

# FIRST COMMITTEE MONITOR

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# PRESERVING FIRST COMMITTEE'S GLOBAL VILLAGE AND THE EDIFICE OF INTERNATIONAL COOPERATION

Ray Acheson | Women's International League for Peace and Freedom

Forests are burning, droughts are devastating, storms are thrashing. We know why. We also know what we have to do to prevent it from getting worse and to mitigate and deal with what is already happening. But instead, the richest among us—in terms of individuals, in terms of governments—choose instead to invest in weapons. They choose instead to fuel war. To build walls. To construct and solidify surveillance states. To weaponise their security—their own security, not the security, or safety, or well-being of their fellow citizens or anyone else.

As we prepare for another round of First Committee, we would do well to bear in mind this reality. Some participants are working hard to create a future in which the 1% thrive while the rest of the world crumbles, in which weapons are used as the primary mode of order and control. They assert this power through their investments in technology of violence, through attempts to crush and criminalise resistance and revolt, and through their condescension to the rest of the world's governments and people.

This condescension will be on full display during First Committee. The majority of delegations will be told by the minority that they don't understand the "international security environment" and that they are "politicising" issues or creating "divisions" whenever they speak up for disarmament. These same delegations will fight with each other vociferously, trying to score points—with whom we are not sure, because the schoolyard antics of name-calling and finger-pointing grow tiresome for the rest of us by the end of the first day. The informal back-and-forth of these end-of-day discussions would be most useful to figuring out how to eliminate weapons. But instead the time is spent reinforcing hostilities and tensions among the most weaponised.

While this theatrical performance goes on, the rest of First Committee would do well to recall the words of Prime Minister Ralph E. Gonsalves of Saint Vincent and the Grenadines during last month's high-level debate at the UN General Assembly. "As the original builders of our global economic and political architecture descend into jingoistic isolationism, and succumb to the narrowest pursuits of short term self-interest," he noted, "it is the small, the poor and the historically marginalised states of our global village that present the last, best chance to restore the crumbling edifice of international cooperation, and the principles on which that cooperation rests."

The UN General Assembly was designed as a place for the governments of all member states to have an equal say, and it is this spirit that we urge First Committee delegates to uphold in 2019. The activists, survivors, and public that look to the UN for progress and change urge all delegates to speak up for humanity. The resolutions and agreements reached in this Committee can have meaning: they have led to great things in the past and can again. Do not let a handful of heavily militarised governments shut you down. What needs to be shut down are arms factories and arms fairs, not international discourse about disarmament. At a time when the nuclear-armed states are ripping apart arms control treaties, when they are more interested in the profits of the arms trade instead of the well-being of people, the rest of the international community has a vital role to play in putting forward alternatives for our collective security—security based on the rule of law, disarmament, equity, justice, and peace.

To achieve the ultimate goal of a world free from nuclear weapons. Peru noted that "of all existing weapons, nuclear weapons are the most destructive, inhumane, and indiscriminate."

# REPORT: THE COMPREHENSIVE NUCLEAR-TEST-BAN TREATY'S ENTRY INTO FORCE CONFERENCE

Danielle Samler | Lawyer's Committee on Nuclear Policy

The eleventh conference on the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) took place on 25 September 2019 at the United Nations headquarters in New York. A recurring theme was the importance of reinforcing the nuclear disarmament, non-proliferation, and international security architecture given the “severe strain” it is under, as Austria stated. The existence and modernisation of nuclear weapons and the continued refusal of the Annex II states to sign and ratify the CTBT have moved the international community further away from nuclear disarmament and non-proliferation. Eight states listed in Annex II of the Treaty have yet to join the Treaty: China, the Democratic People's Republic of Korea (DPRK), Egypt, India, Iran, Israel, Pakistan, and the United States (US). Their ratifications are necessary for the Treaty to enter into force. Delegates from the European Union, Ireland, Bulgaria, Belarus, Chile, Liechtenstein, Argentina, Mexico, Morocco, Malaysia, Austria, Georgia, and Spain expressed concern with this situation and urged them to join.

Egypt expressed its support for the Non-Proliferation Treaty and urged states to take into account that all Annex II states are not equal and therefore should not all be treated the same way. Egypt stated that Annex II states must be differentiated between those that have made good efforts towards signing and ratifying the NPT and those that have not.

Ratifying states of the CTBT expressed the importance and timeliness of this conference as tensions between states are at an all time high. They indicated urgency and renewed commitment to amplify the importance of this Treaty entering into force. All of the 48 states that spoke regretted that despite the Treaty having opened for signature in 1996, it still has not yet entered into force. All speakers also applauded the recent ratifications of the CTBT by Zimbabwe and Thailand, and

commended Tuvalu for becoming a signatory.

This brings the number of signatory states to 184 and the number of ratifying states to 168. All delegates commended the CTBT International Monitoring System (IMS) for its effectiveness as a mechanism for the detection of nuclear tests as well as its ability to predict the occurrence of natural disasters such as tsunamis and earthquakes. The IMS is a part of the verification regime meant to ensure states' compliance with the CTBT. It uses four verification methods: seismic hydroacoustic stations, infrasound stations, radionuclide stations, and radionuclide laboratories. There are 321 stations around the world that are able to record and report timely and necessary data to ensure immediate international response to nuclear tests.

