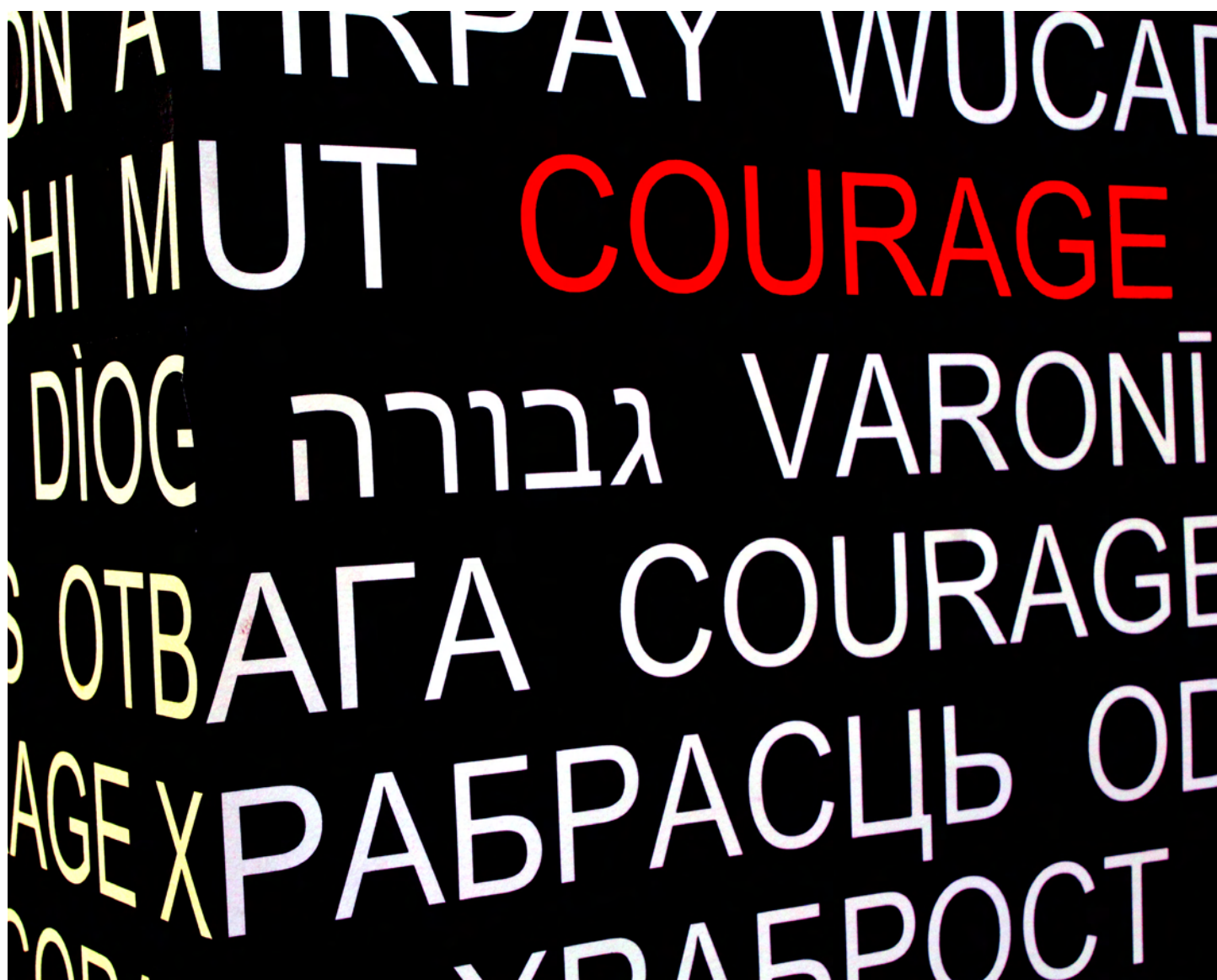


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Reaching Critical Will is a programme of the Women's International League for Peace and Freedom

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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: A WIN FOR RESOLVE AND COURAGE AT FIRST COMMITTEE

Ray Acheson | Reaching Critical Will of WILPF

A few days before the vote on the Mexican-led resolution to establish an open-ended working group (OEWG), US Ambassador Wood said: "It will not succeed". Last Thursday, the 135 states voting in favour of an OEWG that will be open to all but blockable by none proved that his assertion was not only unwise, but simply wrong. The resolutions on the humanitarian consequences of nuclear weapons, humanitarian pledge for the prohibition and elimination of nuclear weapons, and ethical imperatives for a nuclear weapon free world were also adopted, not only by a majority, but by two-thirds of UN member states. It would appear that a great number of states are ready to finally stand up to the nuclear-armed countries and their nuclear allies and take concerted action for nuclear disarmament.

Of course now that the OEWG resolution has been adopted, the states opposed to advancing multilateral efforts to prohibit and eliminate nuclear weapons are already declaring that the working group will be unsuccessful. The five NPT nuclear-armed states parties said the mandate for the OEWG "lacks all those vital components that would guarantee both a meaningful collaboration and a productive outcome as a result of concerted collective effort." Russia also said the OEWG "has no chance of being successful because it simply ignores fundamental principles of consensus." The nuclear allies are also condemning the OEWG before it begins—Australia has already decided that the nuclear-armed states will not participate, while Japan said the OEWG does not have the proper mandate to explore effective measures for nuclear disarmament "in an appropriate manner".

These declarations of "failure" are a bit similar to those made by non-state parties to the Convention on Cluster Munitions (CCM) that declare the treaty is not strong enough to warrant their accession. Faced with the reality of action by the majority, states attached to unacceptable weapons will apparently use any arguments they can find. In explanations of vote on First Committee's first ever resolution on cluster munitions, Argentina and Brazil referred to the CCM's interoperability clause as a reason to not join the treaty. Argentina said it would continue to advocate for a "comprehensive ban" on cluster munitions. Brazil, together with Russia, also argued that the CCM allows rich countries to develop "advanced cluster munitions," which sets a double standard and, as Russia said, is a "cynical attempt to warp the market". In reality, these arguments are a cynical attempt to avoid responsibility for taking action on cluster munitions. While saying

that the CCM is not good enough, these states have not banned any cluster munitions at all. Far from it in the case of Brazil and Russia, which both continue to produce and sell these weapons. Most recently, Amnesty International reported that Brazilian-made cluster bombs may have been used by the Saudi-led coalition in Yemen.

