



GENERAL ASSEMBLY PLENARY BACKGROUND GUIDE 2016

Written by: Kevin O'Donnell, Director
Saeko Yoshimatsu, Assistant Director





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Dear Delegates,

Welcome to the 2016 National Model United Nations Conference in Kobe, Japan (NMUN•Japan)! We are pleased to introduce you to our committee, the General Assembly Plenary. This year's staff members are Director Kevin O'Donnell and Assistant Director Saeko Yoshimatsu. Kevin holds a B.A. in International Relations from San Francisco State University and continues to live and work in San Francisco. Saeko is a junior in the Department of International Relations at Kobe City University of Foreign Studies.

The topics under discussion for the General Assembly Plenary are:

- I. The Elimination of Weapons of Mass Destruction
- II. Implementing the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in the Asia-Pacific Region

The General Assembly is a principal organ of the United Nations, the only one with universal membership and equal voting. The General Assembly takes action on the full spectrum of issues, establishing norms for the international community to adhere to, which affects the lives of millions of people globally. Delegates in this committee will have an opportunity to discuss topics in a common forum made up of all 193 members of the United Nations and build broad consensus on these critical issues.

This Background Guide will be an important starting point in your research and will provide you with a broad overview of each of the committee's topics, as well as the resources found in the Bibliography and Annotated Bibliography. The guide is not intended to replace individual research, and delegates will need to explore the policies and practices of their own Member States on these topics to prepare for a realistic simulation. In preparation for the conference, each delegation will submit a [position paper](#). Please take note of the [NMUN policies](#) on the website and in the [Delegate Preparation Guide](#) regarding plagiarism, codes of conduct, dress code, sexual harassment, and the awards philosophy and evaluation method. Adherence to these guidelines is mandatory.

The [NMUN Rules of Procedure](#) are available to download from the NMUN website. This document includes the long and short forms of the rules, as well as an explanatory narrative and example script of the flow of procedure. It is an essential instrument both in preparing for the conference, and as a reference during committee.

If you have any questions concerning your preparation for the committee or the conference itself, feel free to contact the Deputy Secretary-General, Yvonne Jeffery. You can contact her at: yvonne@nmun.org.

We wish you all the best in your preparations and look forward to seeing you at the conference!

Sincerely,

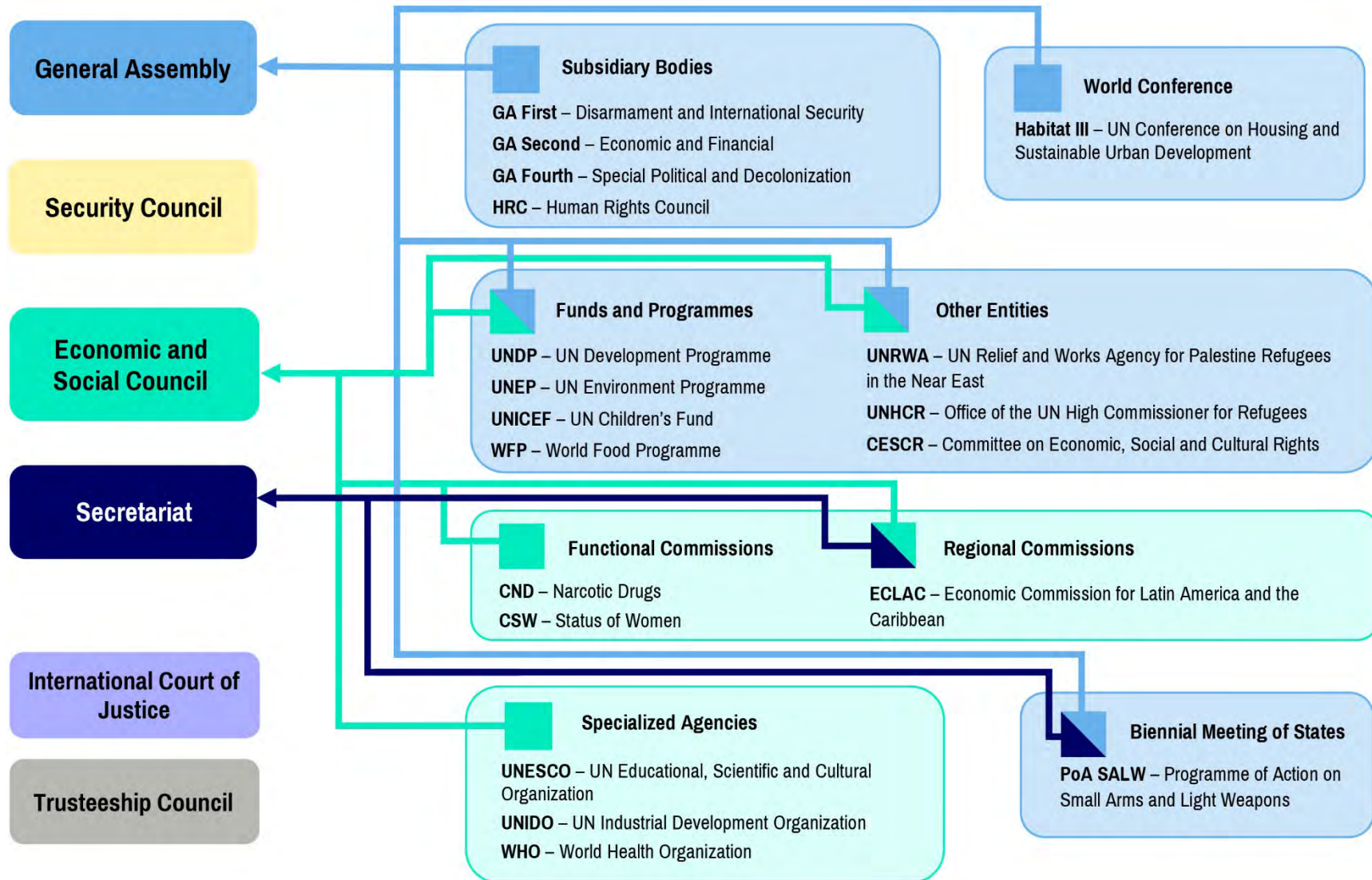
Kevin O'Donnell, *Director*
Saeko Yoshimatsu, *Assistant Director*

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United Nations System at NMUN

This diagram illustrates the UN System simulated at NMUN. It shows where each committee “sits” within the system, to help understand the reportage and relationships between the entities. Examine the diagram alongside the Committee Overview to gain a clear picture of the committee's position, purpose, and powers within the UN System.



Committee Overview

Introduction

The United Nations (UN) General Assembly (GA) has existed since the creation of the UN and is one of the six principal organs of the UN established by the *Charter of the United Nations* (1945).¹ The GA is divided into six Main Committees, and each has a specific purpose: the Disarmament and International Security Committee (First Committee); the Economic and Financial Committee (Second Committee); the Social, Humanitarian, and Cultural Committee (Third Committee); the Special Political and Decolonization Committee (Fourth Committee); the Administrative and Budgetary Committee (Fifth Committee); and the Legal Committee (Sixth Committee).² All Member States of the UN are represented in all of the six Main Committees.³ The Main Committees each submit a separate report to the GA plenary on the issues considered by them and containing the draft resolutions and decisions which are being recommended.⁴ The GA Plenary, as a principal UN organ, does not report to any other organ but requests and receives reports, including from the Secretary-General.⁵ Only matters adopted by the Plenary are considered official resolutions by the UN General Assembly.⁶ While not a frequent occurrence, the General Assembly Plenary may also decide to deal with an issue without prior reference to a committee.⁷

The **General Assembly Plenary** has six Main Committees. A report is issued to the General Assembly Plenary for each item allocated to a Main Committee.

After the devastation of the Second World War and the shock of the atomic bomb, the desire to build a permanent system of security and peace that initiated with the League of Nations grew even stronger.⁸ In this context, disarmament had a particularly vital role in the very founding of the UN.⁹ Indeed, the first resolution adopted by the GA addressed the issue of atomic energy and its potential threats.¹⁰ In addition to security, developing friendly relations, realizing international cooperation, and promoting harmony were among the overarching ideas behind the creation of the GA and of the UN itself.¹¹

As the only main body with universal membership, the GA is a unique forum for discussion within the UN System.¹² As such, it represents the normative center of the UN and its roles in the political, economic, humanitarian, social, and legal spheres can be summarized in three principal aspects: a generator of ideas, a place of international debate, and the nucleus of new concepts and practices.¹³ All these points will be further developed in the following sections of this overview. First, a brief explanation of the governance, structure, and membership of the General Assembly will be presented followed by an explanation of its mandate, functions, and powers. Before concluding, a discussion about current efforts and recent activities will offer a more contemporary perspective on work of the committee.

Governance, Structure and Membership

As outlined in the Charter, the GA is comprised of all 193 UN Member States.¹⁴ However, observer status can also be granted to intergovernmental organizations such as the African Union and states without full UN membership;

¹ *Charter of the United Nations*, 1945, Art. 7.

² New Zealand, *United Nations Handbook 2016-2017*, 2015, p. 23.

³ New Zealand, *United Nations Handbook 2016-2017*, 2015, p. 23.

⁴ New Zealand, *United Nations Handbook 2016-2017*, 2015, p. 23.

⁵ *Charter of the United Nations*, 1945, Art. 98.

⁶ Smith, *Politics and Process at the United Nations*, 2006, p. 161.

⁷ New Zealand, *United Nations Handbook 2016-2017*, 2015, p. 23.

⁸ Weis, *The United Nations and Changing World Politics*, 2004, p. 9.

⁹ Thakur, *The United Nations, Peace and Security*, 2006, p. 101.

¹⁰ UN General Assembly, *Establishment of a Commission to Deal with the Problem Raised by the Discovery of Atomic Energy (A/1/1)*, 1946.

¹¹ *Charter of the United Nations*, 1945, Art. 1.

¹² UN General Assembly, *General Assembly of the United Nations*, 2016.

¹³ Thakur, *The United Nations, Peace and Security*, 2006, pp. 91, 162; UN General Assembly, *Functions and Powers of the General Assembly*.