Conference participants expressed concerns about the DPRK's nuclear weapons. All states called upon the DPRK to commit itself to the CTBT and to irreversibly and verifiably dismantle its nuclear test sites. Japan expressed its hope that discussions between the US and the DPRK will bring to fruition the denuclearisation of the DPRK. Russia called out the US for its unwillingness to ratify the Treaty and highlighted that instead of reviewing its own negative decisions, the US is attempting to say that the responsibility lies with other states. Russia, Kyrgyz Republic, and South Africa said that until the US is willing to sign the Treaty it has no moral grounds to discuss countries who have already ratified the Treaty.

Slovenia and Ireland were the only states to mention the gender dimensions of this issue. Slovenia pointed out that there is unequal representation of women in the field of disarmament and stressed the importance of building gender equality, noting that women and girls can be a driving force in the entry into force of

the CTBT. Ireland highlighted the particularly adverse impacts that nuclear weapons can have on women.

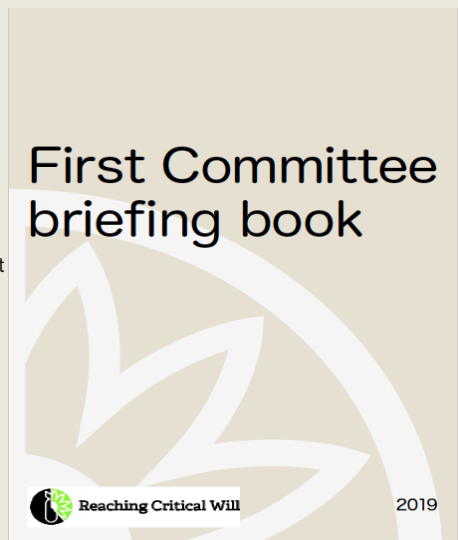
There was wide applause for the implementation of national testing moratoria as an avenue of nuclear disarmament and non-proliferation. But while these moratoria were commended, the UN Secretary-General, Russia, Italy, Kazakhstan, Finland, Norway, and Austria emphasised that voluntary moratoria cannot be a substitute for the CTBT's entry into force.

Peru, Liechtenstein, New Zealand, Chile, Ecuador, and South Africa, among others referenced the Treaty on the Prohibition of Nuclear Weapons (TPNW). These states reinforced the TPNW's importance and pointed to the fact that it, and the CTBT, are complementary and must be implemented simultaneously to achieve the ultimate goal of a world free from nuclear weapons. Peru noted that "of all existing weapons, nuclear weapons are the most destructive, inhumane, and indiscriminate."

## NOW AVAILABLE: 2019 FIRST COMMITTEE BRIEFING BOOK

Reaching Critical Will's annual briefing book provides a quick overview of the state of play on some of the most pressing issues that will be addressed at the First Committee. It also outlines recommendations for governments from some of the key civil society groups working on these topics. The civil society organisations, coalitions, and campaigns participating most actively at First Committee have argued consistently that we can and must replace watered-down outcomes with real results that advance human security and social and economic justice.

Find it online: <http://reachingcriticalwill.org/disarmament-fora/unga/2019>



# REPORT: INTERNATIONAL DAY FOR THE TOTAL ELIMINATION OF NUCLEAR WEAPONS

Ray Acheson | Women's International League for Peace and Freedom

On 26 September, the UN held a high-level event to mark the International Day for the Total Elimination of Nuclear Weapons. The event brought together some of the staunchest supporters of nuclear disarmament—which meant that nuclear-armed states and their Western allies were, for the most part, conspicuously absent. It also meant, as is becoming increasingly normal in nuclear disarmament discussions, that those advocating for a nuclear weapon free world held court while those who continue to defend these weapons of terror stayed hidden in the shadows.

Almost every delegation that took the floor during the International Day event remarked on the importance of the Treaty on the Prohibition of Nuclear Weapons (TPNW). Describing it as a landmark instrument towards the prohibition, stigmatisation, and elimination of nuclear weapons, the vast majority of those who spoke highlighted the Treaty's value in drawing a clear principled and legal line against nuclear weapon possession, use, and threat of use. Many also highlighted its importance for demonstrating what is possible when governments, international organisations, and activists come together to stand up for humanity. As Liechtenstein's representative said, the TPNW offers a beacon of hope and a lesson in multilateralism in a world suffering from big power politics.

One of the other lessons from the TPNW is the importance of diversity in disarmament. The negotiations, as well as the conferences and meetings leading up to them, featured unprecedented levels of sponsorship and participation of diplomats from the global south and particularly of women. Unfortunately, at the UN event on 26 September, only nine out of 55 speakers were women, about 16 percent of those taking the floor. Delegations need to do more to live up to their responsibilities to diversify participation in nuclear

weapons discussions—including responsibilities under the TPNW itself, which recognises that “the equal, full and effective participation of both women and men is an essential factor for the promotion and attainment of sustainable peace and security,” and commits its parties to “supporting and strengthening the effective participation of women in nuclear disarmament.”