In the cases of both the OEWG and the CCM, a handful of states have declared that the activity or treaty is or will be unsuccessful, *whilst refusing to participate*. It's a bit like standing on the sidelines with your arms crossed while people try to distribute supplies in an emergency, critiquing the relief workers, but refusing to provide any assistance yourself.

When it comes to nuclear weapons, the nuclear-armed have gone even further, by trying to prevent the relief from being provided at all. That is because they are afraid of it. "Can you imagine what chaos would occur in other areas if we acted without agreement or consent of different owners or users of different types of weapons?" cried Mr. Yermakov of Russia in protesting the idea that the CCM could be used as a model for other arms control or disarmament agreements. When it comes to nuclear weapons, those states that possess them or include them in their security doctrines don't want anything being done without them. However, their refusal to participate must not stop the rest of the world—the absolute majority—from taking resolute action. The CCM and the vote on the Mexican-led OEWG are grounds for optimism that the rest of the world can and will take such action.

The nuclear-armed states probably won't show up to the OEWG next year. *That doesn't matter*. The OEWG will be successful if it draws together committed states to discuss elements for a legal instrument to prohibit nuclear weapons. The nuclear-armed states' refusal to participate can only strengthen the resolve of committed states. They must not allow themselves to be bullied, because they are standing on the right side of history.

Those states supporting the examination of the humanitarian impact of nuclear weapons or the humanitarian pledge to prohibit and eliminate them are not the states creating "divisions". The international community is divided by the possession of nuclear weapons by a handful of states that refuse to disarm despite their legal obligation to do so. It is divided by the arrogance of those states that act as if their par-

ticipation is crucial for the success of any activity whilst refusing to join said activity. Wanting to move forward with progressive actions that comply with and advance international law and norms is not divisive. Holding the majority of states back from doing so just because you wield weapons of mass destruction is.

The five NPT nuclear-armed states have argued that prohibiting nuclear weapons will lead to instability and insecurity. The Democratic People's Republic of Korea and Pakistan have argued that they must maintain nuclear weapons for their self-defence. India has suggested that nuclear weapon possession is act of "sovereign responsibility of states to protect their people in a globalised nuclear order premised on nuclear deterrence."

These arguments are absurdities uttered in desperation. The vast majority of states recognise the insecurity generated by nuclear weapons and the injustice of a handful of states possessing them. The vast majority recognise the security, political, economic, and social benefits of prohibiting and eliminating nuclear weapons. The arguments above are articulated by a handful of states fiercely and jealously defending what they have convinced themselves to be in their interests. They reflect a total lack of regard for the interests of the rest of the global community.

Criticising the New Agenda Coalition's resolution on accelerating the implementation of nuclear disarmament commitments, Mr. Yermakov of Russia declared that acceleration implies moving ahead alone. Arguing that everyone has to move forward together, he lamented a "dangerous trend" in which a number of states are not only failing to listen to each other, "but they don't want to hear what their partners are saying." In reality, however, it is the nuclear-armed states that are not listening to their partners.

In voting for the resolution on the ethical imperatives for a nuclear weapon free world, 124 states agreed that nuclear weapons "undermine collective security, heighten the risk of nuclear catastrophe, aggravate international tension and make conflict more dan-

gerous." In voting for the resolution reflecting the humanitarian pledge for the prohibition and elimination of nuclear weapons, 128 states have called on all relevant stakeholders to "stigmatize, prohibit and eliminate nuclear weapons in the light of their unacceptable humanitarian consequences and associated risks."

This resounding majority of states must now translate their words into action. Many of these states have formally pledged to fill the gap for the prohibition and elimination of nuclear weapons. Filling this legal gap is much more important than bridging the gap between those that want action and those that refuse to take action while condemning the other camp from the sidelines. There is no bridge to be built—where would it go? What middle ground lies between continued possession of nuclear weapons and their prohibition and elimination?

Maintaining nuclear weapons (and the illogical policy of so-called nuclear deterrence) until nuclear weapons are eliminated, as the nuclear-armed and many nuclear allies have attested they can, is an absurdity of Orwellian proportions. Similarly, the suggestion that disarmament can be pursued "in a way that is compatible with extended nuclear deterrence" as Japan seeks is nothing more than doublespeak. These positions assert the intention to maintain nuclear weapons until they are gone—but how can nuclear weapons be eliminated if they are being maintained? The step-by-step or "full spectrum approach" does not lead progressively to nuclear disarmament. Instead it preserves the "full spectrum dominance" of a few states.

Those states that have voted at this First Committee to establish positions and take actions that actually advance nuclear disarmament must not be distracted or deterred by fear mongering from those threatening massive nuclear violence over us all. They must instead stigmatise and prohibit these weapons in a way that challenges possession in legally, politically, economically, socially, and morally powerful ways. It's time to ban nuclear weapons. •

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Thank you!



NUCLEAR WEAPONS

Mia Gandenberger | Reaching Critical Will of WILPF

This year's First Committee was the first formal meeting to discuss nuclear disarmament since the nuclear Non-Proliferation Treaty (NPT) failed to agree on an outcome document in May this year. While the great majority of states underlined the importance of the NPT for the international nuclear disarmament and non-proliferation regime, the discussions continued to show the crystallising differences in how nuclear weapons are valued by a few and abhorred by the overwhelming majority.

The nuclear-armed states of the NPT and their nuclear allies continued to accuse the advocates of the humanitarian initiative of being divisive and unconstructive. However, in stark contrast to these assertions, the resolutions addressing the humanitarian consequences of nuclear weapons and underlining the urgent need for progress garnered the support of more than two-thirds of member states, highlighting the unifying effect of the approach.

This article reviews the action taken on the resolutions introduced for the first time this year to the First Committee as well as some that have been addressed by the Committee in previous years. It is, however, not a comprehensive review of all action taken under the nuclear cluster.

Humanitarian consequences and ethical imperatives

Draft resolution L.37 "Humanitarian consequences of nuclear weapons" was adopted by a vote of 136-18-21. Among others, Norway abstained on the resolution as it thought that "compared to the joint statement on the humanitarian impact that Norway previously supported, the present resolution contains stronger language and is differently structured. Hence, the text is no longer as balanced in its approach to disarmament as the joint statement." Norway explained it was not able to "support resolutions that we and our NATO allies see as parts of a package resulting in a further polarization of the international community and aiming at a process leading to a legal ban of nuclear weapons."

