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"FROM DISARMAMENT TO LASTING PEACE: DEFINING THE PARLIAMENTARY ROLE"

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Strengthening International Regimes for Arms Control and Disarmament (Background note prepared by the United Nations Department for Disarmament Affairs)

I. OVERVIEW

A. **Key terms.** "Arms control" and "disarmament" are not synonyms. The former seeks to limit weapons in certain agreed ways (e.g., quantity, range, lethality, transparency, etc.), while the latter aims at the physical elimination of agreed types of weapons, or mutual commitments not to produce them.¹ The world seeks to eliminate all "weapons of mass destruction" or WMD (i.e., nuclear, biological, and chemical arms); and the world is seeking to control the production, sale, and use of many types of conventional weapons.² The General Assembly has defined the term, "general and complete disarmament" to mean the elimination of all WMD, coupled with the "balanced reduction of armed forces and conventional armaments, based on the principle of undiminished security of the parties with a view to promoting or enhancing stability at a lower military level, taking into account the need of all States to protect their security."³ A "regime" is a multilateral arrangement governing either the elimination or control of certain weapons -- it is often supported by an implementing institution.

B. **Key Treaties.** (1) **WMD.**⁴ Treaties seeking to eliminate -- and/or to prevent the proliferation of -- WMD include the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Biological Weapons Convention (BWC), and the Chemical Weapons Convention (the only such treaty with a special institution with disarmament responsibilities, the Organization for the Prohibition of Chemical Weapons). While the International Atomic Energy Agency (IAEA) implements safeguards under the NPT, there is no BWC verification organization, despite many efforts to create one. Some countries have chosen to establish various non-binding suppliers regimes to promote their WMD non-proliferation goals -- these include the Nuclear Suppliers Group and the Zangger Committee (both for nuclear items), the Australia Group (for chemical and biological weapons), the Missile Technology Control Regime and the Hague Code of Conduct (for missiles), and the Wassenaar Arrangement (for dual-use goods and conventional arms). The Tlatelolco, Rarotonga, Pelindaba⁵, and Bangkok Treaties established nuclear-weapon-free zones (respectively) in Latin America and the Caribbean, the South Pacific, Africa, and Southeast Asia -- these treaties prohibit the

¹ See UNIDIR, "Coming to Terms with Security," UNIDIR/2001/16 (Geneva: UNIDIR, 2001).

² "Conventional weapons" are weapons that are not WMD; see UNIDIR 2004, p. 36.

³ UN General Assembly, Final Document of the First Special Session on Disarmament, para. 22.

⁴ This summary addresses multilateral treaties and does not cover bilateral treaties, such as SALT I, SALT II, START, and the Strategic Offensive Reductions Treaty (Moscow Treaty). The INF Treaty eliminated intermediate-range, nuclear-capable missiles held by the US and former Soviet Union.

⁵ The Pelindaba Treaty will only enter into force upon the deposit of the treaty's 28th instrument of ratification.

development, possession, or stationing of nuclear weapons in these regions, while endorsing general and complete disarmament. The Outer Space Treaty prohibits the placement of WMD into orbit, a ban extended elsewhere in the solar system by the Moon and Other Celestial Bodies agreement. The Seabed Treaty outlaws the placement of WMD on the ocean floor. The 1925 Geneva Protocol prohibits the use of chemical or biological weapons. The Antarctic Treaty provides that the continent shall only be used for peaceful purposes. The Partial Test Ban Treaty outlawed nuclear explosions in the ocean, atmosphere, and outer space, and the Comprehensive Nuclear-Test-Ban Treaty (CTBT) -- when it enters into force -- will ban all nuclear explosions.

(2) Conventional Arms. While there are no global, multilateral treaties covering conventional arms *per se*, several treaties control specific types of such weaponry. The Convention on Certain Conventional Weapons (CCW) prohibits the use of certain types of such weapons that have inhumane effects -- including weapons leaving undetectable fragments in the human body (Protocol I), certain types of landmines and booby-traps (Protocol II), incendiary weapons (Protocol III), blinding laser weapons (Protocol IV), and “explosive remnants of war” (Protocol V). The Conventional Armed Forces in Europe Treaty has reduced many types of conventional weapons. In 2001, the UN Conference on the illicit trade in small arms and light weapons agreed on a Programme of Action “to prevent, combat, and eradicate” such trade, and efforts are now underway to negotiate an international instrument on the marking and tracing of such weapons. The Mine-Ban Convention bans the development, use, or proliferation of anti-personnel landmines. The UN maintains a voluntary Register of Conventional Arms -- which records annual trade in seven types of major conventional weapons -- and is encouraging greater use of its Standardized Instrument for Reporting Military Expenditures.

II. KEY CHALLENGES AND OBSTACLES TO OVERCOME

A. Promoting universal application of multilateral disarmament treaties:

- This requires strengthened political efforts, especially to overcome remaining difficulties (e.g., geopolitical arguments, strategic concerns, etc.).
- The lack of public understanding of the contribution of treaties to international security makes disarmament and non-proliferation education a compelling priority. Specialised knowledge is often concentrated in a few Ministries (e.g. Foreign Affairs, Defence) or in some governments lacking altogether.
- Conflicting priorities – many developing countries are often preoccupied with other pressing issues (e.g. poverty, health needs, economic development, environmental challenges, internal conflicts), while some states possessing WMD prefer to view disarmament only in terms of an “ultimate goal.”

B. Improving compliance with treaty commitments:

- Insufficient understanding of the requirements for treaty compliance can often result in “technical non-compliance” for some parties who are unaware that there is more to be done than simply ratifying or acceding to a treaty.
- Deliberate non-compliance -- the DPRK, Iran, Iraq, and Libya all failed to fulfil their NPT safeguards commitments, while many countries have claimed the

nuclear-weapon states have not fulfilled their NPT disarmament commitments. Arranging multilateral responses to violations can be very difficult, especially when the Security Council is not united (as was the case with Iraq).