Negotiated in 2017 by those governments who reject the idea that nuclear weapons bring security, the TPNW posits that nuclear weapons have catastrophic humanitarian and environmental consequences that can only be prevented through the weapons' total elimination. The majority of countries involved in the Treaty's development firmly believe that, as Lebanon's representative said on 26 September, that the danger of nuclear weapons will not dissipate through containment but only through complete elimination. She urged all states to change from a narrow security mindset to a broad humanitarian approach, which is one of the key things the TPNW has brought to the fore.

This framing has helped expose the dominant discourse on nuclear weapons for what it really is: an illogical justification for a few states to maintain an illusion of privilege and power at the expense of the rest of the world. “The concept of nuclear deterrence does not stand up to scrutiny,” noted Austria's representative—a concept that the prime minister of Saint Vincent and the Grenadines aptly described as “muscular masculinity”.

The idea that nuclear weapons make the world safer or more stable was described as pure nonsense by most governments participating in the event. Nuclear weapons continue to breed mistrust among their possessors, noted the representative of Fiji. With nuclear weapon modernisation, he noted, more weapons equals more mistrust. “We must not yield to the pressures of those who profit



from the production of these horrific weapons of mass destruction,” said the prime minister of Samoa, calling for a stable security without nuclear weapons and nuclear waste.

China and India, the only nuclear-armed states to address the event, offered lip service to the importance of nuclear disarmament. China, for example, said that the prohibition and elimination of nuclear weapons would serve the interests of humankind. Which begs the question, why not lead the way for nuclear disarmament? Unfortunately, these countries continue to invest in the modernisation of their nuclear arsenals, claiming that they will work for disarmament when the other nuclear-armed states do as well. But as Nepal’s foreign minister suggested, cooperation for disarmament should take primacy over competition for armament. It is beyond time for the nuclear-armed to get serious about their obligations to protect their own citizens and the planet, especially in a time of climate chaos. As the International Campaign to Abolish Nuclear Weapons (ICAN) said in its statement to the event, humanity faces the twin threats of nuclear war and climate change. The two are interconnected, as one could exacerbate the risks of the other. And, the money spent on nuclear weapons could instead be going to develop renewable energy and other efforts to mitigate

and prevent the worst of the climate crisis. “An alternative future is possible,” said ICAN. “A future that drastically cuts carbon emissions and a future that eliminates nuclear weapons.”

For the latter, this future lies with the TPNW. As the event heard from final speakers, elsewhere in the UN building several states joined the TPNW at a special ceremony. Nine countries signed the Treaty—Botswana, Dominica, Grenada, Lesotho, Maldives, St. Kitts and Nevis, Tanzania, Trinidad and Tobago, and Zambia—while five deposited their instruments of ratification—Bangladesh, Kiribati, Lao People’s Democratic Republic, Maldives, and Trinidad and Tobago. This brings the number of ratifying states to 32, and signatories to 79. These countries are prioritising people and peace over profits. As the prime minister of Saint Vincent and the Grenadines said in his remarks to the General Assembly on 27 September, smaller states have been “mere irrelevant pebbles in the eyes of some of the large, the rich and the powerful who ought to know better.” And now, these states “form part of the new foundation of international cooperation. Our challenges must be acknowledged, and our voices—long humoured but unheard—must be listened to as the consistent advocates on behalf of people, progress, partnership and principle.



Ceremony for the Treaty on the Prohibition of Nuclear Weapons, 26 September 2019. Photo from ICAN.

# REFLECTIONS ON THE UN GENERAL ASSEMBLY 2019

Katrin Geyer | Women's International League for Peace and Freedom

During the 74th UN high-level general debate, virtually every single government raised concerns about the existential threat of the climate crisis to human survival and the entire planet.

Yet very few governments raised the intimate links between militarism and environmental destruction during this year's debate. While it may appear that the climate catastrophe and disarmament don't have much to do with each other, this couldn't be further from the truth. New studies, reports, and articles warn of the devastating global humanitarian catastrophe caused by climate disruption and global famine if there was, for instance, a regional nuclear war today.<sup>1</sup> They warn against the US military, as the largest military industry, to be a bigger carbon emitter than most countries in the world.<sup>2</sup> They also show how eliminating nuclear weapons can play a crucial role in preventing the worst of the climate crisis.<sup>3</sup>

The debate did shine a light on the multilateral dynamics around climate change and disarmament. In her powerful speech, Mia Amor Mottley Q.C, Prime Minister of Barbados, observed that "we have been discussing the challenge of climate change for over three decades .... But yet we are still here today, singing the same chorus." She asked, "Where is the moral leadership? Where is the constructive action by the countries responsible for carbon emissions? Do you not see what is happening? Why are you not acting? Do you not care?"