The framing of this resolution as being about a treaty banning nuclear weapons is consistent with how many of the nuclear-armed and nuclear-allied states see all of the new resolutions on nuclear weapons, including draft resolution L.38, "Humanitarian pledge for the prohibition and elimination of nuclear weapons". L.38 was adopted by a vote of 128-29-18. 24 states that have not yet formally endorsed the Humanitarian Pledge voted in favour of the resolution. In that context, New Zealand, Sweden, and Switzerland

stressed that their vote in favour should not be seen as endorsing the Pledge. Finland, which abstained, explained it was not ready to create new legal instruments.

Draft resolution L.40 on the "Ethical imperatives for a nuclear-weapon-free world" was adopted by a vote of 124-35-15. In their explanation of vote on this resolution, Sweden and Switzerland thought it "unfortunate that the resolution mixes international law and ethical principles in the way it does." They argued that international law as a system of legally-binding rules and not merely as imperatives of morality needed to be protected, otherwise this system risks "being undermined."

Explaining their votes on resolutions L.37, 38, and 40, Germany speaking on behalf of 27 states stressed the need for inclusive and realistic measures, taking into account both the humanitarian and security concerns of states. Japan explained it will pursue disarmament in way that is "compatible with extended nuclear deterrence."

The nuclear-armed states differed in their voting on these resolutions, and on their reasoning. China, abstaining on all three resolutions explained "nuclear disarmament should be pursued through an incremental approach on the basis of upholding the cornerstone role of the NPT, maintaining global strategic balance and stability and sticking to the principle of consensus." Similarly France, United Kingdom, and the United States all voted no, arguing that the "step-by-step approach is the only way to combine the imperatives of disarmament and of maintaining global stability." Russia reiterated that it could not agree with the humanitarian approach as the knowledge of the facts is not new and focusing on this "just creates illusion that we're moving forward and making progress and creates unfounded expectations in people."

India voted in favour of L.37, in line with its participation in the three conferences on the humanitarian impact of nuclear weapons. Yet it abstained on L.38 and 40 as it did not sign the Pledge and "questions relating to immortality of nuclear weapons have to be balanced by sovereign responsibility of states to protect their people in globalised nuclear order premised on nuclear deterrence." Pakistan abstained on all three resolutions as it believes the subject of nuclear weapons cannot exclusively be reduced to the humanitarian dimension.

Open-ended working groups

The financial implications of the open-ended working groups (OEWGs) contained in L.13/Rev.1 and L.28/Rev.1 concerned many states in the lead up to the voting during the final week of First Committee. After a special discussion with the Secretariat, Department for General Assembly and Conference Management, and the Office of Programme Planning, Budget, and Accounts, it was finally agreed that assuming the budget of the Conference on Disarmament (CD) will not be required by the CD in its entirety, parts of that budget could be used for the financing of these meetings. Should the CD, however, require all the funds allocated to it, the financing of these meetings would have to be revisited.

The nuclear-armed states of the NPT collectively explained their negative votes on L.13/Rev.1 before action was taken. They asserted once again that the only practical option for making progress is an “incremental, step-by-step approach [...] taking into account all factors that could affect global strategic security and stability.” The NPT and the existing disarmament machinery of the UN have proved to be “a solid framework to advance nuclear disarmament and provide all opportunities for launching a constructive and mutually respectful dialogue,” they insisted. While they “remain open” for other channels of discussion, “not excluding an appropriately-mandated OEWG, provided that they are conducive to a constructive dialogue,” they asserted that a consensus-based approach is the only way to achieve “productive results.” Additionally, states would have to “agree in advance on the key parameters of the process ahead.” As in their interpretation, L.13/Rev.1 lacked these “vital components,” they did not think it could effectively lead to concrete progress.

Following that joint statement of the nuclear-armed states of the NPT, Iran, the main sponsor of resolution L.28/Rev.1, withdrew this text, which would have established an OEWG operating on the basis of consensus Iran declared, “it is evident that nuclear weapon States are not willing at all to commit themselves to a consensus-based and inclusive approach. In the absence of such willingness which is essential for having a meaningful and comprehensive discussion on nuclear disarmament in the framework of the United Nations, there will be no justification for keeping this proposal on the table.” In response, the representative of France re-read the pertinent section of the joint statement stressing that their objections would only have applied to the OEWG contained in L.13/Rev.1. Israel, however, later took the floor to stress its objection to the Iranian proposal, despite the resolution no longer being before the Committee for action. This clearly indicated that the nuclear-armed states were

not in agreement in their approach to the Iranian-led OEWG proposal.

Now being the only OEWG up for voting, L.13/Rev.1 was adopted by a vote of 135-12-33. China, Czech Republic, Estonia, France, Hungary, Israel, Latvia, Lithuania, Poland, Russia, United Kingdom, and United States voted against the resolution.

Speaking in addition to the joint statement, Russia thought the OEWG would have “no chance of being successful because it simply ignores fundamental principles of consensus.” Similarly, Australia, Germany, and Japan thought the involvement of nuclear-armed states is important, which under the current rules of procedure they did not see as feasible. India argued disarmament is a responsibility of the UN General Assembly (UNGA) and the established disarmament machinery. In a similar vein, Pakistan stated that it does not support efforts that “seek to undermine” the CD through divisive processes that are not agreed by consensus. Cuba, on the other hand, suggested that even though it prefers negotiations to take place in the CD, thought it understandable that the majority of states are looking for negotiations to take place in the UNGA. Focusing on the outcome of the work of the OEWG, Egypt stressed the end goal of any process should focus on achieving a comprehensive convention. Unrelated to the matter of an OEWG, Cyprus abstained solely because of a missing reference to the enlargement of the CD.

