



THE GENERAL ASSEMBLY FIRST COMMITTEE

DISARMAMENT & INTERNATIONAL SECURITY

PURVIEW OF THE GENERAL ASSEMBLY FIRST COMMITTEE

The General Assembly First Committee addresses the disarmament of conventional weapons, weapons of mass destruction and related international security questions. The First Committee makes recommendations on the regulations of these weapons as they relate to international peace and security. The First Committee does not address legal issues surrounding weapons possession or control complex peace and security issues addressed by the Security Council. For more information concerning the purview of the United Nations General Assembly as a whole, see page 25.

Website: www.un.org/ga/first/index.shtml

NATIONAL LEGISLATION ON TRANSFER OF ARMS, MILITARY EQUIPMENT AND DUAL-USE GOODS AND TECHNOLOGY

The Stockholm International Peace Research Institute (SIPRI) recently estimated that the world currently spends more on arms than it did during the Cold War. According to SIPRI, the international transfer of arms increased by 14 percent from 2004-2008 to 2009-2013. Although it is difficult to determine an exact cause for these trends, past events have demonstrated that financial resources, perceived threats to national security, need for military upgrades, demonstrations of national status, the development of domestic arms industries and a desire to strengthen ties with suppliers all influence the acquisition of arms. Determining the scope of the international arms trade can also be difficult, in part because there are no globally agreed-upon definitions of arms or what activities constitute the arms trade. Furthermore, arms transfers lack transparency and the blurry lines between nuclear and non-nuclear transfers complicate the matter, especially when compared to small arms and light weapons, which move across borders more easily and fluidly.

The transfer of arms, military equipment, and dual-use goods and technology can threaten the security of the international community when left unchecked. While the United Nations has always recognized the global arms trade as legitimate and in line with a State's sovereign right to self-defense, the spread of lethal arms to unstable environments and into the hands of violent non-state actors has increased calls for greater regulation of the global arms trade. However, lenient controls and an absence of regulations concerning the arms trade have led to increased violence. Conflicts in many developing countries have been linked to uncontrolled arms transfers. The widespread availability of arms also has implications for the United Nations, with armed attacks disrupting humanitarian and development operations. While States have long been loath to relinquish control of regulating the transfer of arms, the United Nations recognizes how important regulation of their transfer is.

The United Nations first acknowledged the need for disarmament in 1952 and has subsequently addressed the issue in both the General Assembly and through actions by the Secretariat. In 1982, the Second Special Session on Disarmament established the United Nations Office for Disarmament Affairs, primarily focused on nuclear weapons. In 1992, it was renamed the Centre for Disarmament Affairs; in 1997 the Department for Disarmament; and in 2007 the UN Office

of Disarmament Affairs (UNODA). Over that period the focus of the group has also changed. UNODA is tasked with promoting non-proliferation and strengthening disarmament efforts for chemical and biological weapons, as well as conventional weapons and small arms.

To address the dangers of the illicit arms trade and potential lapses in national governments' oversight of the industry, the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects, held in July 2001, brought together many States involved in the arms trade industry, including importers and consumers, producers and exporters. This conference produced a Programme of Action (PoA) that acknowledged the dangers of the illicit trade in small arms and light weapons, the links that illicit trade has to violence and dangerous non-state actors, and the responsibility States have in curtailing this dangerous black market. The PoA held Member States responsible to issue end-user certificates for weapons exports, to mark guns so they may be identified by the point of manufacture, and to increase enforcement of weapons embargoes and sanctions, among other provisions to curb the illicit arms trade.

In 2013, the General Assembly endorsed the Arms Trade Treaty (ATT), marking a major step toward addressing the spread of arms and lethal technology to conflict zones and non-state actors. The ATT is the result of years of work and opened for signature on 3 June 2013. It entered into force on 24 December 2014, and currently has 130 signatories and 82 States Parties. The ATT obliges signatories to commit to greater cooperation to restrict the illicit arms trade. In addition, it requires States to establish protocols for arms transfers in small arms and light weapons, missiles, missile launchers, tanks, armored combat vehicles, combat aircraft, attack helicopters, and artillery. The ATT also requires States to consider the risk weapons will be used to further organized crime, support acts of terrorism or commit human rights violations and to block deals with substantial risks.