Those states with the highest carbon emissions are often also the most militarised. Regardless of whether it comes to climate change or disarmament, the powerful few are interested in maintaining their privilege and power; and those same states think they can dictate the possibilities of what the rest of the world should and should not do.<sup>4</sup>

But as Mottley reminded, if we are to prevent the worst of the climate crisis and a renewed arms race, the powerful few need to wake up to the fact that every state's "votes and voices count. Just because we are small, does not mean that our voices do not count. They do. As do our lives and dignity."

As it does every year, WILPF tracked governments' references to disarmament issues during the high-level debate. Below are key extracts. The full index is available at [www.reachingcriticalwill.org](http://www.reachingcriticalwill.org).

## Nuclear weapons

Various states expressed concern at the current state of the nuclear non-proliferation and disarmament regime, in light of the "gradual dismantling of longstanding disarmament treaties," as observed by Jamaica.

Many states regretted the destruction of the Intermediate-Range Nuclear Forces (INF) Treaty. China observed that the US withdrawal from the INF "and the immediate commencement of intermediate range missile tests are intended to launch a new arms race." Russia underscored that it will not deploy land-based intermediate-range and shorter-range missiles as long as the US refrains from doing so. Austria and UN Secretary-General António Guterres encouraged Russia and the US to extend the New Strategic Arms Reduction Treaty (START); and Russia reiterated its willingness to do so.

The US' withdrawal from the Joint Comprehensive Plan of Action (JCPOA) continued to be a contested issue at this year's high-level debate. Many states including Austria, Uruguay, Montenegro, Spain, Luxembourg, Germany, Japan, Belgium, China, and Bulgaria, amongst others, expressed deep concern at the US' withdrawal from the agreement.

Many states urged for renewed compliance with the agreement, and supported dialogue and negotiations. Germany emphasised that it wants to continue adhering to the JCPOA. It called on Iran to meet its obligations, and to “respond positively to... European efforts to get going on a diplomatic solution.” Uruguay urged the parties to the deal to “set aside discourse of short-lived political gain but of serious global consequences.”

Iran reiterated that for one year after US withdrawal, it continued to abide by all its commitments under the JCPOA. It informed that its response “to any negotiation under sanctions is negative.” It called on the US to stop the sanctions so they can renew negotiation. The US informed that it heightened its sanctions on Iran after the recent attack on Saudi Arabian oil facilities.

With respect to the Korean peninsula, some states, such as Angola, Palau, and Lesotho expressed concern at the DPRK’s continued launching of missiles. Yet many also welcomed or supported efforts towards rapprochement on the Korean peninsula, such as Nepal, Jamaica, Cuba, China, and Japan. Bulgaria described recent developments as “a qualitatively new phase in the international efforts.” China said that the “opportunity for political settlement... must not be missed again.” The Republic of Korea (ROK) assured that it will continue dialogue with the DPRK and to “make a way toward complete denuclearisation and permanent peace.” The DPRK stated that the “key to consolidating peace...” is the implementation of the 12 June DPRK-US Joint Statement. It accused the US and ROK of having increased tensions by political and military provocations.

In the meantime, some states called for the strict implementation of sanctions against the DPRK, while others urged to re-consider DPRK-related resolutions that impose sanctions on North Korea.

Against this bleak backdrop, many states expressed their support and hope for the Treaty on the Prohibition of Nuclear Weapons (TPNW). Amongst others, Samoa, Trinidad and Tobago, Austria, Nepal,

Lao, Ireland, Bangladesh, Botswana, the Holy See, Ecuador, Grenada, and Guyana referred to the Treaty positively. Trinidad and Tobago announced it signed the Treaty on 26 September, the International Day for the Total Elimination of Nuclear Weapons, and Bangladesh, Ecuador, Guyana, Kazakhstan, and Botswana also informed about their recent ratification. Nepal announced it would ratify soon. Austria said it was encouraged that the Treaty is well on its way to enter into force, and called on all states to sign and ratify the Treaty as a “moral imperative, a question of survival for humankind.” Our summary of the high-level event held on the International Day can be found elsewhere in this edition.

Some states described the catastrophic humanitarian consequences of nuclear weapons. Trinidad and Tobago stressed that their use is a “crime against humanity and a violation of international law....” The Marshall Islands recounted its painful history of nuclear testing, reminding that its population is left with “devastating footprint on our health, well-being, environment, and rights of our population.”

The Holy See underscored that the TPNW, and the Comprehensive Nuclear-Test-Ban Treaty (CTBT) are complements, “not distractions,” to the nuclear Non-Proliferation Treaty (NPT). Some states expressed hope for a successful tenth review conference of the NPT next year, marking the Treaty’s 50th anniversary. Russia announced it will introduce a draft resolution on “Strengthening and Developing the System of Arms Control, Disarmament, and Non-Proliferation agreements” which it hoped will contribute to a successful outcome of the NPT review conference in 2020.