C. Enhancing transparency:

- Some States fear that reporting might compromise security or diplomatic goals.
- Some data may simply not be available, including historic data on past production of fissile nuclear material.
- Even the most basic statistic -- e.g., how many nuclear weapons officially exist in the world -- remains unknown to the public, and in many countries other data on conventional weapons and military expenditures remain unavailable.

D. Ensuring irreversibility:

- The DPRK has decided to withdraw from the NPT, leading many states to propose new procedures for exercising withdrawal rights.
- Efforts in the context of the NPT and other multilateral forums to promote nuclear disarmament have stressed the importance of measures to ensure that fissile materials will not be recycled into new weapons.

E. Strengthening verification:

- Implementing intrusive inspections, physical security, and rigorous accounting methods -- while not compromising commercial or legitimate defence secrets.
- Paying for rising costs of verification.
- Creating new verification capabilities (e.g., with respect to biological weapons, missiles, space weapons, and nuclear disarmament).

F. Closing loopholes:

- Coping with terrorists and other non-state actors ... not just States.
- Extending controls to intangible items, such as design information, expert advice, technical data, etc.
- Developing new initiatives against black marketers and illicit brokering.

III. KEY CONTRIBUTIONS FROM PARLIAMENTS

A. Treaty ratification -- Parliaments often have the prerogative to ratify arms control and disarmament treaties.

B. Legislation -- Parliaments often have major responsibilities for enacting implementing legislation under the relevant disarmament and arms control treaties.

C. Budgets -- Parliaments play vital roles in providing funds needed to implement multilateral treaty commitments.

D. Oversight -- Parliaments can use their investigative and deliberative authorities to ensure that governmental programmes are consistent with treaty obligations.

E. Public education -- Parliamentary debates provide a means to educate the public about the function and importance of treaties in enhancing national security interests. Debate can also help to identify strengths and weaknesses of government policies.

IV. GENDER, HUMAN RIGHTS, AND DISARMAMENT

A. Overview. Weapons are instruments of war and war deprives the very basic human right, i.e. the right to existence. Weapons are also used, in time of both war and peace, to deprive specific human rights, e.g. civil rights, equal rights, and human dignity. In recent years, increasing attention has been given to the gender aspect of weapons and the conduct of warfare. The 2000 UN Millennium Declaration underscored this goal, and a President of the Security Council has declared that “peace is inextricably linked with equality between women and men.”⁶ In October 2000, the Security Council adopted Resolution 1325, its first resolution that specifically addresses the impact of war on women, and women's contributions to conflict resolution and sustainable peace. Yet the question remains: is there a gender dimension specifically to disarmament? The answer is: yes indeed.

In the words of Jayantha Dhanapala -- the former UN Under-Secretary-General for Disarmament Affairs -- “Women vote, they organize, they network even across national borders, they donate, they investigate, they publish, they win elections and they write laws. In short, they have the capacity to do all that is needed to convert the goals of disarmament and arms control into concrete realities . . . When women move forward, and when disarmament moves forward, the world moves forward.”⁷

B. Actions. Women are a natural constituency of disarmament because disarmament advances concrete interests shared by women everywhere. Armed conflicts and arms races hamper the advancement of women, by diverting resources, disrupting families, and leaving social and economic burdens to children and future generations. Yet women are still often mentioned only as victims rather than active partners and contributors to prevention of conflict, negotiation of peace and disarmament agreements, and the building of democratic and prosperous nations. The UN is moving forward with its own internal reforms, which include the “Gender Action Plan” inaugurated by the Department for Disarmament Affairs (DDA), the publication of DDA’s Briefing Notes on Gender and Disarmament⁸, and many other initiatives to ensure gender balance -- both in substance and in participation -- in UN disarmament events. UN post-conflict activities now recognize the extent that the success of “Disarmament, Demobilization, and Reintegration” efforts depends upon gender considerations.

Women also have a major stake in the elimination of the illicit trade in small arms and light weapons -- such weaponry continues to be used in civil conflicts around the world and

⁶ Statement by Anwarul Karim Chowdhury, Security Council Press Release SC/6816, 8 March 2000.

⁷ Jayantha Dhanapala, “Gender and Disarmament,” Key Note Address at the Fourth Annual Women Waging Peace Policy Day, John F. Kennedy School of Government, Harvard University, 8 November 2002, <http://disarmament2.un.org/speech/08nov2002.htm>.

⁸ See <http://disarmament.un.org:8080/gender.htm>.

have cost the lives of millions. They have campaigned very successfully to eliminate anti-personnel landmines -- the woman who founded the International Campaign to Ban Landmines won a Nobel Peace Prize for her efforts. They fought a noble and ultimately successful battle to end atmospheric nuclear testing in the 1960s. And in poll after poll, they continue to register their strong commitment to global nuclear disarmament.

C. Future Challenges for the UN. The Overall Goal for DDA's Action Plan is to facilitate progress on disarmament. A key assumption behind this plan is that disarmament -- both generally and in specific initiatives -- can be strengthened through the integration of gender perspectives into disarmament debates and negotiations, decision-making and actions, and through more equitable participation by women in decision-making. Thus a crucial element of the DDA work is to identify potential synergies and opportunities to simultaneously support effective disarmament and greater gender equality. The sub-goals for the Action Plan are to --

- Explore the linkages between the promotion of greater gender equality and disarmament.
- Strengthen DDA's internal capacity to ensure the ongoing incorporation of gender perspectives into its work.
- Undertake outreach and advocacy on the importance of including gender perspectives in disarmament discussions.
- Support equitable participation in disarmament discussions.