United action

Separate votes on OPs 5, 15, and 19 of Japan’s draft resolution L.26 on “United action towards the total elimination of nuclear weapons” were called. OP5, calling on states outside the NPT to accede to the Treaty as non-nuclear weapon states, was retained by a vote of 164-3-5 with Bhutan, Pakistan, Uganda, Tanzania, and Zimbabwe abstaining and the Democratic People’s Republic of Korea (DPRK), India, and Israel voting against. OP15 encouraging states to “engage in appropriate multilateral forums to further explore effective measures necessary for achieving a world free of nuclear weapons” was retained by a vote of 165-2-5, with China and Pakistan voting against and DPRK, India, Israel, Uganda, and Zimbabwe abstaining. Finally, OP19 stressing the fundamental role of the International Atomic Energy Agency and the comprehensive safeguards as well as encouraging states to agree to the Additional Protocol, was retained by a vote of 162-1-9 with DPRK voting against and Argentina, Brazil, Egypt, India, Israel, Pakistan, Uganda, Tanzania, and Zimbabwe abstaining. The resolution as a whole was adopted by a vote of 156-3-17 with China, DPRK, and Russia voting against. France, the United Kingdom, and United States abstained, even



though they have supported the resolution in recent years. Their decision to abstain seems to be based on the resolution's inclusion of language on the humanitarian impact of nuclear weapons, which they see as undermining nuclear "deterrence". As France said in its explanation of vote, it is "concerned about the development of an emotional, divisive approach" and argued that "splitting the international community will not help create the conditions required for nuclear disarmament."

In their explanations of vote some states, including Brazil, Egypt, Pakistan, and India, expressed concern with the certain references contained in OP5, 15, or 19. Ecuador regretted the omission of a reference to negative security assurances and New Zealand thought the text not ambitious enough.

Accelerating implementation

The New Agenda Coalition's draft resolution L.41/Rev.1, "Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments," was adopted as a whole with a vote of 135-7-38. In a joint explanation of vote, France, UK, and US reiterated their concern that the resolution only focuses on nuclear disarmament and that "the notion of a step-by-step approach to disarmament has almost disappeared." Russia argued that "acceleration" means someone is pulling ahead alone, and with nuclear disarmament, everyone must move along together.

Compared to the first draft of this resolution, former PP9 has become PP2, in which the reference to Hiroshima and Nagasaki has been deleted. OP2 has been modified to reiterate the deep concern expressed by the 2010 NPT Review Conference at the catastrophic humanitarian consequences of any use of nuclear weapons, and the need for all states at all times to comply with applicable international law, including international humanitarian law. Previously, it just reiterated the need for all states at all times to comply with applicable international law, including international humanitarian law, and simply acknowledged the evidence of the three conferences. OP3 now additionally acknowledges the evidence presented at the conferences on the humanitarian impact of nuclear weapons before its call upon member states.

Nuclear disarmament

A separate vote was called for OP16 of draft resolution L.44, calling for the immediate commencement of negotiations on a fissile material cut-off treaty in the context of the CD on the basis of CD/1299. The paragraph was retained by a vote of 163-3-6, with the DPRK, France, Israel, Palau, South Africa, and United Kingdom abstaining and Pakistan, Ukraine, and the

United States voting against OP16. The resolution as a whole was adopted by a vote of 119-42-16.

Universal declaration

Kazakhstan introduced a revised draft of L.52 on the Universal Declaration on the achievement of a nuclear weapon free world. Changes were made to both the resolution as well as the Universal Declaration annexed to it. The reference to the tenth special session of the GA of 1978 in PP3 of the resolution was modified slightly and is now emphasised instead of recalled. Further in PP4, fundamental was replaced with crucial in reference to the NPT. Paragraph (para) 3 of the Declaration now calls on all states to promote an atmosphere of confidence and trust and para 4 now reaffirms that any use of nuclear weapons will be in contravention of the spirit of the Charter of the UN and will be a violation of international law, in particular international humanitarian law, and also reiterates that "nuclear weapons pose a serious threat to the very survival of humankind." Para 11 now also includes a call for interim measures to "diminish the role of nuclear weapons in security policies and avoid activities that hamper the achievement of a world free of nuclear weapons." Para 13 of the original version was deleted. New para 15 was modified to include a reference to the principles of the Final Document of the Tenth Special Session of the General Assembly of 30 June 1978 replacing the reference to the promotion of the international stability, peace and security, and based on the principle of undiminished and increased security for all.

The resolution was adopted by a vote of 133-22-28 with some states expressing doubts about the strength and universality of the Declaration annexed to the resolution and others expressing the hope for a more ambitious final version. •



BIOLOGICAL AND CHEMICAL WEAPONS

Mia Gandenberger | Reaching Critical Will of WILPF

Biological weapons

The debate on biological weapons as in previous years focused mainly on the importance of the Biological and Toxin Weapons Convention. Most states stressed the need for the Convention's universality and some, including the BRICS countries (Brazil, Russia, India, China, and South Africa), as well as Cuba and Turkey, underscored the importance of an improved verification mechanism. Others, such as Japan, Pakistan, Republic of Korea, and Turkey, cautioned against the challenges and possible dangers posed by the dual-use of biotechnology. The danger of proliferation to non-state actors was also raised by many.

The annual resolution on the "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction" contained in L.12 and put forward by Hungary was adopted without a vote as in previous years.

Chemical weapons

The debate on chemical weapons on the other hand was dominated by the reported use of chemical weapons in Syria. Many states, including Australia, Brazil, Canada, Costa Rica European Union, Germany, Ireland, Japan, Madagascar, the Nordic states, Norway, Poland, Portugal, San Marino, Turkey, and United Kingdom, expressed their concern. Some, such as Ireland, Lithuania, Mexico, and Spain, called for the perpetrators to be brought to justice. This debate transcended to the action on resolutions. Poland, the sponsor of resolution L.27 on the "Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction," introduced a revised text that could not be adopted without a vote as previous versions of this resolution had been in the past.

The revision deleted preambular paragraphs (PP) 4 and 5 of the first draft, which noted the progress

achieved in the elimination of Syrian chemical weapons and commended the work of the joint mission of the UN and the Organisation for the Prohibition of Chemical Weapons (OPCW). Former PP7, now PP5, was modified to include a reference to the substance of the decision of the Executive Council of the OPCW and the UN Security Council resolutions (UNSCRs), namely the reports of the Fact-Finding Mission in Syria (EC-M-48/DEC.1), the use of toxic chemicals as a weapon in Syria (UNSCR 2209 (2015)), and the establishment of the Joint Investigative Mechanism of the UN and the OPCW (2235 (2015)). Finally, in operative paragraph 10, the number of the Executive Council decision was deleted and "of the Executive Council of the Organization for the Prohibition of Chemical Weapons" was inserted after the date of the decision.