### **Explosive weapons in populated areas (EWIPA)**

Some states, including Viet Nam, referred to the spread of warfare into populated areas. Austria said that 91 per cent of casualties from the use of EWIPA are civilians, which it deemed “unacceptable and intolerable.” Ireland said that the use of EWIPA is of particular cause of concern. Belgium observed that the bombing of civilian populations feeds terrorism instead of fighting it. A month earlier, the



International Committee for the Red Cross (ICRC), jointly with UN Secretary-General António Guterres issued a Joint Appeal calling for an end to the devastation and civilian suffering caused by the use of EWIPA. After the general debate, Austria convened a diplomatic conference on the use of EWIPA, which is reported on elsewhere in this edition.

### **Arms trade and small arms**

Many states, specifically those from the African and Caribbean regions, addressed arms trafficking as a major problem. Jamaica noted that the trafficking of small arms, amongst other issues, requires “transnational, regional and multilateral action....”

Some of those states addressed the long-term negative impact of the proliferation of small arms and light weapons (SALW) in their countries and regions, and described them as a threat to the achievement of the Sustainable Development Goals (SDGs).

Some states referred to the Arms Trade Treaty (ATT) as a tool to reduce the unregulated arms trade. Botswana announced that it recently ratified the ATT. China informed that it “has initiated the domestic legal procedures to join the [ATT].” The US reiterated that it will never ratify the ATT as it would threaten US citizens’ right to self-defence. A few states referred to the UN Programme of Action on SALW as another tool to address the proliferation of SALW.

### **Cyber**

This year, more states than usual referred to challenges of new technologies and their risk of weaponisation and malicious uses, perpetrated both by states and non-state actors. This could be because of the General Assembly’s recent establishment of two processes to discuss the issue of security in the information and communications technology (ICT)-environment during the period of 2019–2021.

Latvia said that violations of international law are increasingly committed through disinformation and

cyberattacks. Portugal expressed concern at the “resort to cyber presence as a common or almost common means of external intervention.”

Russia said that the US is setting course for transforming cyberspace “into an arena of military conflict.” Estonia cautioned against risks to states’ sovereignty, related to cybercrime and cyberspace as the new military domain.

Estonia informed that it applies both national and international law to cyber space, and invited others to do the same in order to “clarify how international law applies in digital sphere.”

Estonia said it supports efforts, also in its work with the UN Security Council, towards better application of international law in the cyber domain. Ireland called for an “effective global level institutional initiative... in a multilateral way.” Latvia urged the UN to actively promote discussions of personal data protection in cyberspace.

### **Militarism and arms racing**

Along with UN Secretary-General António Guterres, many states expressed concerns about the ongoing arms race, militarism, and corporate interests in the fuelling of conflicts.

Amongst others, Armenia, Cambodia, Malaysia, Kazakhstan, and Nepal expressed worry about a renewed arms race. Cambodia argued that such arms race comes at the detriment of the world’s efforts to “to reduce poverty and combat climate change. The Holy See called for education that leads to a “real culture of life and peace,” to counteract the “causes that are at the basis of the demand of... weapons.”

Malaysia took a direct stance the against the five permanent members of the UN Security Council (P5), arguing that “they feel they must be well armed to retain their right to be the privileged five.” It also made a powerful case why it has launched a campaign to criminalise war. Malaysia noted that, “we consider ourselves civilised but we are still very primitive since we accept killing

people as a way to settle disputes between nations or within nations.” Instead of going to war, it argued that conflicts can be solved through negotiation, arbitration by third parties, or the settlement with the International Court of Justice. It acknowledged that “When one goes to court one does not always get what one claims to be rightfully ours,” but asserted that “it is the same with war. We do not always win. In a contest between two parties, one must lose if the other is to win. But if we use peaceful means we can still lose but it will cost us much less. No one would die, nor land devastated.”

### Conclusion

Noam Chomsky, intellectual, political activist and linguist, has long argued that in foreign policy, governments operate on two levels: the rhetorical and the material.<sup>5</sup> For many governments, and especially the most heavily militarised ones, these two levels are regularly in direct opposition to each other. This discrepancy was well illustrated

during this year’s high-level debate. It is in this vein that Ireland in its statement to the UN General Assembly observed that, “It is... difficult to reconcile the rhetoric for peace I hear from countries who accompany it with ever-increasing efforts at acquiring increased shares in global armament sales.” Next to Ireland, others too called out states’ corporate interests in the business of war. Viet Nam reminded that “global military spending is at its highest,” and Malaysia observed that weapons sale is “apparently good for business,” with European countries causing wars to break out as they continue to supply arms and funds to wars elsewhere.

Yet as Mia Amor Mottley Q.C of Barbados noted, “there is no war worth it. There is no profit sufficiently large to be worth the price of war or the destruction of our planet.” This sentiment, which rings true for the vast majority of governments, offers hope amidst the seemingly bleak prospects in disarmament.

1. Toon, Owen B., Charles G. Bardeen, Alan Robock, Lili Xia, Hans Kristensen, Matthew McKinzie, R. J. Peterson, Cheryl Harrison, Nicole S. Lovenduski, and Richard P. Turco, “Rapid expansion of nuclear arsenals by Pakistan and India portends regional and global catastrophe,” *Science Advances*, 2019.
2. Neta C. Crawford, “Pentagon fuel use, climate change, and the costs of war,” *Brown University*, June 2019.