Furthermore, the ATT requires all States Parties to accept basic controls and approval processes for the transfer of weapons across international borders and to provide annual information on exports and imports of conventional arms to the ATT secretariat. The ATT is comprehensive and specific on the international regulation of arms transfer, but there remain many issues regarding arms transfers. Unlike previous resolutions and reports, the ATT attempts to provide common definitions and guidelines intended to aid States in the control of the global arms trade. For example, the ATT outlines different categories of conventional weapons. It also differentiates between the roles of importing and exporting States when it comes to arms transfers.

There are also limitations to the ATT. For example, the ATT does not place restrictions on the types or quantities of arms that may be bought, sold or owned by States. It also does not affect domestic gun control laws. Furthermore, issues of interpretation, implementation and enforcement could affect the Treaty's effectiveness. Although the main sanction for violation is embarrassment, and previous weapons treaties show that this is indeed a powerful deterrent, this is not always an effective or legally-binding response. Additionally, the three largest arms exporters in the world have not yet ratified the treaty; indeed, France is



the first ratifier in the rank order but is only the fourth largest arms exporter.

In the future, the United Nations hopes to continue strengthening international standards of regulating the transfer of arms, military equipment, and dual-use goods and technology. By emphasizing the negative impacts of uncontrolled arms trade, such as civilian populations trapped in situations of armed violence and the disruption of humanitarian efforts and operations, the United Nations also hopes to instill increasing concern over this topic area.

Questions to consider from your government's perspective on this issue include the following:

- How can Member States work together to improve regulation on transfer of arms, military equipment, and dual-use goods and technology? How might they improve implementation and enforcement of current measures?
- How is the Arms Trade Treaty being enforced? Are there ways the ATT has been or should be built on, or a direction the international community should go in?
- What incentives can be used to encourage States to sign and/or ratify the ATT? Would this help the ATT be more effective?

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PREVENTION OF AN ARMS RACE IN OUTER SPACE

The use of space is critical to global society. Modern militaries rely heavily on man-made satellites in orbit around the earth, which are used for communication, targeting and global positioning systems. Satellites are also critical to civilian operations such as telecommunications and scientific research. All countries rely upon space-based technology in some way, even if they are not space-faring themselves. Due to the global vantage point provided simply by being in space and the unique and global dangers space weapons pose, a debate has emerged over the past few decades on whether militaries should be permitted to station weapons in orbit. The fledgling commercial space industry, eager to develop near-earth orbit and mine the asteroid belt for resources, also has a vested interest in keeping space peaceful and developing clear international law governing military use of space.

The weaponization of space has long been a concern of the United Nations. In 1963, the General Assembly adopted a resolution calling on all Member States to refrain from placing nuclear weapons or other weapons of mass destruction in orbit or from installing such weapons on celestial bodies. The General Assembly also noted that the principles of the United Nations Charter, particularly those prohibiting the use or threat of use of force, apply in space as well.

In 1967, the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (commonly known as the "Outer Space Treaty") entered into force. This treaty is the main instrument of international law governing the use of outer space and tracks the language of the 1963 resolution by banning the stationing of nuclear weapons and other weapons of mass destruction in orbit or on any celestial body. It does not ban the stationing of conventional weapons in space or prohibit the use of conventional weapons launched from the surface of the Earth to destroy objects in space. The Outer Space Treaty currently has 104 States Parties, including all Member States with significant space-faring capability. Another 24 Member States have signed but not ratified the treaty.

Subsequent efforts to develop and enforce multilateral treaties regarding this topic have not met with success. In 1979, Member States proposed the adoption of the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (commonly known as the "Moon Treaty"). The treaty never gained significant traction, in part because it would have required Member States to share space-derived resources and the means for extracting such resources. It has been ratified by only 14 Member States, none of which have space-launch capability.