On 6 November the resolution as a whole was adopted by a vote of 164-0-4 with China, Iran, Russia, and Syria abstaining. A separate vote was called on PP5 and OP10. The former was retained by a vote of 141-4-17, with the Democratic People's Republic of Korea, Iran, Syria, and Venezuela voting against. Similarly, the latter was retained by a vote of 136-4-20 with the same states voting against. In their explanations of vote some states, including Syria, Venezuela, Nicaragua, Algeria, Iran, Ecuador, China, and Nigeria, expressed concern with the polarisation caused by the revisions to the resolution and the two paragraphs in particular. They admonished Poland, as the sponsor, for allowing some states to introduce political biases into the text, which they feel should be limited to advancing universalisation in a non-politicised way. On the other hand, the United States, speaking on behalf of a number of states, highlighted their support for the Joint investigative mechanism and the OPCW fact-finding mission. These states argued the resolution accurately reflects reality. Many states stressed the importance they attach to the CWC as their main motivation to vote in favour of the resolution as a whole. •

LANDMINES

Amelie Chayer | International Campaign to Ban Landmines

Strong support for resolution L.50 on the “Implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction” (or Mine Ban Treaty) shows states’ genuine concern with the deadly legacy of landmines and their firm resolve to rid the world of these weapons.

With only technical modifications to last year’s draft, L.50 received 159 votes in favour and none against, while 19 states chose to abstain. This result is comparable to previous years. Remarkably, each year, about half the states that have not yet joined the Mine Ban Treaty vote in favour of the resolution, thus demonstrating their support for the aim of the Treaty. Seventeen out of the 35 states not party voted in favour of L.50.

Ten states explained their vote, and none of the explanations were substantially different from previous years. The United States abstained but recalled the major 2014 shift in its national policy on landmines, which brings the country in closer alignment with the Mine Ban Treaty and could

ultimately allow accession. Three states not party (Libya, Morocco, and Singapore) explained their favorable votes, and Libya in particular noted the tragic loss of lives and environmental harm caused by landmines. A small number of delegations reiterated their long-standing views that landmines are a necessary component of their arsenals, or that limits to landmine use imposed by the Convention on Conventional Weapons are sufficient.

The 14th Meeting of States Parties (14MSP) to the Mine Ban Treaty will take place in Geneva from 30 November to 4 December 2015. While the First Committee debates were marked by pledges of financial support and other forms of cooperation needed to clear mines and to assist victims, the 14MSP will offer the opportunity to assess the extent to which such support has made a difference for affected communities since the 2014 Third Review Conference. Ultimately, the success of the Mine Ban Treaty will be judged through safe land handed over to villagers, the elimination of use of landmines by any actor, and the full participation of survivors in the lives of their communities. •

ARMS TRADE TREATY

Raluca Muresan | Control Arms

This year’s First Committee resolution on the Arms Trade Treaty (L.54) is a positive step toward reinforcing the new normative standards that the ATT seeks to establish, by stressing the importance of “full and effective implementation”. It urges states parties to meet all their obligations under the ATT; to implement effective national measures to prevent and eradicate the unregulated trade in arms; and to cooperate with civil society and relevant international organizations. L.54 also pushes for more transparency and accountability in the arms trade by encouraging states parties to submit their initial and their annual reports. It goes beyond the 2014 ATT resolution, which was procedural and mainly focused on universalisation. However, while the resolution that has been adopted is far more substantive than last year’s text, it reflects negotiations and compromise from the original draft. For instance, the initial draft included a call on states to make their reports public, but this was omitted from the final version.

With over 60 co-sponsors, L.54 was adopted on 4 November, with 150 votes in favor, 0 votes against, and 26 abstentions. There were only two states who voted differently than last year. Somalia abstained this year whereas they voted against the resolution in 2014,

and Kiribati voted in favour after having been absent last year. Many of the states that abstained from voting on the resolution, including India, Egypt, and Syria, cited the lack of balance in the Treaty and the lack of consensus when the ATT was adopted. Nicaragua and Venezuela also argued that L.54 ignores “the risks imposed by arms transfers to non-state actors”. Cuba opposed operational paragraph 6, which seeks to establish complementarities with other conventional weapons treaties, claiming that it fails to acknowledge the “independent nature of these international instruments”. Armenia, Cuba, and Iran, which abstained from this resolution, also made a point of abstaining from paragraphs referencing the ATT in other resolutions, stating that they do not enjoy the consensus of all member states.

There were six other resolutions adopted at the First Committee, without a vote, that include references to the ATT: L.6, “Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them”; L.39, “The illicit trade in small arms and light weapons in all its aspects”; L.16, “Problems arising from the accumulation of conventional ammunition stockpiles in surplus”; L.43/Rev.2, “Regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa”; L.53, “United Nations Re-

gional Centre for Peace and Disarmament in Asia and the Pacific” and L.57, “United Nations Regional Centre for Peace and Disarmament in Africa”. Many of these resolutions went beyond welcoming the ATT’s entry into force or the first Conference of States Parties. For instance, resolutions L.6 and L.39 both welcome the inclusion of small arms and light weapons in the scope of the ATT. L.6 also references international assistance in the Treaty’s provisions while L.16 welcomes the ATT’s requirement that states parties establish and maintain a national control system to regulate the export of relevant ammunition and munitions.

Overall, references to the ATT made during this year’s session shifted in their focus towards implementation and the outcomes of the first CSP. There were also many positive references to assistance programs and a sense of continuing strong momentum. With the deadline for the initial implementation reports fast approaching, numerous states also called for more transparency and reporting and noted that there is a need for continued work in this area. Others, however, were skeptical of the Treaty’s ability to meet its objectives, making it evermore imperative that states parties make the right decisions, especially in these early years of the Treaty’s life, to establish strong norms and new practices in the arms trade. •

SMALL ARMS AND LIGHT WEAPONS

Joanna Mulligan | International Action Network on Small Arms

The final week of First Committee saw the voting on draft resolutions in the area of conventional arms. Resolution L.6, “Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them,” omnibus resolution L.39, “The illicit trade in small arms and light weapons in all its aspects,” and resolution L.16, “Problems arising from the accumulation of conventional ammunition stockpiles in surplus,” were adopted without a vote. Pakistan, in support of L.16, acknowledged that it represents a good model of a comprehensive approach to the issue. It further noted that the largest stockpiles of conventional arms and ammunition are maintained by major military powers and so it should be their responsibility to take the lead on surplus disposal. Cuba urged that the inclusion of preamble paragraph three, which references the Arms Trade Treaty (ATT), should be reconsidered as the decision to include it doesn’t contribute to states’ ability to address surplus ammunition.