3. Timmon Wallis, “Warheads to windmills: How to pay for a New Green Deal,” *NuclearBan.US*, 2019.
4. To learn more about this topic, read our chapter on disarmament and environment in *First Committee briefing book 2019, Reaching Critical Will, Women’s International League for Peace and Freedom*.
5. Noam Chomsky, *Language and Politics*, 1998.

# STATES COMMIT TO TAKE POLITICAL ACTION ON EXPLOSIVE WEAPONS AT VIENNA CONFERENCE

Allison Pytlak | Women's International League for Peace and Freedom

Mosul. Raqqa. Mariupol. Mogadishu. For many, these places resonate with images of human suffering as a result of urban warfare. News media share photos and stories of rubble and bloodied bodies, lives lost, forced migration, sexual violence, and stalled development. Urban violence and war-fighting, often with the use of indiscriminate and explosive weapons, may tragically be considered the “new normal” in conflict. But with that comes a callous “globalisation of indifference,” in the words of the Holy See, in which we as a global community become numb to images and stories of suffering, or feel powerless to stop it.

The Vienna Conference on the Protection of Civilians in Urban Conflict is a turning point toward ending that indifference. It is the next step in a decade-long effort to generate stronger political commitments and cooperation around stopping the use of explosive weapons in populated areas (EWIPA). One-hundred and thirty-three states, several international organisations (IOs), and dozens of non-governmental organisations (NGOs) participated in the two-day conference from 1–2 October, signaling the extent and breadth of global concern over the humanitarian impacts of urban warfare.

The primary outcome of the meeting is a wide expression of support for developing a political declaration on EWIPA. This would build on a decade of advocacy from civil society, notably the International Network on Explosive Weapons (INEW); other stakeholders such as the International Committee of the Red Cross (ICRC), UN Secretary-Generals, the UN Office for the Coordination of Humanitarian Affairs (UNOCHA), and governments. Many of these partners have supported developing a political declaration on EWIPA in order to reinforce existing commitments under international humanitarian law (IHL). Recent developments have re-energised these efforts, including regional

communiqués from Africa and Latin America and the Caribbean, a joint statement from 50 governments at the 2018 UN First Committee, and a joint appeal from the President of the ICRC and UN Secretary-General António Guterres.

## **“A rocket made me a victim but assistance made me a survivor”**

The Vienna conference was organised around five thematic panels. In each, contributors delivered substantive, data-rich presentations and received questions and comments from conference participants. Prepared statements from the floor were discouraged, and while this was initially off-putting to some it ultimately prompted dialogue and exchange. There was also spontaneous sharing of personal experiences in urban warfare from both state delegations on the floor and panelists at different moments over the two days, that had a grounding effect and brought home the importance of the conference.

The summary below describes discussion and exchange within each session. The presentations are available on the conference and Reaching Critical Will websites. Conference attendees have been encouraged to send in statements or responses that could not be delivered. An official conference summary is forthcoming.

### *Day one*

The opening high-level panel set the tone for the conference by reinforcing the scale of the problem and the necessity of taking urgent action. A particular highlight was a video message from Amina Azimi of Afghanistan who described her personal journey from victim to survivor, underscoring a point made by others about the necessity of strong victim assistance programmes. Video messages including from His Holiness Pope Francis Douglas

supplemented the in-person statements from Austrian Minister Alexander Schallenberg; Izumi Nakamitsu, UN High Representative for Disarmament Affairs; and Gilles Carbonnier, ICRC Vice-President.

The direct impact of EWIPA was the focus of the first session. Presentations described the physical effects of explosive weapons on the human body as well as the gendered and age-related impacts and psychological harm. The questions from the floor in this first session were wide-ranging. France emphasised the emergence of non-state actors and armed groups as part of the problem and asked if there is a relationship between this and the fact that more than half of EWIPA victims are due to improvised explosive devices (IEDs). It also asked how many incidents are caused because of IHL violations. Ireland noted the challenges of data collection and wondered if the extent of the impacts may be even greater. Syria, on the other hand, questioned the sources and methods of data collection cited in some presentations, alleging that some sources are propaganda. The United States (US) said that explosive weapons can be used to protect civilians and it would be better to approach this issue by looking at good practice to reduce harm rather than stigmatising a type of weapon. Save the Children emphasised the impacts on children and young people. The Women's International League for Peace and Freedom (WILPF) asked how to better lift up the gender dimensions of EWIPA and ensure a future declaration is gender sensitive.

Building on this, the second session focused on indirect effects, such as impacts on critical infrastructure, essential services, displacement, socioeconomic development, and on children. In the question period, the United Kingdom (UK) asked what are the potential unintended consequences of stopping "legal" and "carefully targeted" use of EWIPA, including when it is meant to protect infrastructure. Mexico and Iraq posed questions around specific practices and the challenges of returning displaced persons particularly when there is no home to which to return. The US said that

sometimes creating internally displaced persons (IDPs) is a way to protect civilians by getting them out of the way ahead of an attack and suggested that in conflict, the territorial state with control over and knowledge of local populations is better suited to put protective measures in place. The Netherlands said that armed conflict, rather than explosive weapons, is at the root of these tragedies. The European Union (EU) asked about lessons learned from the process of the Safe Schools Declaration. Guatemala raised the issue of missing persons. Norwegian People's Aid referenced environmental impacts of EWIPA.