¹⁴ *Charter of the United Nations*, 1945, Art. 9.

currently the Holy See and the State of Palestine are the only two non-Member States with permanent Observer status.¹⁵ In the GA, each Member State has one equal vote.¹⁶

Since its 44th session in 1989, the GA is considered in session the entire year, but the most important time is the General Debate, which takes place from mid-September to the end of December and is called the “main part of the GA.”¹⁷ The remainder of the year is called the “resumed part of the GA;” during this time working group meetings take place and thematic debates are held.¹⁸ Except for decisions on important matters, votes in the GA require a simple majority and the majority of resolutions are adopted without a vote, illustrating the consensual nature of the GA.¹⁹

The six Main Committees receive substantive and organizational support from two important entities: the General Committee and the Department for General Assembly and Conference Management.²⁰ The General Committee is comprised of the President of the General Assembly and the 21 Vice-Presidents of the GA as well as the Chairpersons of all the six GA Main Committees; all positions are elected every session on a non-renewable basis.²¹ The General Committee’s main duty, besides making recommendations on organizational issues, is to deal with the agenda of the GA Plenary and its six Main Committees.²² After receiving a preliminary list of agenda items from the UN Secretariat, the General Committee allocates the different items to each Main Committee.²³ The Department for General Assembly and Conference Management acts as the intersection between the GA and the Economic and Social Council (ECOSOC), and also provides valuable technical secretariat support—mainly through its General Assembly and ECOSOC Affairs Division.²⁴ Within the UN Secretariat, various departments and offices offer both substantive and technical support to each of the six Main Committees, as well.²⁵

Mandate, Functions and Powers

The mandate of the GA is set in Chapter IV of the *Charter of the United Nations*; Article 11 requires the GA to address questions of international peace and security, and Article 13 mandates undertaking and studies and issues recommendations for the purpose of promoting international cooperation.²⁶ This mandate has evolved over time as the First Committee was formerly the Political and Security Committee, and the Fourth Committee previously dealt mainly with issues of trusteeship.²⁷ The growing range of issues facing the international community, however, led to a restructuring of the roles of the six Main Committees; this ultimately gave the First Committee its focus on disarmament and international security, and the Fourth Committee on special political and decolonization.²⁸ The mandate of the GA allows it to be a conduit for ideas that can become the driver of new policies and shared norms through discussion and debate.²⁹ This can be regarded as one of the main differences with the Security Council (SC).³⁰ The SC is more concerned with concrete threats to security such as ongoing conflicts, whereas the GA aims to create peace by forming habits of cooperation.³¹ In other words, while the SC can allow the use of force in the fight against terrorism and freeze assets to prevent illicit arms trade, the First Committee will work towards the development of international conventions to prevent terrorists from acquiring nuclear weapons and other WMDs.³² It

¹⁵ UN, *Non-member States*.

¹⁶ *Charter of the United Nations*, 1945, Art. 18.

¹⁷ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 14.

¹⁸ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 14.

¹⁹ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 63.

²⁰ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 17.

²¹ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 18.

²² Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 17.

²³ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 36.

²⁴ UN DGACM, *Functions of the Department*, 2016; Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 24.

²⁵ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 63-8.

²⁶ *Charter of the United Nations*, 1945, Art. 11, 13.

²⁷ Reaching Critical Will, *UN General Assembly First Committee*, 2016; UN DPI, *Feature: The UN General Assembly’s Fourth Committee – special political and decolonization issues*, 2013.

²⁸ UN General Assembly, *Revitalization of the Work of the General Assembly (A/RES/47/233)*, 1993.

²⁹ Thakur, *The United Nations, Peace and Security*, 2006, p. 10.

³⁰ Thakur, *The United Nations, Peace and Security*, 2006, p. 32.

³¹ Thakur, *The United Nations, Peace and Security*, 2006, p. 32.

³² Weis, *The United Nations and Changing World Politics*, 2004, p. 95.

is important to note, however, that the GA considers matters of international security only when the issue is not under the consideration of the SC.³³

The GA and its six Main Committees are the center of the UN System and represent its main deliberative, policymaking, and representative organs; their outcomes thus define new norms that can become treaties or conventions among UN Member States.³⁴ The GA provides a forum for multilateral discussions on a range of issues outlined in the Charter; specifically, Articles 10-22 detail the functions and powers of the body as follows:

- The GA is tasked with initiating studies and making recommendations to promote international cooperation in the political field; encouraging the development of international law; promoting the implementation of cultural, social, and human rights; and promoting fundamental freedoms free from discrimination.³⁵
- The GA “receives and considers reports” issued by “the other principal organs established under the [Charter of the United Nations] as well as reports issued by its own subsidiary bodies.”³⁶ The GA Plenary receives recommendations from the six Main Committees.³⁷ Once the recommendations are sent to the Plenary Committee, the Plenary then votes on whether to adopt the resolutions as presented.³⁸ Any decisions reached by the GA are non-binding in international law; however, their decisions have enacted actions that have affected millions of people around the world.³⁹
- Any of the six GA committees can recommend the GA Plenary address the functions or priorities of UN funds and programs.⁴⁰
- The GA can request the Secretary-General or other UN organs to issue a report to one of the Main Committees on a specified question such as the implementation of recommendations made by the GA.⁴¹

Main committees are capable of introducing resolutions that, in turn, can lead to the creation and funding of agencies or meetings as well as ad hoc committees or working groups that consider a particular question with the purpose of reporting to the GA.⁴² The GA Plenary must ratify resolutions adopted in main committees before they are put into effect.⁴³ It is important, thus, to remember that even when ratified by the Plenary, GA resolutions are not legally binding.⁴⁴ Only SC resolutions enacted under Article 7 of the Charter are legally binding.⁴⁵ Nonetheless, the consensus reached in the main committees often lead to more concrete initiatives at the UN.⁴⁶

Though less institutionalized than with ECOSOC, civil society organizations, and particularly non-governmental organizations, have an important relationship with the GA.⁴⁷ As such, they can be, and often are, invited to speak at the GA.⁴⁸ In the GA Plenary, civil society representatives can address the body if expressly mentioned in a

³³ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 13.

³⁴ UN General Assembly, *Functions and Powers of the General Assembly*.

³⁵ *Charter of the United Nations*, 1945, Art. 12; UN General Assembly, *Functions and Powers of the General Assembly*; UN General Assembly, *Statement by the Chairperson of the Fourth Committee (7 May)*, 2013.

³⁶ *Charter of the United Nations*, 1945, Art. 15; UN General Assembly, *Functions and Powers of the General Assembly*; UN General Assembly, *Statement by the Chairperson of the Fourth Committee (7 May)*, 2013.

³⁷ *Charter of the United Nations*, 1945, Art. 4; UN General Assembly, *Functions and Powers of the General Assembly*; UN General Assembly, *Statement by the Chairperson of the Fourth Committee (7 May)*, 2013.

³⁸ UN General Assembly, *Functions and Powers of the General Assembly*.

³⁹ UN General Assembly, *Functions and Powers of the General Assembly*; Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 13.

⁴⁰ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 20.

⁴¹ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, pp. 36, 47.

⁴² Weis, *The United Nations and Changing World Politics*, 2004, p. 161.

⁴³ UN General Assembly, *Functions and Powers of the General Assembly*.

⁴⁴ UN General Assembly, *Functions and Powers of the General Assembly*.

⁴⁵ *Charter of the United Nations*, 1945, Ch. VII.

⁴⁶ UN General Assembly, *Functions and Powers of the General Assembly*.

⁴⁷ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 31.

⁴⁸ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 31.

resolution.⁴⁹ For informal GA meetings, it is left to the Chair's discretion to give speaking time to representatives or invite them to deliver keynote speeches or panel discussions.⁵⁰

Recent Sessions and Current Priorities

On a biannual basis, the UN agrees upon and approves the *Priorities of the Organization*; the current eight priorities are:

- promotion of sustained economic growth and sustainable development
- maintenance of international peace and security
- development of Africa
- promotion of human rights
- effective coordination of humanitarian assistance
- promotion of justice and international law
- disarmament
- drug control, crime prevention, and combating international terrorism.⁵¹

The *Proposed strategic framework for the period 2016-2017*, which identifies long-term objectives and strategies of the GA and assigns entities to specific subprogrammes of the biennial plan, was adopted on 19 December 2014.⁵² During the current 70th session, the GA Plenary adopted a total of 292 resolutions, 223 by consensus, including those with and without a reference to a main committee.⁵³

Each year, the General Assembly holds special High-Level meetings on particular topics that are in need of immediate action, as well as occasional Special Sessions.⁵⁴ In September 2015, the Sustainable Development Summit was held at the UN Headquarters in New York, where the GA adopted the 17 Sustainable Development Goals (SDGs) as a follow-up to the expiring Millennium Development Goals (MDGs).⁵⁵ A large range of issues are included in the post-2015 development agenda as they relate to sustainable development, a key focus of the current session of the 70th session.⁵⁶ A Special Session on the World Drug Problem was also held from 19-21 April 2016, where world leaders gathered as a follow-up to the 2009 *Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem*, and as a result adopted an outcome document reaffirming their commitment to achieve their stated goals by 2019.⁵⁷

Conclusion

As a place where new ideas are shaped, the GA has the ability to introduce standards and norms to promote a more peaceful world.⁵⁸ The GA is the only UN organ with universal membership, and thus remains an important forum for global discussion on political, economic, humanitarian, social, and legal issues.⁵⁹ It is the responsibility of the GA Plenary to achieve new advancements towards the pursuit of friendly relations while continually seeking consensus in collaboration with the whole of the international community.

⁴⁹ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 31.

⁵⁰ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 31.

⁵¹ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 37; UN General Assembly, *Proposed Strategic Framework for the Period 2016-2017 (A/69/6)*, 2014.

⁵² UN General Assembly, *Proposed Strategic Framework for the Period 2016-2017 (A/69/6)*, 2014; UN General Assembly, *Programme planning*, 2014.

⁵³ UN General Assembly, *Resolutions: 70th session*, 2016.

⁵⁴ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, pp. 14, 80.

⁵⁵ UNDP, *Post-2015 Sustainable Development Agenda*, 2016.

⁵⁶ UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

⁵⁷ UN General Assembly, *About*, 2016; UN General Assembly, *Our joint commitment to effectively addressing and countering the world drug problem (A/RES/S-30/1)*, 2016.

⁵⁸ Thakur, *The United Nations, Peace and Security*, 2006, p. 162.

⁵⁹ UN General Assembly, *General Assembly of the United Nations*, 2016; Thakur, *The United Nations, Peace and Security*, 2006, pp. 91, 162; UN General Assembly, *Functions and Powers of the General Assembly*.

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New Zealand, Ministry of Foreign Affairs and Trade. (2015). *United Nations Handbook 2016-2017*. Retrieved 13 July 2016 from: https://mfat.govt.nz/assets/securedfiles/MFAT151-UN-Handbook_2015-16.pdf

This handbook, published by the Ministry of Foreign Affairs and Trade of New Zealand, is an attempt to contribute to the strengthening of information available to the international community on the UN system. It provides extensive information on the structure and membership as well the purpose of UN organs. As such, it represents the perfect introduction to the UN system as a whole for individuals less familiar with its complexity. Therefore, delegates should consider this a must-read during preparation for the conference.

Sciora R., & A. Stevenson. (2009). *Planet UN: The United Nations Confronting the Challenges of the 21st Century*. Geneva: Editions du Tricorne.