The majority of delegations reiterated their grave concern with the impact that the proliferation of small arms and light weapons (SALW) has on international peace and security, as well as on humanitarian and socioeconomic development. Many states urged all states to fully implement the key instruments in curbing the illicit trade of arms, namely the UN Programme of Action (UNPoA) and the International Tracing Instrument (ITI). Many delegations highlighted the importance of multilateralism and international cooperation and assistance as necessary for the full implementation of these instruments.

As the International Action Network on Small Arms (IANSA) noted during the civil society presentations this year, the UNPoA has suffered a loss of visibility as other topics in security and arms control have taken priority. A number of states reinforced the need to develop legally-binding treaties for curbing the illicit trafficking of SALW, while others stated that existing instruments need improvement. Botswana stressed that the development of technologies, such as 3D printed weapons and polymer weapons, pose challenges to the full implementation of the UNPoA, especially with regards the marking and tracing of weapons. Ireland highlighted the need to integrate and address gaps in the control of weapons flows, including through the development of international tracing procedures, and stressed that the inclusion of ammunition is necessary in control systems.

There have been several important developments over the year, including the adoption of UN Security Council resolution 2220 on small arms and the inclusion of Goal 16 in the Sustainable Development Goals (SDGs), which seeks to greatly reduce violence and illicit arms trafficking. However, overall, many gaps still remain in curbing the illicit trade in SALW, including the exclusion of ammunition, assistance to survivors, and the possibility of limiting global production of SALW, among others. The world has evolved dramatically since the establishment of the UNPoA in 2001 and in order to fulfill its role, the UNPoA must also evolve and adapt. •

OUTER SPACE

Matilda Wölkert | Reaching Critical Will of WILPF

While outer space security continues to be a concern among delegations participating in First Committee discussions, the dialogue has not advanced greatly despite recent work to develop an international code of conduct and work in a group of governmental experts on transparency and confidence-building measures. This year did see the first joint ad hoc meeting of the First and Fourth Committees on possible challenges to space security and sustainability, during which states discussed various options for preserving space for peaceful uses and preventing an arms race.

Last year's three draft resolutions on outer space were again put forward with identical contents and similar voting patterns. For the first time, the United States became a sponsor of L.48, "Transparency and confidence-building measures in outer space," which was adopted without a vote.

Support for the first draft resolution L.3, "Prevention of an arms race in outer space," remained strong with 173 states in favour, 0 against, and three (United States, Israel, and Palau) abstaining. This is comparable to last year when just the United States and Israel abstained.

There was notable tension with regards to draft resolution L.47 on "No first placement of weapons in outer space". Russia, proposing the draft, urged other states to vote in favour and questioned abstaining states. A number of states, including the United States (against), the members of the European Union

(abstaining), and Australia (abstaining) raised three key concerns. Firstly, they noted that the draft lacked a definition of the term "space weapons". The European Union stressed that this ambiguity could cause tensions and mistrust. In space almost any object can be used as a weapon and if a state places an object in space that another state considers to be a weapon, this could be seen as an act of aggression. The limited scope of the proposal in only including space-based weapons was also criticised. Secondly, some delegations raised the lack of a verification system capable of overseeing the commitment's implementation. Lastly, they expressed concern that the resolution only refers to the first deployment of space weapons, but not the second or third. In that context, Mexico, voting in favour, stressed that the resolution was not to be interpreted as tacit endorsement of right to launch or place weapons in outer space as the second or third actor. The resolution obtained 122 votes in favour, four against, and 47 abstaining, with Georgia, the United States, Ukraine, and Israel voting against the resolution.

Overall, the growing importance of outer space for human life on earth is urging states to increase their efforts to reach an agreement on outer space security. As these past few weeks have shown once again, the overwhelming majority of states agree on the mission to keep outer space a peaceful place. This should encourage states to find new and innovative solutions for the maintenance of the common good, instead of getting lost in political tensions and divisions. •

11

AUTONOMOUS WEAPONS

Mary Wareham | Campaign to Stop Killer Robots

Most of the 32 states and five regional and other groups of states that raised autonomous weapons concerns in their remarks to First Committee recommended that deliberations on the matter at the Convention on Conventional Weapons (CCW) continue next year, ahead of the CCW's Fifth Review Conference in December. Several states as well as the Campaign to Stop Killer Robots proposed that an open-ended Group of Governmental Experts be established at the CCW's annual meeting on 13 November to deepen and expand deliberations, thereby demonstrating progress.

The International Committee of the Red Cross asserted that the CCW talks have shown that there is broad agreement among states that human control over the critical functions of weapon systems must be retained. It proposed that states urgently consider "what constitutes meaningful, or appropriate or effective, human control over the use of force."

Many states have used First Committee as an opportunity to elaborate their views on autonomous weapons for the first time, including Botswana, Kuwait, Lebanon, and Romania in 2015. To date, a total of 62 states that have spoken on this topic since 2013. •

ARMED DRONES

Elizabeth Minor | Article 36

There was not a high volume of discussion on the subject of armed drones among states at First Committee this year. No resolutions were put forward regarding drones, and only nine states made reference to drones in their statements during the general and conventional weapons debates. These states were Burkina Faso, Costa Rica, Ecuador, Ireland, Israel, the Netherlands, Pakistan, Portugal, and Venezuela. This nevertheless represented an increase in the number of states raising issues around drones in comparison to 2014's First Committee.

Dutch NGO PAX gave a statement on drones in the NGO segment. Drones were also the subject of two new reports presented at First Committee: a study by the UN Office for Disarmament Affairs (UNODA) prepared for the UN Secretary-General's Advisory Board on Disarmament Matters, and a paper by PAX on the proliferation of drone technology. A well-attended side event chaired by Costa Rica was also held, with participation from these two institutions as well as the American Civil Liberties Union and the Open Society Foundation, which outlined legal issues and raised concerns regarding the narrative of precision surrounding drone strikes.

Concerns relating to the implementation and interpretation of existing law were raised by a number of

states in their statements to First Committee, as well as in PAX's statement. Moral and ethical concerns around drones, as well as the concern that their availability reduces the threshold for the use of force, were also highlighted. Israel noted the concern of proliferation to "terrorist" groups. States also raised and called for a variety of steps that could take the issue forward, such as greater transparency and more in-depth and wider discussion. A number identified the need for new international standards or regulations to address the various concerns associated with drones.