The third panel highlighted the characteristics of explosive weapons and wide-area effects. Presenters also discussed the role of indirect fire, risk mitigation, target-matching, military considerations, and engaging with non-state actors. The US again asserted that there are "positive" outcomes from using EWIPA, such as "liberating" cities. It noted that often belligerents deliberately choose urban areas for fighting, and do not observe IHL. France wondered if states are doing everything possible to improve weapons accuracy and precision. Chile and Kenya asked panelists to elaborate on practices for dealing with non-state actors (NSAs), including to enforce IHL. New Zealand asked which mitigation strategies are most effective.

#### *Day two*

Day two of the conference opened with a panel on international law. Presentations sparked an active question and answer period, much of which centred on the IHL "compliance gap" between state practice and legal obligations. Norway referenced the success of the Safe Schools Declaration but asked how to have a dialogue that will lead to common understandings and practical measures leading to the full implementation of IHL. Argentina echoed this. The UK asked if civilian and indiscriminate harm are being conflated and felt that the panel was slanted more toward illustrating humanitarian concerns under international law, rather than those relating to military utility. Togo suggested there is value in adding women into armed forces,

specifically the G5 Sahel Counterterrorism Force, so as to better engage with female civilians. The US asked about the experiences of legal advisors in facilitating good judgement among military operators. France expressed some concern that the concept proposed by the ICRC to avoid use of EWIPA may introduce a concept that is not legally clear and might lead to the creation of “sanctuary” or “haven” cities. It also wondered if there is an issue of compliance and or capacity to implement IHL effectively. Sweden asked how to define a “populated area” under law, noting it gets used interchangeably with similar terms. The Sustainable Peace and Development Organisation wanted to know if there are relevant legal frameworks in which victims of explosive weapons can get justice and hold states accountable for their actions; Mines Advisory Group (MAG) said it would like to see more discussion on reparation and compensation as pertains to urban warfare. The UN Office of the High Commissions for Human Rights highlighted the complexity and tension between protecting human rights in a besieged city and adhering to IHL, such as in Mosul. SEHLAC Network and Project Ploughshares noted the value of political commitments in a time when states are reticent to develop new law.

The fifth and final substantive panel was focused on military practice and policy. Panelists brought experience from Iraq, Afghanistan, and Somalia as well as working within the North Atlantic Treaty Organisation (NATO) and implementing the Protection of Civilians (PoC) agenda. It also sparked an active question session that stressed generally how to build on lessons learned from these country contexts, and the importance of sharing good practice and training for conflict in urban environments. Airwars and Every Casualty Worldwide picked up on points from the presenters to elaborate on the differences between casualty recording and tracking, and how this is being used to inform military strategy. Brazil asked how developing countries can better comply with IHL and the challenges of operating in urban environments. Article 36 stressed the importance of collective efforts in this area and wondered if a political declaration process could create space for an open-ended dialogue with many stakeholders.

The UN Institute for Disarmament Research asked about how states and militaries determine what partners they work with. Norway urged ensuring that examples of good policy and practice do not just remain “mission specific anecdotes” but become standard procedures to reduce harm. Bhutan asked what specific training can be provided to militaries. Italy noted that no one spoke about the importance of removing civilian populations.

### **“It’s time to take it to the next level”**

The conference’s final session struck a proactive tone from the start, not least from encouraging remarks from UN High Representative for Disarmament, Izumi Nakamitsu, in urging states to take this issue to the next level through a declaration. A second presentation, from Bonnie Docherty of Harvard Law School and Human Rights Watch, illustrated the value of political declarations in this field, and identified key components of a declaration on EWIPA.

Ambassador Pedro Comissário of Mozambique and Pamela Moraga, Head of Disarmament for Chile described the Maputo and Santiago Communiqués, both of which include a call for developing a political declaration. The Maputo Communiqué has been endorsed by 19 states and the Santiago Communiqué by 23 states. Zahid Rastam of Malaysia provided a regional view from Asia along with national perspectives. All three of these speakers stressed the value of collective action, importance of practical actions, and how a declaration can reinforce IHL.

Orlaith Fitzmaurice, Director for Disarmament and Non-proliferation of Ireland, was the final speaker. She announced that Ireland will convene states in Geneva on 18 November 2019 for the first of a series on open consultations toward developing the text of a new international political declaration, with a view to finalising it in spring of 2020. Ahead of that, a new joint statement will be presented at the 2019 First Committee.

Following the panel, around 40 delegations took the floor to outline their views on the way forward.



Support for a political declaration process was overwhelmingly strong. States that announced support for a political declaration for the first time include Belgium, Lesotho, Nicaragua, and the Philippines.