Inspired by the documentary Planet UN, this book offers an in-depth analysis of the role of the United Nations and its challenges for the 21st century. It gives special attention to three pillars: peace, development, and human rights. It also stresses the importance of the UN's ability to adapt itself to our changing world and to react to new threats such as terrorism or nuclear risks. An account of the genesis of the UN also allows delegates to understand how the UN was started with the intent of creating a system to maintain peace and security and to become the organization it is today. Furthermore, this book contains a series of testimonies of important personalities such as the last five Secretaries-General of the UN.

Switzerland, Permanent Mission to the United Nations. (2011). *The PGA Handbook: A practical guide to the United Nations General Assembly*. Retrieved 13 July 2016 from:

https://www.eda.admin.ch/content/dam/eda/en/documents/publications/InternationaleOrganisationen/Uno/UN-pga-handbook_en.pdf

This publication undertaken by the Permanent Mission of Switzerland to the UN is another contribution by a Member State of introductory information about the UN system. The General Assembly is a central focus of this handbook. A detailed description of its organization, structure, rules, and working methods can be found. Further providing information specific to all six Main Committees, this handbook offers a unique source of information to delegates to understand the work of the General Assembly and its place within the UN system.

Thakur, R. (2006). *The United Nations, Peace and Security*. Cambridge: Cambridge University Press. *Ramesh Thakur, a renowned commentator on the UN, examines the UN from a contemporary perspective and looks at it from new angles such as human security. The author's focus is on questions related to international peace and security. By doing so, he critically analyzes the use of force by the UN with the intention of making it more effective in the light of today's threats and with a particular focus on security and how it has evolved over the years and the role of the UN system including the General Assembly. His book is a valuable guide to the UN and will be of useful reading to delegates and offers an interesting perspective on international peace.*

Weis, T., et al. (2004). *The United Nations and Changing World Politics*. Boulder: Westview Press. *This book aims to provide a comprehensive understanding of international governance and the UN, human rights and humanitarian affairs, and building peace through sustainable development. While the authors outline the failures of collective security and the problems that the UN is facing when maintaining peace by military means, they address the role played by other UN entities such as the General Assembly in international security. As such, this book questions and analyzes how the international community governs itself by outlining its successes and failures. Delegates will find helpful reasoning in this book that can aid them while researching their topics and trying to find solutions in the context of the General Assembly First Committee.*

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I. The Elimination of Weapons of Mass Destruction

Introduction

Since the establishment of the United Nations (UN) in 1945, the General Assembly First Committee (GA 1) has had the authority to discuss the topic of the eradication of weapons of mass destruction (WMDs).⁶⁰ With the adoption of the first resolution, General Assembly resolution 1 of 1946 on the “Establishment of a Commission to Deal with the Problems Raised by the Discovery of Atomic Energy,” the United Nations Atomic Energy Commission was created.⁶¹ Weapons of mass destruction are comprised of weapons that have the ability to kill large numbers of people without making distinction between civilians, allies, and enemies.⁶² Weapons which are categorized as WMDs are nuclear or radiological weapons, biological or chemical weapons, or any kinds of underdeveloped devices the aim of which is to diminish millions of people.⁶³ Since the establishment of the UN, its mandate has been to eliminate nuclear weapons, destroy chemical weapons, and prohibit the use of chemical weapons regarding disarmament.⁶⁴ In order to understand the complex situation regarding WMDs that the global society faces today, it is essential to understand cooperation between the GA 1 and other UN organs such as the United Nations Disarmament Commission (UNDC) and the Conference on Disarmament (CD).⁶⁵ Although some conventions prohibiting WMDs have been established, WMDs such as nuclear weapons continue to pose a great threat to the international society because unlike biological and chemical weapons, there is no framework to completely ban states from possessing them.⁶⁶ Also, the threat of acquisition of WMDs by non-state actors (NSAs) has been a growing concern of the international community for the past couple of decades.⁶⁷ Furthermore, not only NSAs, but also states that have not ratified conventions on the prohibition or limitation of WMDs continue to be a key issue preventing a robust framework of disarmament from taking shape.⁶⁸

International and Regional Framework

Since the United States’ first testing of a nuclear bomb in Alamogordo, New Mexico, in the summer of 1945, international society has been struggling with the dilemma of restricting the use of atomic energy while at the same time diverting it into a useful source of energy.⁶⁹ In August 1945, the United States dropped nuclear bombs on Hiroshima and Nagasaki in Japan.⁷⁰ The earliest effort to regulate nuclear weapons and internationalize the use of atomic energy was seen in the Baruch Plan sponsored by the United States in 1946.⁷¹ It ultimately failed, however, and by 1964 four more countries had tested nuclear devices.⁷² The Geneva disarmament conference began composing a draft of the *Treaty on the Non-Proliferation of Nuclear Weapons* (NPT) in 1965, and it eventually was adopted, coming into effect in 1970.⁷³ Under the NPT, countries which exploded nuclear devices before 1 January 1967 (United States, Russia, United Kingdom, France, and China) are recognized as nuclear weapons states.⁷⁴ 191 states are party to the NPT, four states—India, Israel, Pakistan, and South Sudan—have never signed the treaty, and the Democratic People’s Republic of Korea (DPRK) declared secession from the treaty in 2013.⁷⁵ The NPT is essential in terms of prohibiting Member States from supplying or obtaining nuclear devices and further urges the pursuit of negotiations on effective international measures of completing disarmament.⁷⁶ In accordance with Article

⁶⁰ UNRCPD, *Weapons of Mass Destruction*, 2016.

⁶¹ UN General Assembly, *Establishment of a Commission to Deal with the Problems Raised by the Discovery of Atomic Energy (A/RES/1/1)*, 1946.

⁶² UNRCPD, *Weapons of Mass Destruction*, 2016.

⁶³ HG.org Legal Resources, *WMD Law - Weapons of Mass Destruction Law*, 2016.

⁶⁴ UN, *Global Issue: Disarmament*, 2016.

⁶⁵ UN General Assembly, *Disarmament and International Security: First Committee*, 2016.

⁶⁶ RCW, *Filling the Legal Gap: The Prohibition of Nuclear Weapons*, 2015.

⁶⁷ NTI, *UNSCR 1540 Resource Collection*, 2015.

⁶⁸ WMDC, *Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms*, 2006.

⁶⁹ United States, *Treaty on the Non-Proliferation of Nuclear Weapons*, 2010.

⁷⁰ BASIC, *The Nuclear Non-Proliferation Treaty (NPT): A briefing by BASIC*, 2015.

⁷¹ United States, *Treaty on the Non-Proliferation of Nuclear Weapons*, 2010.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ EPRS, *Nuclear Non-Proliferation Treaty (NPT): State of Play*, 2016, p. 4; CRS, *2010 Non-Proliferation Treaty (NPT) Review Conference: Key Issues and Implications*, 2010.

⁷⁵ Ibid.

⁷⁶ BASIC, *The Nuclear Non-Proliferation Treaty (NPT): A briefing by BASIC*, 2015.

8 of the NPT, a review conference has been convened every five years since 1975 for the state parties to discuss ways to strengthen implementation of the NPT.⁷⁷

The *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction* (Biological Weapons Convention) (BWC) (1971) was the first multilateral agreement that banned an entire category of weapons by prohibiting production, development, and stockpiling of biological and toxin weapons.⁷⁸ The convention urges the parties to dispose of any kinds of biological weapons that are prescribed in Article I within nine months of its coming into force.⁷⁹ As of 2016, the number of parties to the convention is 175.⁸⁰ Of the 21 states who are not party to the BWC, Egypt and Syria are special cases.⁸¹ Egypt and Syria have both signed the convention, but are not expected to ratify the convention in near future.⁸² Egypt has a politically unstable relationship with Israel due to its potential for possessing nuclear weapons, and as a result Egypt continually refuses to ratify the BWC.⁸³ Syria is confronting a civil war in addition to its unstable relationship with Israel, and officials have said they are prepared to use them against “external aggression.”⁸⁴ As a matter of fact, these two states are regarded as the main concern of the convention because other signatories or non-parties are generally considered to be conformists and do not currently have any biological weapons programs.⁸⁵ One reason why the remaining states have not signed the BWC is that the convention lacks effective compliance measures and a disproportionate number of developing states might be inadvertently restricted from accessing health sciences and biotechnology.⁸⁶

The history of regulating chemical weapons dates back to 1675, when France and Germany came to an agreement to prohibit the use of poisonous bullets.⁸⁷ Although several agreements were made throughout history, chemical weapons have nonetheless been used during wartime.⁸⁸ International society paid much attention to the cruelty of chemical weapons, which alone caused more than 100,000 fatalities and a million casualties during World War I.⁸⁹ The *Geneva Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and Bacteriological Methods of Warfare* (1925) was created as a result of witnessing the damage brought by the use of chemical weapons.⁹⁰ This protocol does not prohibit the development, production, or possession of chemical weapons, but rather only forbids the use of chemical and biological weapons in wars.⁹¹ It was not until 1997 that the *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction* (Chemical Weapons Convention) (CWC) was signed, which prohibited the development, production, acquisition, stockpiling, retention, transfer, or use of chemical weapons.⁹² The parties to the convention also agreed to disarm and dispose of any stockpiles of chemical weapons, as well as facilities that were involved in the production of chemical weapons and abandoned chemical weapons within their territories.⁹³ As of 2016, the CWC has 192 state parties, one state signatory that has yet to ratify the treaty, and three non-signatory states.⁹⁴

⁷⁷ NTI, *Treaty on the Non-Proliferation of Nuclear Weapons (NPT)*, 2015.

⁷⁸ UN General Assembly, *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (A/RES/2826 (XXVI))*, 1971; UNODA, *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, 2016.

⁷⁹ UN General Assembly, *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (A/RES/2826 (XXVI))*, 1971

⁸⁰ UNOG, *Latest Information: Latest News*, 2016.

⁸¹ UNOG, *Membership of the Biological Weapons Convention*.

⁸² UNBWC, *Report on universalization activities (BWC/MSP/2015/4)*, 2015.

⁸³ NTI, *Egypt: Biological*, 2015.

⁸⁴ CRS, *Syria's Chemical Weapons: Issues for Congress*, 2013.

⁸⁵ Beard, *The Shortcomings of Indeterminacy in Arms Control Regimes: The Case of the Biological Weapons Convention*, 2007.

⁸⁶ Ibid.

⁸⁷ OPCW, *Genesis and Historical Development*.

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² ACA, *The Chemical Weapons Convention (CWC) at a Glance*, 2015.

⁹³ OPCW, *Chemical Weapons Convention*; ACA, *The Chemical Weapons Convention (CWC) at a Glance*, 2015.

⁹⁴ UNODA, *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, 2016.

