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

www.reachingcriticalwill.org
www.wilpf.org
email: info@reachingcriticalwill.org

Editor: Ms. Ray Acheson

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

Reaching Critical Will is your primary source for information, documents, and analysis about the United Nations General Assembly First Committee and other multilateral disarmament conferences and processes.

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- Research and analysis of critical issues related to disarmament and arms control; and
- News and information about civil society engagement on disarmament and arms control.

IN THIS EDITION:

Editorial: Messages of mass destruction	3
Joint civil society statement on the US-led drone export initiative	4
Paper tigers and political will in the international arms trade	6
The promise of the nuclear ban	7



Reaching Critical Will

EDITORIAL: MESSAGES OF MASS DESTRUCTION

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

It's not every day that a head of state threatens nuclear war at the United Nations. Actually, it's never happened before.

The podium at the UN General Assembly opening high-level session is, in fact, more commonly used to offer impassioned pleas for cooperation and common sense, or, at worst, to spout hypocritical hyperbole about the awesomeness of one's governance. It is *not* used as a soapbox for a declaration of war.

Thus Donald Trump's threat to destroy the Democratic People's Republic of Korea (DPRK) on 19 September was a shock, even though it follows some outrageous pronouncements and not-so-veiled threats on Twitter.

"Sovereignty is not a sword, but a shield," said the deputy prime minister of the small island state of Saint Vincent and the Grenadines a few days later. "The United Nations is not a forum for measuring whose sovereignty is bigger, or whose military is better equipped to pursue their narrow, short-term, self-interest. We are a community founded instead on the assumption of sovereign equality of all states; rich and poor, large and small. One nation's ability to destroy another does not imbue it with special rights, but rather profound responsibilities, chief among those being restraint. President Roosevelt's realpolitik adage of speaking softly while carrying a big stick—whatever its limitations—cannot be replaced with irresponsibly bellicose sabre-rattling that inches us closer to the types of conflict that this Assembly was created to prevent."

But ever since January of this year, things that don't usually happen or are not supposed to happen have definitely been happening, and this is only the latest in a long string of events that don't make any sense and that put most, if not all of us in danger.

This time though it's about nuclear war and that's about as far as we can go a species. Perhaps the invention of nuclear weapons spelled the end for us, but those of us working for the prohibition and elimination of these genocidal, suicidal weapons of mass destruction like to think we still have a chance.

That's why we negotiated a treaty prohibiting nuclear weapons. It's why over 50 states have already signed it, and why more are joining every day. It's why 122 governments demonstrated moral courage to stand up to intense pressure from the nuclear-armed states to declare that nuclear weapons are unacceptable and must be outlawed.

It was the best we could do under the circumstances. The circumstances being that nine countries seem to think it's a grand idea to have about 15,000 weapons that they (sort of but not really) swear they'll never use. They've determined that they'd rather put the whole world into a Reservoir Dogs-like scenario, but one in which all of humanity is put at risk of extinction, rather than calmly and collaboratively pursuing a different approach, e.g. a world in which no one has these weapons anymore.

This approach is treated as naive, unrealistic, and even irrational. But if you listen to the countries that have experienced the horrors of nuclear testing, they're telling us that there is no other way. Incidentally, many of these are the same countries facing decimation now from climate change. Small islands in the Pacific may not survive the rest of this century because of rising sea levels. But they'll have even less of a chance if someone starts dropping nuclear bombs over the Pacific—a threat made callously by the DPRK government in response to US warmongering rhetoric. Samoa's prime minister said that his country "cannot help but watch with trepidation and uneasiness the global dynamics nudging our world perilously close to a potential catastrophe of unimaginable proportions." Together with its neighbours, Samoa appealed "for visionary leadership with sound moral judgment on both sides to ensure we give 'peace a chance'."

There were many appeals for dialogue over disaster during the general debate in relation to the tensions between DPRK and the United States, and also a good deal of support for the nuclear prohibition treaty. Yet overall, attention to nuclear weapons was diminished from last year, and other disarmament-related issues were almost entirely off the radar. There were some condemnations of the use of chemical weapons in Syria, a few references to the civilian harms caused by the use of explosive weapons in populated areas (or at least, head nods towards an understanding that targeting civilians in conflict is not acceptable), and a few remarks about the consequences of illegal arms trafficking. That was about it. There was not a single reference to landmines or cluster munitions, which are also banned under international law but have been used in recent conflicts to devastating humanitarian effect. There was only one reference to incendiary weapons, ironically by the Syrian delegate accusing the US-led "international coalition" of using white phosphorous whilst renouncing any claims that it has used any banned weapons itself.