Several put forward suggestions for what a declaration should include or how to orient it toward existing legal commitments.

Germany, which has in past hosted a series of “EWIPA talks,” said it is ready to be involved in a political declaration process and urged it to focus on mitigating various forms of harm in compliance with IHL. Argentina and Sweden highlighted that a declaration should demonstrate respect for IHL. Sweden warned against it being formulated in a way that indicates IHL is insufficient.

Germany, the Philippines, Sweden, Switzerland, Austria, Costa Rica, and INEW among others, encouraged that the declaration provide for exchange of practices. INEW highlighted that a declaration could be a way to build a community of practice, including through regular meetings to discuss the issue and progress towards reducing harm.

Multiple delegations including Germany, Austria, Norway, the Philippines, Switzerland, Bangladesh, and INEW emphasised that a declaration should comprise practical measures and procedures. Norway noted that the Safe Schools Declaration

process was a good approach in that practical guidelines were created before the declaration.

Libya stressed the importance of an implementation mechanism. Switzerland highlighted that a declaration could call on states to establish facts in cases of alleged IHL violations, in relation to explosive weapons use.

Switzerland, Costa Rica, Austria, and INEW encouraged that the political declaration be a way to improve data collection. Costa Rica suggested that the declaration refer to avoiding use of EWIPA within the frameworks of IHL and law more generally, and elaborate efficient measures to prevent attacks. Austria said a declaration should be based on preventing and minimising civilian harm. The ICRC shared that it has prepared a two-pager outlining its views on what to include in a political declaration.

Mexico encouraged as many participants as possible to participate in the drafting process, and said the declaration should not undermine or reduce methods already in use.

Argentina and Uruguay urged complementarity with the Santiago Communiqué. Argentina also highlighted data collection and “concrete measures” to stop the use of explosive weapons.

Guatemala said the declaration could be a way to bring human rights to life. Lesotho urged this forum to call for a “conceptual shift away from just



The Monument of the Unknown Civilian is a honours the lives of civilians lost due to urban bombing & shelling. It was inaugurated in Paris by Humanity and Inclusion, and presented at the Vienna Conference on Protecting Civilians in Urban Warfare.  
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protecting civilians to completely doing away with war.”

Luxembourg and INEW highlighted the importance of victim assistance. Honduras suggested that the declaration refer to gender-based violence; the Women’s Institute for Alternative Development (WINAD) called for recognition of women’s leadership.

Bangladesh said that in principle it agrees to participation in negotiating a political declaration and believes the points from the ICRC could be a basis, complemented by practical approaches. It suggested a meeting of the Friends of Responsibility to Protect to gather in advance of the November consultation.

Of course, differences in opinion exist and some states had reservations about this process. France acknowledged that it has not been in favour of working on a political declaration but sees that there is potential for it as a “good vehicle” but not a means or end in itself. It also emphasised the necessity of consensus, which it said it is ready to work towards, and to avoid recreating the Geneva Conventions.

Syria questioned the possibility of implementing the objectives of a declaration when there are threats from non-state actors that are recognised as terrorist groups by UN Security Council resolutions. It would like to see the capabilities of these groups be curtailed.

The US said that it would be prepared to share the military practices that it has found to be effective. It stated that a “meaningful” declaration must be broader than just focusing on specific weapons, or else it risks giving the false impression that the way forward on civilian protection has been adequately addressed.

Some states were cautiously supportive. Japan asked if the issue of IEDs could be addressed by a political declaration. It said it would like to actively participate in the discussions, largely because the focus so far has been on militaries and military use.

Canada expressed general support and referenced the potential for a declaration to include the impact on women. It warned against creating distinctions within IHL between categories of weapons, noting that that this should be about “all militaries, all weapons, all the time”. Similarly, Netherlands felt that additional norms are not necessary and would like to reinforce issues of compliance and universalisation of IHL norms, and those stemming from treaties on landmines and cluster munitions. Finland said it would support negotiations of a declaration that would re-commit states to existing IHL but does not see the need for new obligations when existing obligations are being poorly implemented.

Brazil noted that it has endorsed the Santiago Communiqué and the 2018 First Committee joint statement. It would commit to an exchange on practices and mitigating measures but argued that existing legal frameworks are sufficient to deal with EWIPA

### **“Charting out together the way to a safer future for civilians”**

This is how Austrian Disarmament Ambassador Thomas Hajnoczi referred to the way ahead in his closing remarks. Agreement to start a process for a declaration is a big commitment, but now discussion will shift from if to how. Discussions will become substantive but also political. There are varying ideas on the role a declaration should serve and what to cover. Rather than getting caught up in differences, states must build on where there is clear commonality: developing operational policies and procedures; sharing experience and developing common understandings; improving data collection and casualty recording; and ensuring compliance with international law.

But above all, states must commit to end the use of explosive weapons in populated areas, and to stop arms transfers that facilitate this violence. We are past the time for expressions of concern. We need real action to save lives.

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

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Lawyers Committee on Nuclear Policy  
Women's International League for Peace and Freedom



Reaching Critical Will

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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 organisation 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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