As a means to strengthen global security in terms of non-proliferation of nuclear weapons, Nuclear-Weapon-Free Zones (NWFZ) have been established by treaties arranged freely by states.⁹⁵ A NWFZ is a specified region where nuclear weapons are not manufactured, acquired, tested, or possessed by the states within the area.⁹⁶ Latin America and the Caribbean, the South Pacific, Southeast Asia, Africa, and Central Asia have established NWFZs by concluding treaties.⁹⁷ The framework of NWFZs was reaffirmed by General Assembly resolution 3472 (XXX) B of 11 December 1975, which states that NWFZs are defined as declared zones where nuclear weapons are not permitted, and where an international verification controls system is in place.⁹⁸ Furthermore, Mongolia's self-declared status of a NWFZ has been recognized through the adoption of General Assembly resolution 55/33 S of 12 January 2001.⁹⁹

Role of the International System

The General Assembly First Committee (GA1) is in charge of WMD disarmament and non-proliferation.¹⁰⁰ One of the landmark documents of this committee is General Assembly resolution 1378 (XIV) of 1959 on the matter of general and complete disarmament which was co-sponsored by all Member States.¹⁰¹ The potential of nuclear proliferation in the Middle East has been the major issue in GA 1 recently, as shown by the adoption of General Assembly resolution 49/78 on "The risk of nuclear proliferation in the Middle East" of 15 December 1994.¹⁰² Since then and up through the 70th session, the accession of Israel to the NPT has been regarded as vital to realizing the universality of the NPT in the Middle East.¹⁰³

The 1540 Committee was established by the UN Security Council (SC) to inspect the implementation of resolution 1540 of 28 April 2004.¹⁰⁴ At first its mandate lasted for only two years at a time; however, the SC gradually extended the mandate of the 1540 Committee and in 2011 renewed it for an additional 10 years.¹⁰⁵ In the face of numerous challenges in its implementation such as border control, limited resources, and the fact that some Member States with nuclear energy capabilities are more vulnerable to WMD proliferation than others, the 1540 Committee has outlined three principles at the core of the resolution to be highlighted: national discretion, cooperation, and assistance.¹⁰⁶ Since the resolution only presents items that states must refrain from doing, exactly how to implement resolution 1540 is left to states to decide.¹⁰⁷ Implementation of resolution 1540, including export and border controls, nuclear security and physical protection, prevention of terrorism financing, and other related activities are observed and verified through a system of report submissions by states.¹⁰⁸ While the 1540 Committee does not extend direct assistance, it does match available donors with potential recipients in an effort to effectively reallocate accessible resources to address this problem.¹⁰⁹

The International Atomic Energy Agency (IAEA) is responsible for fully implementing and closely working with state parties of the NPT.¹¹⁰ It is accountable for inspecting international safeguards and transferring nuclear technology into peaceful use under Article 3 of the IAEA Statute.¹¹¹ The IAEA's safeguards function as a prevention measure against diverting nuclear technology into nuclear armaments and as an early warning mechanism.¹¹²

⁹⁵ UNODA, *Nuclear-Weapon-Free Zones*, 2016.

⁹⁶ ACA, *Nuclear-Weapon-Free Zones (NWFZ) At a Glance*, 2015.

⁹⁷ Ibid.

⁹⁸ UN General Assembly, *Comprehensive study of the question of nuclear-weapons-free zones in all its aspects (A/RES/3472 B (XXX))*, 1975.

⁹⁹ UN General Assembly, *Mongolia's International Security and Nuclear-Weapon-Free Status (A/RES/55/33)*, 2001.

¹⁰⁰ NTI, *United Nations First Committee*, 2016.

¹⁰¹ UN General Assembly, *Disarmament and International Security: First Committee*, 2016; UN General Assembly, *General and complete disarmament (1378 (XIV))*, 1959.

¹⁰² UN General Assembly, *The risk of nuclear proliferation in the Middle East (A/RES/49/78)*, 1995.

¹⁰³ UN General Assembly, *The risk of nuclear proliferation in the Middle East (A/RES/70/70)*, 2015.

¹⁰⁴ NTI, *UNSCR 1540 Resource Collection*, 2015.

¹⁰⁵ UN 1540 Committee, *United Nations Security Council Resolution 1540 (2004)*, 2016.

¹⁰⁶ ACA, *A Work in Progress: UN Security Resolution 1540 After 10 Years*, 2014.

¹⁰⁷ Ibid.

¹⁰⁸ NTI, *UNSCR 1540 Resource Collection*, 2015.

¹⁰⁹ ACA, *A Work in Progress: UN Security Resolution 1540 After 10 Years*, 2014.

¹¹⁰ IAEA, *Key Roles*, 2014.

¹¹¹ Ibid.

¹¹² IAEA, *IAEA Safeguards Overview*, 2014.

Verification measures of safeguards consist of checking against states' reports and declared nuclear materials and experiments, which is conducted by installing surveillance techniques and cameras at designated IAEA safeguards facilities.¹¹³ Under Article 3 of the NPT, Non-Nuclear Weapon States (NNWS) are obligated to receive safeguards from the IAEA in accordance with the IAEA Statute and IAEA safeguard system, along with other bilateral or multilateral agreements.¹¹⁴ Each of the five Nuclear-Weapon States (NWS) accept voluntary safeguards by the IAEA.¹¹⁵

The United Nations Office for Disarmament Affairs (UNODA) was originally established on the recommendation of the GA's second special session on disarmament.¹¹⁶ It promotes disarmament and non-proliferation of nuclear, biological, and chemical weapons, as well as in the area of conventional weapons such as landmines and small arms.¹¹⁷ UNODA also functions as a norm-setting body in the area of disarmament in cooperation with the GA 1, the UN Disarmament Commission (UNDC), the Conference on Disarmament (CD), and other bodies.¹¹⁸ It promotes disarmament measures based on dialogue, transparency, and confidence-building on military matters, and encourages regional disarmament efforts.¹¹⁹

Use of WMDs by State and Non-State Actors

Use of Chemical Weapons by States

There have been several cases of states using chemical weapons against civilians. The most recent and high-profile incident occurred in 2012, when Syria officially acknowledged that it possessed chemical weapons.¹²⁰ United States officials subsequently confirmed their government was aware that Syria kept stores of mustard gas and nerve agents such as sarin.¹²¹ The majority of attacks using chemical weapons during the Syrian civil war were said to have been organized by the government of Bashar al-Assad.¹²² The most devastating attack involved the use of sarin gas and was carried out in an agricultural area near Damascus, killing more than 1,000 civilians.¹²³ Two other examples occurred in the 1980s when Iraq used them during their war against Iran, and again in 1988 against Kurdish residents of Halabja in Iraq.¹²⁴ The latter example which involved mustard gas and nerve agents drew much international attention at the time of the CWC negotiations in Geneva.¹²⁵

Use of Chemical Weapons by Non-State Actors

Acquisition of WMDs by non-state actors (NSAs) has been a major concern of the international society since the sarin gas attacks on the Tokyo subway in 1995 and the terrorist attacks of September 11, 2001.¹²⁶ NSAs are defined as individuals or entities that do not act lawfully under any state, in this case specifically terrorists with a desire to use WMDs.¹²⁷ The proliferation and illicit transfer of nuclear weapons technology led by Pakistan's Dr. A.Q. Khan was another factor that urged Member States including the United States to supplement measures to prevent proliferation of WMDs by NSAs.¹²⁸ Taking these concerns into account, the SC adopted resolution 1540 of 28 April 2004, which called upon states to implement measures and strengthen multilateral cooperation to prevent NSAs from acquiring WMDs and related materials.¹²⁹

¹¹³ IAEA, *IAEA Safeguards Overview*, 2014.

¹¹⁴ NPT, *Activities of the International Atomic Energy Agency relevant to article III of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.2015/13)*, 2015.

¹¹⁵ Ibid.

¹¹⁶ UNODA, *About Us*, 2016.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ ACA, *Timeline of Syrian Chemical Weapons Activity*, 2015.

¹²¹ Ibid.

¹²² The Guardian, 'Almost 1,500 killed in chemical weapons attacks' in Syria, 2016.

¹²³ Ibid.

¹²⁴ OPCW, *Brief History of Chemical Weapons Use*.

¹²⁵ Ibid.

¹²⁶ NTI, *UNSCR 1540 Resource Collection*, 2015; CRS, *Chemical Weapons: A Summary Report of Characteristics and Effects*, 2013.

¹²⁷ UN Security Council, *Non-proliferation of weapons of mass destruction (S/RES/1540 (2004))*, 2004.

¹²⁸ NTI, *UNSCR 1540 Resource Collection*, 2015.

¹²⁹ Ibid.

The most recent example of chemical weapons being used by a NSA is the Islamic State (IS). In June and July 2015, IS reportedly attacked Kurdish fighters on at least three separate occasions with homemade chemical warfare shells.¹³⁰ IS is also aiming to eventually create a nuclear weapon, as evidenced by their theft of almost 90 pounds (40 kilograms) of low-enriched uranium from the Mosul University in Iraq.¹³¹ Other groups also have shown strong motivation to supply IS and other NSAs with nuclear material, a prominent example being the 2015 Associated Press investigation into several attempts by criminal organizations to sell radioactive material to extremists via Moldova; there was even one example of an attempt to sell weapons-grade uranium to an actual buyer located in the Middle East, “the first known case of its kind.”¹³²

Nuclear Weapons and Disarmament

2015 NPT Review Conference

In the 9th NPT Review Conference on 22 May 2015, states were unable to reach a consensus on an outcome document due to the rejection of a proposed draft resolution by the United States, Canada, and the United Kingdom.¹³³ The reason for their rejection was the diverging views they held concerning the establishment of a Middle East WMD-free zone (MEWMDFZ).¹³⁴ Egypt had proposed to hold a regional conference convened by the UN Secretary-General to ban WMDs in the Middle East, focusing on the nuclear program of Israel.¹³⁵ The United States’ Under Secretary for Arms Control and International Security, Rose Gottemoeller, stated that this was incompatible with their long-standing policies, referencing United States’ strong relationship with Israel.¹³⁶ At the same time, some 160 state parties endorsed the idea of “humanitarian initiatives,” underscoring the impact of nuclear detonations on the human body, and thus advocated to include phrases such as “humanitarian consequences” in the final document.¹³⁷ NWS, however, are taking actions contrary to this movement, stating that there is no urgent need for disarmament.¹³⁸ The failure of the 2015 NPT Review Conference is considered to be a lost opportunity for establishing a strengthened disarmament framework, especially because the year 2015 is universally regarded as a cornerstone of the non-proliferation regime.¹³⁹ Among the nine NPT review conferences held thus far, four of them—1980, 1990, 2005, and 2015—have failed to reach a consensus.¹⁴⁰

Nuclear Weapons Convention

Since the end of the Cold War, there have been various initiatives seeking to eliminate nuclear weapons.¹⁴¹ As a result, the UN began to evaluate the feasibility of a Nuclear Weapons Convention.¹⁴² First, in 1997, Costa Rica submitted a model of the Nuclear Weapons Convention (NWC) draft resolution composed by a group largely made up of lawyers, scientists, and former diplomats.¹⁴³ In 2007, an updated draft of the NWC was submitted by Costa Rica and Malaysia.¹⁴⁴ On 6 August 2010 at the Hiroshima Peace Memorial Ceremony, Secretary-General Ban Ki-moon stressed the importance of outlawing and abolishing nuclear weapons and urged all states to follow his Five-Point Proposal as well as start negotiations among states on the NWC.¹⁴⁵ The Five-Point Proposal states the obligation of NPT parties, emphasizing the need for NWS to undertake negotiations on nuclear disarmament, and particularly begin discussing the matter of NWC, an updated draft of which was circulated by the Secretary-General

¹³⁰ Immenkamp, *ISIL/Da'esh and 'non-conventional' weapons of terror*, 2015; MSF, *Syria: MSF treats patients with symptoms of exposure to chemical agents*, 2015; NYT, *ISIS Has Fired Chemical Mortar Shells, Evidence Indicates*, 2015.