UNODA's report highlights that the strict application of international law could alleviate some concerns regarding drones, but that further actions are needed to address ethical, moral, and political concerns. Further study, greater transparency, and multilateral discussions are called for by UNODA as essential towards addressing the drones issue. Costa Rica noted in the conventional weapons debate that the UNODA study should provide a basis to enable a wider debate on the topic of drones—and that such debate should be framed in terms of humanitarian impacts, moral and ethical standards, and the standards provided by international law in order to be productive going forward. •

DISARMAMENT AND DEVELOPMENT

Elizabeth Minor | Article 36

Resolution L.10 on the relationship between disarmament and development, introduced by Indonesia on behalf of the Non-Aligned Movement (NAM), was adopted without a vote during the last week of First Committee. Noting that military expenditure could be used instead for development activities, the resolution calls on states to divert resources made available through disarmament to development, and recalls previous work by the UN on this subject. It is almost identical to the 2014 resolution on this subject.

In explanations of position, the United States said that it considers disarmament and development to be separate issues, as it did last year. The United Kingdom and France, though supporting the mainstreaming of disarmament in development, especially with respect to small arms and DDR (disarmament, demobilisation, and reintegration), questioned the relationship of development and military spending, arguing that defence investments could contribute to development.

A number of other resolutions adopted by First Committee address the relationship between disarmament

and development in different ways. Resolutions L.6 and L.39 on the illicit traffic of small arms and light weapons, and L.42 on the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, note the negative impact of the illicit trade in small arms on development. The role of various explosive weapons in hindering development, including post-conflict, is mentioned in resolutions L.49 on the Convention on Cluster Munitions, L.50 on the Anti-Personnel Mine Ban Convention, and L.36 on improvised explosive devices (IEDs), which also highlights a connection to the pursuit of the Sustainable Development Goals (SDGs).

Resolution L.27 on the implementation of the Chemical Weapons Convention notes this treaty's role in promoting economic and technical development in the field of chemical activities. Nuclear weapon resolutions L.37 and L.38 noted the catastrophic consequences for development of nuclear weapons, and L.40 and L.52 suggest that resources devoted to nuclear weapons could be diverted to sustainable development, with L.42 also noting nuclear disarmament.



mament within its mandate. Resolution L.3 on the prevention of an arms race in outer space reaffirms that the exploration and use of space should be for the benefit of all countries irrespective of their level of development.

Resolution L.7 on environmental norms notes that the application of technological progress to disarmament must not be detrimental to the environment or to sustainable development. Regionally focused resolutions L.43 and L.31 also note that the resources released by disarmament initiatives could be devoted to development.

The linkages made in these resolutions broadly reflect those made by states and groupings in their state-

ments during First Committee. Some delegations also noted the role of the Biological and Toxin Weapons Convention in promoting economic and technical development. Many statements drew attention to the relationship between disarmament and the achievement of the SDGs. Of the 39 countries that made statements linking disarmament and development issues over the course of First Committee, 11 were low income countries, 7 lower middle income countries, 15 upper middle income countries, and 6 high income countries (using OECD DAC categories). This contrasts with the overall patterns of statement-making in First Committee seen over five years of data, which show that the lower a country's income category, the less likely it will be in general to make an individual statement. •

EXPLOSIVE WEAPONS IN POPULATED AREAS

Thomas Nash | Article 36

On 31 October, as First Committee delegates contemplated their voting instructions, UN Secretary-General Ban Ki-moon and International Committee of the Red Cross (ICRC) President Peter Maurer met in Geneva to issue a stark critique of international efforts to protect civilians. Their six-point call included a demand for states to stop the use of "heavy explosive weapons in populated areas."

Throughout First Committee, a number of states suggested that they are heeding this call. Led by Austria, which used First Committee to set out both the humanitarian problem and the proposal for a political commitment to help prevent it, a group of committed states is emerging on this issue. Costa Rica, Guatemala, Ireland, Mexico, the Netherlands, and Norway all raised this humanitarian concern during their contributions to First Committee, with Norway doing so at Prime Ministerial level during the high-level opening.

They are right to do so. The humanitarian emergencies in Iraq, Yemen, Syria, and Ukraine are dire. People are being killed and injured in their homes and as they try to take shelter. Desperate citizens are being bombed out of their towns, fleeing their countries and taking their scars, physical and psychological with them. Their communities are being made unliveable by the bombs and rockets and shells raining upon them. The damage will be severe and long-standing. The reverberating effects set out by the ICRC in its statement and side event presentation are hard to measure, but even harder to ignore. Water and sanitation, electricity, medical care—all these basic services are being disrupted if not destroyed.

In its latest 61-page report on "International humanitarian law and the challenges of contemporary armed

conflicts," the ICRC included a substantive 6-page section on the use of explosive weapons in populated areas. It should be compulsory reading for policy makers in the field of international humanitarian law (IHL), protection of civilians, and weapons law and policy. It strongly sets out the humanitarian and legal concerns associated with the use of explosive weapons in populated areas:

"Based on the effects of explosive weapons in populated areas being witnessed today, there are serious questions regarding how the parties using such weapons are interpreting and applying IHL. Divergent practice of militaries, and contrasting views among experts and in the case law of international criminal tribunals regarding what is or is not legally acceptable, may point to ambiguities in IHL and the need for States to clarify their interpretation of the relevant IHL rules or to develop clearer standards to effectively protect civilians."

There is no doubt now that a state-led process exists towards an international political commitment to prevent harm from the use of explosive weapons in populated areas. This commitment will be one useful way for states to develop such "clearer standards to effectively protect civilians." All states concerned with the appalling human suffering of the people living with bombing and shelling should join the effort and seek the strongest possible outcome for the protection of civilians. This should include a call to end the use in populated areas of explosive weapons with wide area effects. States' next opportunity will be the International Conference of the Red Cross and Red Crescent in Geneva from 8-10 December, where Austria will host a side event on this topic on 9 December. States should take this opportunity to indicate their

support for a political commitment to prevent this harm, which is the pressing humanitarian challenge of armed conflict today.