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"Citilians—not soldiers—are paying the highest price" of today's conflicts, noted the General Assembly President. "Schools and hospitals—not military barracks—are the targets of attacks." This is true—yet very few governments have taken any action to prevent horrific humanitarian harms, violations of international humanitarian law, or human rights abuses. Many states that have recently declared, "civilians are not a target" are in fact fueling the deaths of civilians through arms sales or bombardment of towns and cities.

The hypocrisy is not lost on most of the world. We are witnessing our planet change catastrophically from our historic failure to protect our environment whilst we bomb parts of it relentlessly in the name of achieving peace and stability.

In his address to the General Assembly, Jordan's Crown Prince pointed out the failures of the international community and the message it sends to youth. "What does it say about our common humanity, when last year alone the world spent close to 1.7 trillion dollars on arms, but fell short by less than 1.7 billion

in fulfilling the UN appeal to support Syrian refugees and host communities in countries like Jordan?" he asked other delegates. "What does it say when trillions are spent waging wars in our region, but little to take our region to safer shores? There are no good answers. The sad reality is that war economies are thriving to the benefit of a few, while real economies are suffering to the detriment of all." The message, he said, is loud and clear: "there is no shortage of money for fighting evil, but the appetite for rewarding virtue is nearly non-existent; that the voice of those who defend and build is drowned out by those who attack and destroy."

This must not be the message sent from the United Nations. And those who do send this message through their actions must be confronted and challenged with alternatives for peace, dialogue, cooperation, and collaboration. The stakes are too high to let this stand.

What message will governments send from First Committee this year? •

JOINT CIVIL SOCIETY STATEMENT ON THE US-LED DRONE EXPORT INITIATIVE

In October 2016 the United States published a political declaration subsequently endorsed by 53 countries, on 'the Export and Subsequent Use of Armed or Strike-Enabled Unmanned Aerial Vehicles (UAVs)'. This initiative had a number of problematic aspects, including the weakness and vagueness of the principles it articulated.

Work is now being taken forward by a group of states led by the US to draft more detailed politically binding international standards, building on the declaration. This group may be consulting state representatives on these standards in the margins of this year's CSP. In this context, a group of civil society organisations have set out in an open statement reproduced below a range of concerns about the limitations of this initiative – given the harm caused by and risks around drone technology – and made a set of recommendations for the process.

Joint statement

The use of 'Unmanned' Aerial Vehicles (UAVs), or drones, to conduct airstrikes has caused harm in communities, including significant casualties; raised serious legal and ethical concerns; and endangered international peace, security and human rights and rule of

law by lowering political, practical, and technological impediments to the use of force. States must be aware that the specific features of these technologies risk facilitating a global expansion of the use of lethal force. Accordingly, states must not disregard the long-standing rules of international law governing the use of force. The use, deployment, and increased proliferation of drones are therefore key challenges that need to be addressed.

Concerningly, there has so far been little concerted attention paid by states at the international level to the emergence of these systems. There is now an effort by states to develop international standards on the export and subsequent use of 'armed or strike-enabled UAVs.' However, we are concerned that this initiative risks setting standards that are too low, and will not adequately address the full range of risks and harm associated with the use of drones. In this context, we make the following recommendations:

We call on the states developing these standards to undertake a process that, at all stages, at a minimum:

- is inclusive of and open to all countries, as the issues raised by the developing role of drones in the use of force are global and pertinent to all; and



- involves meaningful consultation with a range of experts, industry, and civil society, including affected communities, who have been instrumental in bringing concerns around drones to international attention.

We also recommend to states that the standards drafted should, at a minimum:

- recognise from the outset that military force, whether using drones or otherwise, may only be deployed in accordance with well-established rules of international law, and that technological developments do not vary those standards;
- include clear expression of states' commitment to uphold specific and applicable international human rights and humanitarian law;
- include clear commitments (and not just principles) for endorsing states, as well as a process to the review the implementation of those commitments;
- supplement existing law and standards, and not include any commitments that are weaker than or that could weaken existing national, regional, or international obligations, standards, or policies.
- in articulating commitments on responsible export: include robust and independent human rights assessments of the importing state; be in line with the standards agreed upon in the Arms Trade Treaty; ensure strong implementation and verification mechanisms; involve information exchange between signatories on use; and include an annual review process to ensure that the export control list is updated with technological developments in the field of drones;
- uphold principles of transparency, accountability, and oversight at both the domestic and international levels. These include, at a minimum, legal and policy transparency, and openness about actual use, harm caused, decision-making, and accountability and oversight processes. Robust and independent casualty recording, with the collection and dissemination of sex- and age-disaggregated data, as well as judicial review and meaningful legislative and other oversight of the use of armed or strike-enabled drones, must be ensured; and
- include a commitment by states to set out in detail their own international-law compliant national policies on the role of drones.