¹³¹ NATO Review Magazine, *Could ISIL go nuclear?*, 2015.

¹³² AP, *AP INVESTIGATION: Nuclear black market seeks IS extremists*, 2015.

¹³³ Meier, *The 2015 NPT Review Conference Failure: Implications for the Nuclear Order*, 2015.

¹³⁴ *Ibid.*

¹³⁵ ORF, *2015 NPT Review Conference ends without an Outcome Document*, 2015.

¹³⁶ *Ibid.*

¹³⁷ ACA, *The 2015 NPT Review Conference and the Future of the Nonproliferation Regime*, 2015.

¹³⁸ *Ibid.*

¹³⁹ *Ibid.*

¹⁴⁰ *Ibid.*

¹⁴¹ NTI, *Proposed Nuclear Weapons Convention (NWC)*, 2016.

¹⁴² *Ibid.*

¹⁴³ *Ibid.*

¹⁴⁴ *Ibid.*

¹⁴⁵ UN News Centre, *Achieving nuclear-weapon-free world is possible, Ban tells Hiroshima ceremony*, 2010.

at the request of Costa Rica and Malaysia.¹⁴⁶ The NWC is designed to supplement the NPT and Comprehensive Test Ban Treaty (CTBT) with the objectives of prohibition of development, testing, production, stockpiling, transfer, use, and threat of use of nuclear weapons, as well as obliging the five NWS to destroy their nuclear devices through a series of phases.¹⁴⁷ The NWC is currently being discussed at proceedings of the CD.¹⁴⁸

Democratic People's Republic of Korea: Nuclear Testing and Proliferation

The DPRK has conducted four underground nuclear tests as of 2016 despite diplomatic efforts and international pressure and condemnation.¹⁴⁹ In addition, the DPRK is thought to have proliferated nuclear and missile technology abroad, as well as increase its stockpile of nuclear material through uranium enrichment and plutonium production programs.¹⁵⁰ The Six-Party Talks with China, Japan, DPRK, Russia, Republic of Korea, and the United States were established in 2003 as a multilateral forum to achieve the denuclearization of the DPRK.¹⁵¹ However, they have not met since 2008, and the DPRK continues to prioritize nuclear arms as an integral part of its national identity.¹⁵²

On 6 January 2016, the DPRK announced the success of another test of a thermonuclear device at the Punggye-ri Nuclear Test Site.¹⁵³ Nuclear policy leaders in the Asia-Pacific publicly condemned this fourth nuclear test conducted by the DPRK at the Asia-Pacific Leadership Network (APLN) held in the Republic of Korea in May 2016.¹⁵⁴ The core issues in the Asia-Pacific region remain the proliferation of nuclear and ballistic missiles, increasing numbers of nuclear weapons in the Asia-Pacific, and heavy reliance on NWS to secure nuclear deterrence.¹⁵⁵ Despite the Asia-Pacific region's unmatched nuclear presence, the topic of nuclear disarmament often has been neglected at multilateral meetings of regional political leaders.¹⁵⁶ Five major resolutions have been adopted by the SC to discourage development of nuclear weapons by the DPRK since 2006, instituting the inspection of cargo of the DPRK within states' territories, calling upon the DPRK to return to Six-Party Talks, as well as demanding that they rejoin the NPT.¹⁵⁷ The United States also individually imposed sanctions on the DPRK in July 2016, which branded Kim Jong-Un and other officers as human rights abusers.¹⁵⁸

Conclusion

Although the international society has made much progress in disposing of biological and chemical weapons, more needs to be done in regards to the disposal of nuclear weapons and material in order to achieve the goal of eliminating all kinds of Weapons of Mass Destruction. Particularly the right of states in the Middle East to establish nuclear-weapon free zones needs to be ensured by all Member States, especially by the five nuclear weapon states. While taking gradual additional steps towards a world free from nuclear weapons, how to deal with the disturbance of peace exhibited by the Democratic People's Republic of Korea is a major challenge the UN faces today. As the international society faces the threat of non-state actors' acquisition and application of WMDs, further efficient measures must be also considered. Furthermore, in addition to full implementation of each WMD convention, universality should be also achieved so as to ease the tension among states and prevent any inhumane or destabilizing acts.

Further Research

The General Assembly should field solutions that would prevent non-state actors from acquiring any kinds of weapons of mass destruction, continue to destroy biological and chemical weapons, and further enhance the draft

¹⁴⁶ UNODA, *The Secretary-General's five point proposal on nuclear disarmament "The United Nations and security in a nuclear-weapon-free world,"* 2016; UN General Assembly, *A Legal Instrument for the Prohibition and Elimination of Nuclear Weapons (A/AC.286/NGO/12)*, 2016.

¹⁴⁷ NTI, *Proposed Nuclear Weapons Convention (NWC)*, 2016.

¹⁴⁸ Ibid.

¹⁴⁹ Wertz & McGrath, *Issue Brief: North Korea's Nuclear Weapons Program*, 2016.

¹⁵⁰ Ibid.

¹⁵¹ ICG, *North Korea: Beyond the Six-Party Talks*, 2015.

¹⁵² Ibid.

¹⁵³ NTI, *North Korea: Nuclear*, 2016.

¹⁵⁴ APLN, *Co-conveners' Statement for the Jeju Annual Meeting*, 2016.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

¹⁵⁷ ACA, *UN Security Council Resolutions on North Korea*, 2016.

¹⁵⁸ Ibid.

NWC that prohibits the development, testing, production, transfer, use, and threat of use of nuclear weapons by all parties. How can the Chemical Weapons Convention and Biological Weapons Convention be implemented best in order to fully destroy weapons stockpiles? What could each Member State do to encourage the end of nuclear testing by the Democratic People's Republic of Korea? What kinds of steps could Member States take in order to realize a Nuclear Weapons Convention? What are the ways that Member States, particularly those in the Middle East, could take to fully establish a Middle East weapons of mass destruction-free zone?

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<https://www.lloyds.com/~media/files/news%20and%20insight/risk%20insight/2016/cbrn.pdf>

This risk report by Chatham House commissioned by Lloyd's investigates emerging trends and risk factors of NSAs obtaining chemical, biological, radiological, and nuclear (CBRN) weapons. It assesses the capability and intent of each WMD, and also how to manage risks and be resilient to CBRN attacks. Since this report assesses terrorist threats, probability of use, and where such WMDs might be used, it guides delegates in coming up with solutions needed to combat those kinds of situations the international society faces today. This report also provides case scenarios of possible CBRN attacks, making it easier for delegates to imagine what those attacks would be like in reality.

Reaching Critical Will. (2015). *Filling the Legal Gap: The Prohibition of Nuclear Weapons*. Retrieved 22 July 2016 from: <http://www.article36.org/wp-content/uploads/2015/05/A36-RCW-gaps-table-updated.pdf>

This document by Reaching Critical Will offers a brief summary of legal gaps that must be filled with regards to the non-proliferation of nuclear weapons. It describes how the current NPT regime does not completely prohibit development, production, testing, transfer, acquisition, transit, stockpiling, deployment, use, or threat of use of nuclear weapons, as well as assistance, financing, encouragement, or inducement of these activities. It is especially useful in terms of analyzing the gaps that exist in various kinds of existing laws regard to non-proliferation of nuclear weapons. Delegates will find this document helpful by being able to understand the existing gaps of each element of the laws when developing ideas for how to regulate and eventually eliminate nuclear weapons

The Cipher Brief. (2016). *Non-State Actors*. Retrieved 30 May 2016 from: <https://thecipherbrief.com/article/non-state-actors>

This expert commentary focuses on the use of WMDs by NSAs, one of the major threats the international community faces today. It describes how NSAs, especially the Islamic State, have developed and obtained WMDs by successfully removing low-enriched uranium and employing chlorine and mustard gas. It underlines how an increase in global digital interconnectivity can lead to industrial plants becoming vulnerable to terrorist attacks. Delegates will find this website helpful when learning how NSAs are developing and obtaining WMDs. This source is a brief but useful read for delegates in learning about the current state of affairs with regards to WMD acquisition by WMDs.

United Nations, Institute for Disarmament Research. (2016). *A Prohibition on Nuclear Weapons: A Guide to the Issues* [Report]. Retrieved 30 May 2016 from: <http://www.unidir.org/files/publications/pdfs/a-prohibition-on-nuclear-weapons-a-guide-to-the-issues-en-647.pdf>

This study issued by UNIDIR examines the differences and characteristics between the CTBT, which has not yet come into effect, the NPT, and the NWC. It also explains the possible ways of achieving a nuclear-free world by classifying possible elements of prohibition and obligation for eliminating nuclear weapons. Understanding that the international society confronts such elements based upon the idea of humanitarian consequences guides delegates in assessing what needs to be discussed currently. This study is recommended to delegates who wish to explore different approaches of prohibition, obligations, and miscellaneous elements in eliminating nuclear weapons.

Wertz, D. & M. McGrath. (2016). *Issue Brief: North Korea's Nuclear Weapons Program*. Retrieved 24 May 2016 from: <http://www.ncnk.org/resources/publications/DPRK-Nuclear-Weapons-Issue-Brief>

This report issued by The National Committee on North Korea assesses the DPRK's recent trend of developing nuclear weapons. This source provides specific analysis on how DPRK has been reinforcing their small nuclear arsenals through plutonium programs, enriching uranium, and testing. Delegates should use this source to take into account recent nuclear tests conducted by DPRK and its significance for both the Asia-Pacific region and the international society as a

whole. It also gives useful and relevant details on the posture and intended future goals of DPRK on nuclear weaponization, allowing delegates to look toward the future on this issue's development.