In related First Committee and UN developments, the Afghan-led resolution on improvised explosive devices (IEDs), L.36, was adopted without a vote. In its statement upon adoption, Austria noted that “the problem of IEDs should not be seen in isolation from the broader humanitarian challenge of the use of explosive weapons in populated areas.” Earlier drafts of the resolution had referenced this wider context, but were removed in revised drafts following consultations. Certain states are known to have expressed concern with the discourse on explosive weapons in the past, including the United Kingdom. The UK is one of the states supporting the French-led initiative for

a UN Security Council resolution on the use of barrel bombs. Again, these states are rejecting sensible efforts to recognise the wider impact of the use of explosive weapons in populated areas. These wide area explosive effects are the fundamental problem rather than the improvised nature of the weapons, whether they are IEDs or barrel bombs. A condemnation of the use of these weapons, which is taking place in populated areas, should logically support the development of a political declaration on explosive weapons in populated areas. This focus on barrel bombs would appear either badly misinformed or deliberately aimed at resisting the development of a progressive initiative to enhance the protection of civilians. It should be reversed if the states making them are to have any credibility in relation to the protection of civilians. •

CLUSTER MUNITIONS

Amelie Chayer | Cluster Munition Coalition

Resolution L.49/Rev.1 on the “Implementation of the Convention on Cluster Munitions” had a successful debut in 2015 with 130 votes in favour. Sponsored by 37 states, the new resolution urges all states outside the Convention to join as soon as possible, and stresses the importance of the full and effective implementation of the Convention. In light of the recent or ongoing use of cluster munitions in Libya, Sudan, Syria, Ukraine, and Yemen, it expresses “strong concern regarding recent allegations, reports or documented evidence of the use of cluster munitions in different parts of the world.”

Forty states abstained, while Russia and Zimbabwe voted against. Considering that 79 states are still outside the Convention (which currently has 98 states parties and 20 signatories), the rate of abstention on L.49/Rev.1 is very similar to that of the traditional resolution on the implementation of the Mine Ban Treaty (L.50), tabled each year since 1999. This sends a strong signal of support for the aim of eliminating cluster munitions and addressing the suffering they cause through the universal application of the Convention on Cluster Munitions.

Twenty-eight non-signatories voted in favour. This included one state that produces the weapon and 14 that possess stockpile. The Cluster Munition Coalition hopes that those states will promptly put their money where their mouth is by stopping production and starting to destroy stocks. It is noteworthy that Libya and Sudan, non-signatories where cluster munitions were used in the past year, also voted in favour.

A number of states explained their abstention by reiterating their view that the Convention on Conventional Weapons (CCW) provides an adequate forum to address the issue of cluster munitions. However, the CCW concluded its years-long deliberations on cluster munitions in 2011 after a failed attempt to create a protocol on these weapons.

Argentina, Brazil, and Russia claimed the CCM has “loopholes” that prevent them from joining the treaty, incorrectly arguing it allows certain types of cluster munitions. In the case of Brazil and Russia, these states produce cluster munitions or reserve the right to do so, and are known to have exported cluster munitions.

The Dubrovnik Declaration adopted at the First Review Conference of the CCM in September 2015 condemns any use of cluster munitions by any actor. Austria noted it would have liked to have seen this “expression of a central element of the convention’s spirit” reflected in resolution L.49.

During this year’s First Committee debates, many delegations emphasised that the 2015-2020 Dubrovnik Action Plan offers a comprehensive roadmap towards ridding the world of cluster munitions. Indeed, the next five years are a crucial period for strengthening the global response to the devastation caused by these weapons. While political commitments in the form of action plans and UN resolutions provide an essential framework, they must be completed with financial support and genuine oversight. The Cluster Munition Coalition will continue to encourage states to deliver on those promises. •

CYBER

Ray Acheson | Reaching Critical Will of WILPF

Draft resolution L.45, “Developments in the field of information and telecommunications in the context of international security,” was adopted without a vote. The text, which calls on states to endorse the report of the previous Group of Governmental Experts (GGE) and seeks the continued work of a GGE in 2016, was seemingly uncontroversial. Cuba was the only state to issue an explanation of position, reiterating its concerns with US interference in Cuba via telecommunications, which it hopes will stop with the new diplomatic relationship building between the two countries.

Before action was taken on the resolution, Sweden spoke on behalf a number of countries to emphasise the importance of facilitating a free flow of information in cyberspace. “The same rights that individuals have offline must also be protected online,” asserted the group, noting in particular “freedom of expression, including the freedom to seek and impart information, and freedom of assembly and association.” Noting the need to address risks and vulnerabilities that can lead to or be exacerbated by cyber attacks, cyber espionage, or cybercrime, the group of states called for international discussions on norms and principles of responsible state behaviour.

A consistent line for most states, which was accepted in the report of the most recent GGE, is that existing international law applies in cyberspace. However, some delegations have called for the development of new law and standards. The Non-Aligned Movement urged the development of a legal framework. Some states emphasised the role of national action, international cooperation, and confidence-building measures. The United States argued that “international cyber stability [is] best advanced by established international law, in conjunction with additional voluntary

cyber-specific norms of responsible State behavior in peacetime”.

This recurring argument that “existing law is adequate” should be explored and challenged by those participating in the new GGE and in other discussions and deliberations on cyber issues. As a group of civil society organisations argued during First Committee’s NGO session, “Agreement that existing international law, including international human rights law and international humanitarian law, applies to activities in cyberspace provides a shared baseline, but this should not be taken to mean that the existing legal framework is sufficient. In particular, we should avoid focusing debate primarily within the framework of international humanitarian law, a legal framework more permissive of harm to the general public than is ordinarily allowed and where the practical implementation of rules is anyway disputed.” These NGOs suggested that if progress is to be achieved, “states will need to go beyond a reiteration of existing, general rules and recognise that cyberspace needs to be addressed on its own terms, with consideration of its specific characteristics.” They urged the negotiation of new principles, procedures, rules, and norms.

A group of NGOs in 2014 argued that states should work towards adopting an effective international legal framework that will prevent cyber attacks, whether undertaken by states, by private entities contracted by states or by other institutions or individuals. Many delegations over the last few years of First Committee sessions have noted the need to preserve the digital domain as a peaceful one. We have an opportunity and a responsibility to act now, before we find ourselves locked in a new cyber arms race that could further destabilize our world. •



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FIRST COMMITTEE MONITOR

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

Contributing organizations and programmes to this edition:

Article 36
Campaign to Stop Killer Robots
Cluster Munition Coalition
Control Arms
International Action Network on Small Arms
International Campaign to Ban Landmines
Reaching Critical Will of WILPF

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