If the concept of 'responsible use' is to be part of this framework, specific work must also be undertaken to reach a common understanding of what this means, and which at least meets existing law and standards as discussed above.

Continued and wider engagement by the international community

States should voice their positions and/or concerns on the issues pertaining to this process in all relevant multilateral forums to strengthen the international debate.

However, while it is important to address issues of trade, proliferation and the practice of new users, we note that this initiative does not address the full range of concerns around drones. Use by current possessors and producers continues to be problematic from a legal and humanitarian perspective. Unacceptable practices, including those that undermine international law and the rule of law, must be rejected – and cannot be neglected by the international community.

International action and agreement on standards around armed drones, as well as state compliance with international law, will be key to preventing and mitigating current and future harm caused by these systems. While the standards under development could represent an important step forward for states, the goals for international agreement that appear to be being set are modest in comparison to the range of issues of concern surrounding drones and other extraterritorial use of force by states, which the international community must also continue to address.

Endorsed by:

All Party Parliamentary Group on Drones
 Amnesty International
 Article 36
 Center for Civilians in Conflict (CIVIC)
 Coalition for Peace Action
 Drone Wars UK
 European Center for Constitutional and Human Rights (ECCHR)
 Foundation for Fundamental Rights
 Human Rights Clinic (Columbia Law School)
 Interfaith Network on Drone Warfare
 International Commission of Jurists
 National Religious Campaign Against Torture
 Nonviolence International Southeast Asia
 Omega Research Foundation
 PAX
 Rete Italiana per il Disarmo
 Rights Watch UK
 SEHLAC Network – Red para la Seguridad Humana en Latinoamérica y el Caribe
 Women's International League for Peace and Freedom

PAPER TIGERS AND POLITICAL WILL IN THE INTERNATIONAL ARMS TRADE

Allison Pytlak | Reaching Critical Will of the Women's International League for Peace and Freedom

When the Arms Trade Treaty (ATT) was being negotiated, states repeatedly warned against developing an instrument that would become a paper tiger. By this they meant something that appears threatening but is ultimately ineffective.

When the ATT was adopted and later entered into force, states repeatedly said that although not a perfect instrument this Treaty has the potential and the provisions to stop arms from ending up with human rights abusers, warlords, criminals, and other nefarious types that “responsible” states feel should not have weapons.

Yet what is becoming overwhelmingly obvious to the international community is that this is not happening. Some blame vague Treaty articles, or provisions that never made it into the Treaty at all as the reason why the ATT is not stopping arms from going where they shouldn't.

But let's be honest. The reason why the ATT is at risk of becoming a paper tiger is not because it is an imperfect instrument. Its core provisions are clear and strong. The reason is the lack of political will to implement them.

It's been almost two years since the first civil society¹ and legal reports² surfaced highlighting the licensing of arms exports from a handful of mainly European ATT states parties and signatories to Saudi Arabia, flagging them as at risk for misuse either domestically or in the conflict in Yemen. Despite widespread and significant media interest;³ further reporting and analysis; impassioned pleas from Yemeni citizens;⁴ a national court case in the United Kingdom;⁵ among other efforts, there has been zero pick-up on this issue during the last two annual conferences of states parties, much less a cessation of such arms transfers from the largest offenders. France and the UK have continued with business as usual and the United States, a treaty signatory, announced in May 2017 a \$110 billion worth of potential arms sales to Saudi Arabia that includes the type of guided air-to-ground munitions used in Yemen.⁶

Other states parties have not ventured to call out such transgressions. Over 100 countries attended the third conference of states parties (CSP3) held recently. Only Costa Rica mentioned Yemen by name, and only Chile said it shares the concerns of civil society regarding “possible” failures to implement articles six and seven.

A group of 12 states called for cessation of arms transfers to Venezuela, due to current levels of state repression and human rights abuse—there were no such calls made in regards to transfers to Saudi Arabia, South Sudan, or other destinations where arms are clearly being used to commit grave human rights or international humanitarian law abuses. On the whole, the political will to deal with this simply is not there. Arguably, this is because the profits of violence for arms exporters are too great.

There are other examples where political will seems to be responsible for actions that weaken the ATT. Albeit a small group, there were more states parties electing to keep their reports private than in the first year of treaty reporting. These states have been named publicly⁷ and one had even pledged to change the status in past but did not follow through. Transparency is vital to ensuring the ATT's success as an instrument that ends the worst abuses of the international arms trade. Any state party not reporting, or keeping their reports private, is undermining this objective.