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II. Implementing the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in the Asia-Pacific Region

Introduction

Most conflicts occurring in the world today are not fought with advanced weaponry and vehicles, but rather the approximately 875 million small arms and light weapons (SALW) currently in circulation.¹⁵⁹ Some of these weapons end up being obtained by criminals and terrorists and are used to perpetrate violent acts against states and their citizens.¹⁶⁰ While Article 51 of the *Charter of the United Nations* (1945) declares the right of states to an armed defense in the event of an attack, the presence of illicit SALW in societies weakens the rule of law and sows instability, thereby paving the way for human rights violations and creating a huge obstacle to development.¹⁶¹ Even since the end of World War II the Asia-Pacific region has been plagued by large-scale conflict, leaving behind weapons and ammunition from battles and other troop presences.¹⁶² This in combination with ongoing sectarian conflicts and localized guerilla operations, organized crime, and drug trafficking has resulted in the enlargement of the illicit trade in SALW, especially in Africa and South and Southeast Asia.¹⁶³

There is currently no wholly accepted definition for SALW on an international level.¹⁶⁴ However, the general consensus, as put forth in key reports on the matter, is that small weapons are chiefly designed to be operated by a single individual, and can include revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles, and light machine guns.¹⁶⁵ Light weapons, commonly operated by two or three individuals with some feasibly able to be operated alone, include heavy machine-guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of calibers less than 100 mm.¹⁶⁶

The international community's two largest responses to this problem have been the *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* (PoA SALW) (2001) and the *Arms Trade Treaty* (ATT) (2013).¹⁶⁷ An array of conventions, treaties, and protocols has also been adopted over the past several decades, attempting to curb the illicit trade in SALW.¹⁶⁸ The main actors involved in creating and enforcing these norms include the General Assembly First Committee (GA 1), the Security Council, the Secretary-General, the United Nations Office for Disarmament Affairs (UNODA), and the United Nations Office on Drugs and Crime (UNODC).¹⁶⁹ Remaining obstacles to the PoA's implementation, as well as the hindering of regional cooperation in the Asia-Pacific aimed at this implementation, are two additional areas that merit further exploration for the advancement of work on this issue.¹⁷⁰

¹⁵⁹ UNODA, *Fact Sheet*, 2013; Small Arms Survey, *Stockpiles*.

¹⁶⁰ Permanent Mission of France to the UN in NY, *Small arms are by far the most lethal weapons in the world: Small arms and light weapons - Statement by Mr. François Delattre, Permanent Representative of France to the United Nations - Security Council - 13 May 2015*, 2015.

¹⁶¹ *Charter of the United Nations*, 1945, Art. 51; Permanent Mission of France to the UN in NY, *Small arms are by far the most lethal weapons in the world: Small arms and light weapons - Statement by Mr. François Delattre, Permanent Representative of France to the United Nations - Security Council - 13 May 2015*, 2015.

¹⁶² UNRCPD, *Programme of Action*, 2016.

¹⁶³ UNRCPD, *Programme of Action*, 2016; Nagayoshi, Personal Interview, 2016.

¹⁶⁴ Small Arms Survey, *Definitions of Small Arms and Light Weapons*.

¹⁶⁵ UN General Assembly, *General and Complete Disarmament--Small Arms: Note by the Secretary-General (A/52/298)*, 1997; UN PoA-ISS, *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, 2005.

¹⁶⁶ UN General Assembly, *General and Complete Disarmament--Small Arms: Note by the Secretary-General (A/52/298)*, 1997; UN PoA-ISS, *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, 2005.

¹⁶⁷ UNRCPD, *Conventional Weapons*, 2016.

¹⁶⁸ UN General Assembly, *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/15)*, 2001; UN General Assembly, *Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects*, 1980.

¹⁶⁹ UNODA, *Small Arms*, 2016; UNODC, *Overview of the Work of UNODC in relation to Organized Criminal Activities*, 2016.

¹⁷⁰ UNRCPD, *Conventional Weapons*, 2016; UN PoA-ISS, *Brokering Controls*, 2016; UN PoA-ISS, *International Assistance*, 2016.

International and Regional Framework

2000 and 2001 were hugely significant years for the issue of SALW. In November 2000, the GA 1 adopted the *United Nations Convention Against Transnational Organized Crime* (Organized Crime Convention), followed shortly by the addition of its third protocol, the *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime* (Firearms Protocol) (2001).¹⁷¹ The Firearms Protocol put forth specific recommendations such as: criminalizing illicit manufacturing and trafficking firearms, marking weapons, components, and ammunition, keeping and maintaining records of firearms for tracing purposes, setting up strict customs regulations for their trade or transfer, encouraging cooperation at every level (particularly through a single, designated point of contact for each state regarding these issues), and finally, instituting required registration and licensing of brokers within states' borders.¹⁷² The protocol entered into force in 2005, thereby becoming the first legally binding international instrument regarding SALW.¹⁷³ As of June 2016, 114 states are party to the Firearms Protocol, 13 of which are located in the Asia-Pacific region.¹⁷⁴

Following a successful conference in July 2001, the GA 1 adopted the PoA SALW by consensus in December, the first major international instrument solely dedicated toward curbing the illicit SALW trade.¹⁷⁵ Although developed essentially simultaneously with the Firearms Protocol, the PoA is not a treaty; it is a political commitment by states and therefore not legally binding.¹⁷⁶ It proposes recommended actions to be taken that would significantly help ameliorate the negative impacts of SALW at the national, regional, and global levels, addressing the several tiers of the issue.¹⁷⁷ The PoA SALW's work is primarily accomplished via three types of meetings—Biennial Meetings of States (BMS), Meetings of Governmental Experts (MGE), and Review Conferences.¹⁷⁸ Since the adoption of the PoA, BMSs were held in 2008, 2010, 2014, and 2016; MGEs were held in 2011 and 2015; Review Conferences were held in 2006 and 2012.¹⁷⁹ One helpful byproduct of the PoA is the “International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,” also known as the International Tracing Instrument (ITI), which was initiated in 2005.¹⁸⁰ As it is a component of the PoA, the ITI also is not legally binding, but does provide a valuable pact through which states are able to commit to mark, trace, and rapidly share information about illicit SALW in coordination with one another.¹⁸¹

¹⁷¹ UNODC, *United Nations Convention against Transnational Organized Crime and the Protocols Thereto*, 2016; UN General Assembly, *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (A/RES/55/255)*, 2001.

¹⁷² UN General Assembly, *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (A/RES/55/255)*, 2001.

¹⁷³ UN PoA-ISS, *Firearms Protocol*.

¹⁷⁴ UN Treaty Collection, *12.c Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime*, 2016; UN Review of the Implementation of the Organized Crime Convention, *Status of adherence to the United Nations Convention against Transnational Organized Crime and the Protocols thereto as at 10 September 2014 (CTOC/COP/2014/CRP.1)*, 2014.

¹⁷⁵ UN General Assembly, *General and complete disarmament: The illicit trade in small arms and light weapons in all its aspects (A/RES/56/24V)*, 2001.

¹⁷⁶ UNODC, *Comparative Analysis of Global Instruments on Firearms and other Conventional Arms: Synergies for Implementation*, 2016.

¹⁷⁷ UN General Assembly, *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/15)*, 2001; UNODC, *Comparative Analysis of Global Instruments on Firearms and other Conventional Arms: Synergies for Implementation*, 2016.

¹⁷⁸ UNRCPPD, *Programme of Action*, 2016.

¹⁷⁹ UNRCPPD, *Programme of Action*, 2016; Reaching Critical Will, *UN Programme of Action on small arms and light weapons*, 2016.

¹⁸⁰ UN PoA-ISS, *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, 2005.

¹⁸¹ UNODC, *Comparative Analysis of Global Instruments on Firearms and other Conventional Arms: Synergies for Implementation*, 2016; UN PoA-ISS, *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, 2005.

The ATT is the first and only universal legally-binding agreement that regulates conventional arms, and is therefore one of the most important international instruments on SALW.¹⁸² The ATT was adopted in 2013 after close to seven years of negotiations, and entered into force in December 2014.¹⁸³ As of June 2016, 82 states are party to the ATT.¹⁸⁴ Importantly, only three of these states—Japan, Samoa, and Tuvalu—are located in the Asia-Pacific region.¹⁸⁵ One major requirement of the ATT is that states “establish and maintain a national control system for the export, import, transit, and trans-shipment of and brokering activities related to the eight categories of conventional arms covered by the ATT, as well as exports of related ammunition/munitions and of parts and components as defined in the Treaty.”¹⁸⁶ States are then bound to enforce national laws to implement the treaty, give annual reports to the Secretariat, and cooperate internationally to facilitate the effective implementation of the treaty elsewhere.¹⁸⁷

Within the array of framework and instruments aimed at curbing the illicit SALW trade, regional initiatives which make it the focus are rare, especially in the Asia-Pacific region. In April 2016, the Conference on Interaction and Confidence Building Measures in Asia (CICA) released their “Declaration of the Fifth Meeting of the Ministers of Foreign Affairs,” Article 15 of which addresses the issue of SALW.¹⁸⁸ This is simply one small piece of the overall focus of the declaration, but SALW is nonetheless mentioned in the organization’s top five priorities for its “Cooperative Approach for the Implementation of the CICA Confidence Building Measures.”¹⁸⁹ With only three Asia-Pacific states party to the legally-binding ATT, targeted regional framework potentially affords an efficient path toward reducing the illicit SALW trade in that region.¹⁹⁰

Role of the International System

The General Assembly First Committee has been specifically addressing the issue of SALW for approximately two decades now, dating back to resolution 50/70 of 1996 that requested the Secretary-General to establish a Panel of Government Experts on Small Arms.¹⁹¹ The resulting 1997 report by the Secretary-General (A/52/298) ended up providing the first broad definition of SALW for the international community, still largely the commonly accepted definition today for the PoA and the ATT.¹⁹² One recent General Assembly resolution, 70/49 of 2015, calls for building on the progress made toward implementing PoA in the BMSs, MGEs, and Review Conferences, including, notably, more regional meetings ahead of the next BMS and Review Conference, and recognizing the need for increased adoption and maintenance of national controls.¹⁹³

While the GA 1 sets norms on SALW such as adopting the PoA, the Security Council (SC) also plays a role by helping enforce those norms. In Security Council resolution 2220 of 2015, for example, the SC stated its intention to strengthen arms embargoes’ monitoring mechanisms where needed in order to help stem the flow of illicit SALW.¹⁹⁴ Additionally, the SC urged “full and meaningful participation” of women in policymaking and implementation of SALW measures, as well as requested the Secretary-General to include more comprehensive information in his country-specific reports to the SC on SALW with regards to women, children, refugees, internally displaced

¹⁸² UNODC, *Comparative Analysis of Global Instruments on Firearms and other Conventional Arms: Synergies for Implementation*, 2016; Nagayoshi, *Arms Trade Treaty: The State of Play and Way Forward*, 2015.