In 1985, the Conference on Disarmament, where this topic has also been debated at length, established the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space. The Ad Hoc Committee disbanded in 1994 after failing to generate any formal agreements. Discussion on this topic in the First Committee has continued through the end of the Cold War to the present day. In recent resolutions related to this topic, the First Committee encouraged the adoption of verifiable measures to prevent an arms race in space, including the creation and implementation of better transparency and confidence-building measures among space-faring States.

The first way that an arms race in space could erupt is by deploying existing nuclear weapons such as inter-continental ballistic missiles



(ICBMs) in orbit. The nuclear deterrence that has prevented the use of nuclear weapons in combat since the detonations at Hiroshima and Nagasaki is based on each side's ability to destroy the other should any nuclear attack take place. Because space-based nuclear weapons would have a much faster response time than even ICBMs, one side's implementation of such weapons would threaten the balance of power and could potentially lead to an arms race of ever-faster and more responsive nuclear satellites.

However, space weapons could also be something as simple as a satellite that drops rods of concrete rebar. When dropped from 60+ miles up, virtually any object that can survive the heat stress of atmospheric reentry can become a deadly missile. The extent to which conventional weapons in space should be banned is therefore a key part of the global debate on this issue. The destruction of one satellite, whether it is from a space-based weapon or a surface-to-space missile, could create a chain reaction of explosions, filling low-earth orbit with debris and rendering it unusable for any satellites or human and robotic exploration missions. This situation, known as Kessler Syndrome, would have a catastrophic effect on global society. While some global positioning and other highly specialized satellites orbit high enough to be out of reach of such a disaster, the vast majority of currently operating satellites are in low-earth orbit, including most scientific and weather satellites, constellations of communications satellites such as the Iridium satellite telephone system, and the International Space Station. Losing all of these capabilities in short succession would have far-reaching effects such as cutting communications from remote regions of the Earth and a decreased ability to predict natural disasters. Low-earth orbit is also by far the cheapest orbit to launch a satellite in and has a number of advantages, such as a short orbital period to cover more of the Earth with one satellite. The economic cost to shift satellite development and launch to higher orbits would be enormous.

Recently, this debate has become more urgent due to signs that some States are gearing up to wage space-based warfare or to develop the capacity to destroy another State's assets in space. The United States military has earmarked \$2 billion for developing space weapons in 2016, citing concerns that its military has become so dependent on satellites that they are an "Achilles' heel" that must be better protected. In 2007, the People's Republic of China destroyed one of their own satellites with a surface-to-space missile, 530 miles above the Earth's surface. The United States has also destroyed one of its own satellites in similar fashion, and Russia has successfully tested its own anti-satellite missile.

Debate has taken place as to whether to extend the provisions of the Outer Space Treaty or develop other bilateral or multilateral treaties that go further toward banning weapons in space. The Space Preservation Treaty, which would ban all weapons in space, including conventional weapons, was proposed to the General Assembly in the mid-2000s; to date it has not been signed by any Member State. In 2008 and again in 2014, at the Conference for Disarmament, Member States proposed the adoption of a "draft treaty on the prevention of the placement of weapons in outer space and of the threat or use of force against outer space objects." This treaty has yet to come before the General Assembly.

Questions to consider from your government's perspective on this issue include the following:

- What constitutes a "weapon" in space? How can an instrument limiting the use of weapons in space carve out room for civilian, scientific and other benign operations to continue to operate?

- How can existing United Nations arms treaties be modified to better address the prevention of an arms race in outer space?
- Are new multilateral agreements necessary or advisable to incorporate into the framework of agreements banning or otherwise limiting space weaponization? How can the United Nations improve the implementation and integration of existing agreements that deal with space weapons?
- What lessons can be learned from the failure of the Moon Treaty to gain any significant traction?

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