Opportunities exist in the First Committee plenary hall and its corridors to shift this dynamic. Yet the true game changer for this treaty is not in New York. It's at home in the capital cities, where the political structures and decision-making processes that define political will exist. Choices made there are causing the ATT to become a hollow instrument and setting dangerous double standards within the Treaty's membership. •

Notes

1. *Dealing in double standards: How arms sales to Saudi Arabia are causing human suffering in Yemen*, Control Arms, 2016, <http://arm-streatymonitor.org/en/wp-content/uploads/2016/02/ATT-Monitor-Case-Study-2-Saudi-Arabia-.pdf>.
2. Press release from Amnesty International-UK, Saferworld, Control Arms, 17 December 2017, http://controlarms.org/en/wp-content/uploads/sites/2/2015/12/Press-release_17-December.pdf.
3. “America Is Complicit in the Carnage in Yemen”, *The New York Times*, 17 August 2016.
4. Statement from Ms. Radhya Almuwatakel, Mwantana for Human Rights, at the Third Conference of States Parties to the Arms Trade Treaty, 11 September 2017, http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/att/csp3/statements/11Sep_Almuwatakel.pdf.
5. See Campaign Against the Arms Trade (CAAT) for information about their High Court case, <https://www.caat.org.uk/campaigns/stop-arming-saudi/mp-lobby>.
6. Amnesty International, “Killer Facts: The scale of the global arms trade”, 12 September 2017, <https://www.amnesty.org/en/latest/campaigns/2017/09/killer-facts-the-scale-of-the-global-arms-trade>.
7. Statement from the Control Arms Coalition at the Third Conference of States Parties to the Arms Trade Treaty, 13 September 2017.



THE PROMISE OF THE NUCLEAR BAN

Daniel Högsta | International Campaign to Abolish Nuclear Weapons

This year's First Committee takes place against the backdrop of the most important development in decades in nuclear disarmament: the negotiation, adoption, and opening for signature of the Treaty on the Prohibition of Nuclear Weapons (TPNW).

This year, on 7 July, after four weeks of negotiations, 122 states voted to adopt the TPNW, the first categorical prohibition of nuclear weapons, completing the trifecta of prohibitions of weapons of mass destruction and marking a potential turning point for nuclear disarmament.

The push for "the Ban" grew out of the movement to reframe the nuclear weapons debate around humanitarian principles and away from the failed security-centric approach. Known as "the humanitarian initiative," this initiative was promoted by civil society groups, like-minded governments, international organisations, and the International Red Cross and Red Crescent Movement. Together they sought to make nuclear disarmament a discussion about people.

The Treaty opened for signature on 20 September at a high-level ceremony with speeches from the UN Secretary-General, the President of the General Assembly, the President of the International Committee of the Red Cross (ICRC), the President of Costa Rica, and the International Campaign to Abolish Nuclear Weapons' executive director Beatrice Fihn. As of writing, there are already over 50 signatories and even several ratifications.

Supporting the TPNW is the best response states can give in rejecting the irresponsible posturing by nuclear-armed states, which continues to pose the gravest threat to the international community. "Nuclear-sabre rattling" seems to be a trending term these days and it's not just about what's happening on the Korean peninsula. Continued "modernisation" of nuclear arsenals and provocative military exercises are just steps on the road to an inevitable nuclear disaster—be it intentional or accidental.

As Peter Maurer of the ICRC put it, "The world today needs the promise of this Treaty: the hope for a future without nuclear weapons. Humanity simply cannot live under the dark shadow of nuclear warfare, and the immense suffering which we all know would result. The Treaty on the Prohibition of Nuclear Weapons is a light for all humanity, illuminating a pathway towards a world without nuclear weapons."

Nobody says that the prohibition on nuclear weapons is the end of the road. In fact, it is just a beginning. The TPNW is the necessary starting point for disarmament to happen. While the dismantlement of all nuclear arsenals might be a long process, a clear international rejection of these weapons is going to be an essential component of future disarmament efforts.

The ban is here to stay. It's now time to commit to fulfilling its promise. •



Signing ceremony for the Treaty on the Prohibition of Nuclear Weapons, 20 September 2017 © Darren Ornitz/ICAN

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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, the disarmament programme of the Women's International League for Peace and Freedom (WILPF).

Contributing organisations and campaigns to this edition:

International Campaign to Abolish Nuclear Weapons
Women's International League for Peace and Freedom

www.reachingcriticalwill.org | info@reachingcriticalwill.org



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