¹⁸³ *Ibid.*

¹⁸⁴ UNODA, *ATT: Status of ratifications and accessions*, 2016.

¹⁸⁵ *Ibid.*

¹⁸⁶ UNODC, *Comparative Analysis of Global Instruments on Firearms and other Conventional Arms: Synergies for Implementation*, 2016.

¹⁸⁷ *Ibid.*

¹⁸⁸ CICA, *Declaration of the Fifth Meeting of the Ministers of Foreign Affairs of the Conference on Interaction and Confidence Building Measures in Asia: Promoting Peace, Security, Stability and Sustainable Development in Asia Through Dialogue*, 2016.

¹⁸⁹ CICA, *Declaration of the Fifth Meeting of the Ministers of Foreign Affairs of the Conference on Interaction and Confidence Building Measures in Asia: Promoting Peace, Security, Stability and Sustainable Development in Asia Through Dialogue*, 2016; CICA, *New Challenges and Threats (Terrorism, money laundering, drug trafficking, human trafficking)*, 2014.

¹⁹⁰ UNODA, *ATT: Status of ratifications and accessions*, 2016.

¹⁹¹ Security Council Report, *UN Documents for Small Arms*, 2016.

¹⁹² UN General Assembly, *Report of the Panel of Governmental Experts on Small Arms (A/52/298)*, 1997.

¹⁹³ UN General Assembly, *The illicit trade in small arms and light weapons in all its aspects (A/RES/70/49)*, 2015.

¹⁹⁴ UN Security Council, *Small arms (S/RES/2220)*, 2015.

persons, and so on.¹⁹⁵ The Secretary-General is also responsible for producing biennial reports on SALW for the SC, the latest of which (S/2015/289) was released in April 2015.¹⁹⁶

The UNODA has a large role to play in the issue of SALW, especially the PoA and ITI.¹⁹⁷ Importantly for this topic, the UNODA's Regional Disarmament Branch operates three regional centres for disarmament in Africa, Latin America, and the Asia-Pacific.¹⁹⁸ The UNODA's Conventional Arms Branch provides substantive conference support for the PoA, ATT, and the UN transparency registers, and also acts as chair of the UN's internal mechanism Coordinating Action on Small Arms (CASA).¹⁹⁹ CASA is made up of over 20 UN entities that all work toward the end of halting the illicit trade and spread of SALW.²⁰⁰ CASA developed its International Small Arms Control Standards (ISACS) by modelling them on "the standards the UN has developed in the areas of mine action and disarmament, demobilization and reintegration," aimed at supplying relevant actors with comprehensive and understandable guidelines for international small arms control.²⁰¹ Also important to furthering the goal of combating illicit SALW trading is the UN Register of Conventional Arms, maintained by the UNODA.²⁰² The Register was created in 1991 to increase transparency in armaments transactions, and in 2003 SALW was added to its lists of categories.²⁰³ Transparency in this area has the ability to monitor what type of effect SALW have on a given region and consequently inform decision makers on how best to move forward.²⁰⁴

The UNODC is responsible for supporting the implementation of the Organized Crime Convention and its three protocols.²⁰⁵ In this capacity, the UNODC has developed supplementary technical guidelines for the Firearms Protocol, as well as a "Model Law against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition," to assist states with specific language and suggestions for how exactly the protocol can be implemented on a national level.²⁰⁶ Finally, the United Nations Institute for Disarmament Research (UNIDR) is a voluntarily-funded independent organization of the UN that works on and promotes solutions to and ideas on disarmament issues.²⁰⁷ The UNIDR supplies reports, studies, recommendations, and expert opinions on all types of disarmament and is a leading resource for decision-makers, academics, and the private sector in the field of disarmament.²⁰⁸

Civil society actors are important contributors to both SALW in general and specifically the PoA. The International Committee of the Red Cross (ICRC) plays a prominent role in promoting and developing laws that regulate all types of weapons, including SALW.²⁰⁹ The ICRC's principal mission is to advocate for international humanitarian law in all its aspects, and has been doing so at the UN since 1990 in its status as observer entity, including in the SC, the GA 1, and even the Fifth BMS to Consider the Implementation of the PoA.²¹⁰ Small Arms Survey (SAS) is another Geneva-based civil society leader that is specifically focused on SALW, creating precise, detailed, and useful country and regional research, data, case studies, and other publications.²¹¹ One of SAS's main projects is their annual report *Small Arms Survey* that reviews SALW issues around the world such as production, stockpiles, brokering, legal and illicit arms transfers, and national, bilateral, and international measures aimed at problems

¹⁹⁵ UN Security Council, *Small arms (S/RES/2220)*, 2015.

¹⁹⁶ UN Security Council, *Small arms and light weapons: Report of the Secretary-General (S/2015/289)*, 2015.

¹⁹⁷ UNODA, *About Us*; UN ODA, *Small Arms*, 2016; UN RCPD, *Programme of Action*, 2016.

¹⁹⁸ UNRCPD, *About UNRCPD*, 2016.

¹⁹⁹ UNODA, *UNODA Structure*.

²⁰⁰ UN CASA, *About ISACS*.

²⁰¹ *Ibid.*

²⁰² UNODA, *UN Register of Conventional Arms*, 2016.

²⁰³ *Ibid.*

²⁰⁴ *Ibid.*

²⁰⁵ UNODC, *Organized Crime*, 2016.

²⁰⁶ UN PoA-ISS, *Firearms Protocol*; UNODC, *Model Law against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition*, 2014; UNODC, *Legislative Guide for the Implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Organized Crime*.

²⁰⁷ UNIDR, *The Institute*, 2016.

²⁰⁸ *Ibid.*

²⁰⁹ ICRC, *Weapons*, 2016.

²¹⁰ ICRC, *Relations of the ICRC with the humanitarian system of the UN*, 2005; ICRC, *ICRC Statement on the implementation of the UN Programme of Action on Small Arms and Light Weapons*, 2014.

²¹¹ Small Arms Survey, *About the Small Arms Survey*.

relating to SALW.²¹² Reaching Critical Will (RCW) is the disarmament initiative of the Women's International League for Peace and Freedom (WILPF), and works toward ending gender discrimination and inequality in a range of disarmament issues.²¹³ RCW publishes a daily journal during PoA events called the “Small Arms Monitor,” reporting on the activities of the normally largely inaccessible meetings and conferences.²¹⁴

Current Challenges to Effective Implementation

In the Report of the Sixth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, main overall challenges stated were “the need for enhanced international cooperation and assistance” and “the implications of new developments in small arms and light weapons manufacturing, technology and design.”²¹⁵ Regarding international cooperation and assistance, states mentioned numerous ways that implementation of the PoA and ITI could be enhanced by providing training, equipment, and facilitating the transfer of technology.²¹⁶ As for new developments in manufacturing and technology, some states had mentioned 3-D printing of small arms and its implications for the PoA.²¹⁷ Recognizing this as just one of many pressing examples, states decided to consider the issue of manufacturing, technology, and design of SALW at the upcoming Third Review Conference in 2018.²¹⁸ Since many of the ideas called for in the PoA are also enforceable through the ATT and the Firearms Protocol, effective implementation must also include a focus on these two instruments.²¹⁹ Weaknesses in these instruments could in turn potentially translate to weaknesses in the PoA and ITI’s implementation.

A large theme throughout the report was sustainability.²²⁰ One example mentioned the creation and promotion of national programs that are sustainable in their knowledge, skills, and training capacities, so as to retain the resources necessary to implement the PoA and ITI at the most basic level.²²¹ In connection with the UN’s 2030 Agenda for Sustainable Development, the report also recognizes the importance of achieving Target 16.4 of the newly created Sustainable Development Goals (SDGs).²²² Goal 16 focuses on peace, justice, and strong institutions, and Target 16.4 is to, “by 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.”²²³ Acknowledging the link between SALW and development as a part of a system wide goal of the UN is crucial to its attainment.²²⁴

Regional Cooperation in Implementing the PoA

Another challenge alluded to in the report of the Sixth BMS was regional cooperation in implementing the PoA.²²⁵ Regional disarmament efforts began in 1981, when a UN group of governmental experts concluded that there was huge potential for progress on disarmament at a regional level.²²⁶ In 1987, the GA 1 adopted resolution 42/39D, thereby creating the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific

²¹² Small Arms Survey, *About the Small Arms Survey*.

²¹³ Reaching Critical Will, *Who we are*, 2016.

²¹⁴ Reaching Critical Will, *Small Arms Monitor Vol. 8 (2016 BMS)*, 2016.

²¹⁵ UN Sixth Biennial Meeting of States to Consider the Implementation of the PoA, *Report of the Sixth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/BMS/2016/2)*, 2016.

²¹⁶ *Ibid.*

²¹⁷ *Ibid.*

²¹⁸ *Ibid.*

²¹⁹ UN Sixth Biennial Meeting of States to Consider the Implementation of the PoA, *The illicit trade in small arms and light weapons in all its aspects: Report of the Secretary-General (Unedited advance copy) (A/CONF.192/BMS/2016/1)*, 2016.

²²⁰ UN Sixth Biennial Meeting of States to Consider the Implementation of the PoA, *Report of the Sixth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/BMS/2016/2)*, 2016.

²²¹ *Ibid.*

²²² *Ibid.*

²²³ UN DESA, *Goal 16*, 2016.

²²⁴ Small Arms Survey, *A New Development Agenda: Reducing illicit arms flows and Sustainable Development Goal 16*.

²²⁵ UN Sixth Biennial Meeting of States to Consider the Implementation of the PoA, *Report of the Sixth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/BMS/2016/2)*, 2016.

²²⁶ UNRCPD, *About UNRCPD*, 2016.

(UNRCPD).²²⁷ The UN Disarmament Commission in 1993 also formally adopted guidelines and recommendations regarding regional disarmament, which focused the mandate of regional centers.²²⁸ The UNODA's UNRCPD is the central actor of the UN system in implementing the PoA in 43 countries in this region, covering most of continental Asia and the Oceania region.²²⁹ UNRCPD's activities include providing substantive support for the region in implementing disarmament measures, promoting confidence-building, and institutionalizing peace and disarmament education, conducted in part via workshops, seminars, round table discussions, and conferences.²³⁰ Implementation of the PoA and ITI has a large potential for growth in the region; Small Arms Survey found that between 2002 and 2014, 19 of the 30 states that have never submitted annual reports are in the Asia and Oceania regions.²³¹

Despite this low rate of reporting, some regional bodies have shown signs of taking up the work of implementing the PoA. The Association of Southeast Asian Nations (ASEAN) is one successful example. ASEAN states have addressed SALW mainly in the scope of transnational organized crime, but have taken recent steps in the forms of law enforcement intelligence sharing and counter-terrorism efforts, as well.²³² In 1999, the 2nd ASEAN Ministerial Meeting on Transnational Crime (AMMTC) adopted the *ASEAN Plan of Action to Combat Transnational Crime*, which included a section where states agreed to expand their national efforts in combating transnational organized crime to the regional level.²³³ Currently the AMMTC is working with China, Japan, and the Republic of Korea by sharing best practices on monitoring, reporting, and transfers of small arms and explosives, as well as developing regional training programs and conferences that address varied aspects of SALW and build on existing capabilities.²³⁴ In 2009, ASEAN adopted their *Comprehensive Plan of Action on Counter-terrorism* and a new *Kuala Lumpur Declaration on Combating Transnational Crime* in 2015, followed by the January 2016 entering into force of the *ASEAN 2025: Forging Ahead Together* agreement that explicitly aims for regional implementation of the PoA and the ITI.²³⁵ Arms smuggling falls in the transnational organized crime purview of all of these regional agreements and, combined with increased knowledge and information sharing by the ASEAN Chiefs of National Police (ASEANAPOL), the Southeast Asian region has an established system with which to potentially combat the spread of illicit arms trading.²³⁶

The Pacific Islands Forum (PIF), more specifically its Secretariat, has accomplished much in the ways of regional cooperation on security matters.²³⁷ The *Legal Framework for a Common Approach to Weapons Control Measures (Nadi Framework)* (2000) was a common set of principles to control firearms, ammunition, and explosives adopted by the PIF, based on an earlier agreement from 1998 called the Honiara Initiative.²³⁸ In 2003, PIF unanimously adopted a Model Weapons Control Bill for subsequent adoption by states at the national level, later amending it in 2010 to include brokering regulations.²³⁹ In 2014, PIF organized two regional workshops—one in conjunction with UNIDIR and the ISACS Implementation Support Unit to promote ISACS and its software to be used in national SALW evaluations, and another with UNRCPD and the Small Arms Survey.²⁴⁰ The Pacific Islands Chiefs of Police (PICP), which performs separate law enforcement intelligence sharing activities outside the PIF, also had a hand in drafting the PIF's 2000 Model Weapons Control Bill.²⁴¹ For over 40 years the PICP has been engaged in the sharing of best practices and promoting law and order amongst its members, an example being a 5-year study conducted by PICP that ended in 2012 which evaluated the safety of its members' armories and carried out upgrades to rectify any shortcomings.²⁴² While not actively involved in SALW issues explicitly, the Oceania Customs Organization (OCO)

²²⁷ UN General Assembly, *United Nations Regional Centre for Peace and Disarmament in Asia (A/RES/42/39D)*, 1987.

²²⁸ UNRCPD, *About UNRCPD*, 2016.

²²⁹ Ibid.

²³⁰ UNRCPD, *Fact Sheet: United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific*, 2016.

²³¹ Small Arms Survey, *What the National Reports Reveal: Trends in UN PoA and ITI Reporting*, 2015.

²³² UN PoA-ISS, *Regional Organizations: Association of Southeast Asian Nations (ASEAN)*, 2014.

²³³ Ibid.

²³⁴ Ibid.

²³⁵ Berman & Maze, *Regional Organizations and the PoA: Asia*, 2016; ASEAN, *ASEAN 2025: Forging Ahead Together*, 2015.

²³⁶ UN PoA-ISS, *Regional Organizations: Association of Southeast Asian Nations (ASEAN)*, 2014.

²³⁷ Berman & Maze, *Regional Organizations and the PoA: Asia*, 2016.

²³⁸ SPCPC Working Group, *Towards a Common Approach to Weapons Control*, 2000; Rogers, *Postinternationalism and Small Arms Control: Theory, Politics, Security*, 2009, p. 113-4.

²³⁹ Berman & Maze, *Regional Organizations and the PoA: Asia*, 2016.

²⁴⁰ Ibid.

²⁴¹ Ibid.

²⁴² Ibid.

also plays an important supporting role in the region.²⁴³ On top of also contributing to the 2000 Model Weapons Control Bill, OCO attends the PIF Regional Security Committee meeting each year where strategies for regionally implementing the PoA are discussed.²⁴⁴

The Shanghai Cooperation Organization (SCO) has also undertaken some efforts aimed at the illicit arms trade.²⁴⁵ In addition to their *Agreement on Cooperation between the Governments of the Shanghai Cooperation Organization Member States in Combating Illicit Trafficking in Weapons, Ammunition and Explosives* (2008) dealing specifically with SALW, they have also carried out joint efforts on SALW matters with ASEAN, the Commonwealth of Independent States, and the Collective Security Treaty Organization.²⁴⁶ CICA established SALW in the *Almaty Act* of 2002, and indicated the utility of the PoA and Firearms Protocol in combating it.²⁴⁷ In 2006 they demonstrated their willingness to implement the PoA and in 2010 the ITI.²⁴⁸ CICA is also discussing currently the possibility of adopting an action plan to implement the UN Global Counter-terrorism Strategy, which includes measures to curb illicit SALW.²⁴⁹

Direct implementation of the Firearms Protocol, ATT, PoA, and ITI are the ultimate goal for addressing the issue of SALW both regionally and globally. National adoption of laws and best practices through support of regional organizations is one large step toward achieving that goal, and all the while solidifies and advances political support for the global framework like the PoA. Regional adherence to the PoA, ITI, and other instruments will enable a more direct and successful implementation at the national level and thus regional organizations play a key role in their encouragement.

Conclusion

Implementing the Programme of Action is a large work in progress. While great strides have been made in the past two decades at the international level, there is much room for improvement for regional bodies to take action and have a more direct influence. The Asia-Pacific region in particular must remain on the path of continuing to develop closer security and confidence-building ties through regional organizations like ASEAN, PIF, SCO, and CICA. The recent entering into force of the legally-binding ATT will aid implementation of the Programme of Action, but states must remain vigilant in the face of tough obstacles such as inadequate cooperation at the regional and global levels and a severe deficiency of Member States' adoption of sustainable national standards. The General Assembly Plenary should continue its thematic work on curbing the illicit trade in small arms and light weapons by strengthening the international instruments currently in place, building on past successes, and increasing the level of regional and international cooperation and norms on this issue.

Further Research

How can implementation of the PoA be accomplished via implementation of the ATT? What can be done to encourage more Asia-Pacific states to ratify the ATT? What are some steps that the UN and other international and regional bodies can take to help states improve their ability to carry out PoA commitments and ATT obligations? What are some strategies for achieving SDG Target 16.4 on the national, regional, and global levels? How can the Asia-Pacific region successfully implement and monitor progress of SDG Target 16.4?

²⁴³ Berman & Maze, *Regional Organizations and the PoA: Asia*, 2016.

²⁴⁴ Ibid.

²⁴⁵ Ibid.

²⁴⁶ Ibid.

²⁴⁷ Ibid.

²⁴⁸ Ibid.

²⁴⁹ Ibid.

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This is a Small Arms Survey handbook released in 2016 that is a critical source for delegates looking for region-specific overviews of action on SALW. The layout is very clear and easily comprehensible, complete with maps, bullet points of key documents, and a brief summary of each regional organization's PoA-related activities. Of particular interest for this topic is the Asia section in Part II, but delegates may also find useful the region section in Part II that corresponds to their Member States. Annex 3 also is a very useful chart which lists each country, which and how many regional organizations and groups they belong to, and their current status with regards to the ATT.

United Nations, Coordinating Action on Small Arms. (2016). *International Small Arms Control Standards (ISACS)* [Website]. Retrieved 5 June 2016 from: <http://www.smallarmsstandards.org/>

The United Nations' Coordinating Action on Small Arms (CASA), in accordance with the Programme of Action, International Tracing Instrument, Firearms Protocol, and Arms Trade Treaty, formulated voluntary International Small Arms Control Standards (ISACS) to assist Member States and regions in setting effective norms on the issue of small arms and light weapons. The website includes a list of their more than 100 partners, useful training modules, and training resources for Member States and organizations so that they can more easily adopt and utilize ISACS. Delegates will also find useful their news thread, which is a great compilation of relevant headlines specific to certain Member States, regions, and the issue overall.

United Nations, General Assembly. (2001). *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/15)*. Retrieved 29 May 2016 from: <http://www.un.org/events/smallarms2006/pdf/N0150720.pdf>

This report contains a full account of the conference that established the Programme of Action, and includes the full text. Delegates should become intimately familiar with this document, as it is the cornerstone of the entire topic of the illicit trade in small arms and light weapons. A list of regional and sub-regional initiatives taken on small arms and light weapons can be found in the Annex on page 17, which could prove to be a useful starting point for delegates searching for actions taken by their Member State or region.

United Nations, General Assembly, Sixth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. (2016). *Report of the Sixth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/BMS/2016/2 (2016))*. Retrieved 11 July 2016 from: https://s3.amazonaws.com/unoda-web/wp-content/uploads/2016/04/N1617624_English.pdf

This is the outcome document of the most recent meeting on the PoA, the Sixth BMS, concluded in June 2016. The content of this document represents the latest agreed-upon language concerning the implementation of the PoA at the global level. Delegates should read all three main segments carefully, especially the "Way Forward" sections at the end of each segment, as they detail the actions that the international community plan to take to further the agenda of PoA implementation. Position papers written by delegates beforehand as well as working papers composed during committee sessions will most likely borrow language and inspiration from these sections.

United Nations, General Assembly, Sixth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. (2016). *The illicit trade in small arms and light weapons in all its aspects: Report of the Secretary-General (Unedited advance copy) (A/CONF.192/BMS/2016/1 (2016))*. Retrieved 5 June 2016 from: <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2016/04/2016-05-25-The-illicit-trade-in-small-arms-and-light-weapons-in-all-its-aspects-unedited-advance-copy.pdf>

This is the most recent of several reports by the Secretary-General focusing on small arms and light weapons. Delegates should find this version to be particularly relevant for their research, as it is an unedited advance copy of the report specifically made available ahead of the Sixth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which took place from 6-10 June 2016 in New York. Utilizing this source will provide delegates with a comprehensive update on this issue at the global, regional, and national levels, complete with recommendations for how to strengthen the Programme of Action's implementation. Also of note in this report are recommendations regarding fully implementing the International Tracing Instrument, as well as ideas for the financial and technical obstacles of doing so.

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