General Assembly First Committee

Topic B: Compliance with Non-Proliferation, Arms Limitations, and Disarmament Agreements and Commitments

“Some might complain that nuclear disarmament is little more than a dream. But that ignores the very tangible benefits disarmament would bring for all humankind. Its success would strengthen international peace and security. It would free up vast and much-needed resources for social and economic development. It would advance the rule of law.”

—Ban Ki Moon

As an increasing number of countries look to leverage the benefits of advanced technologies, including nuclear power and modern weapon systems, the international frameworks that govern the legal use of such equipment are becoming of increasing importance. Compliance with these frameworks, however, is something that can be widely interpreted and some States feel there is little incentive to be fully compliant with non-proliferation, arms limitation, and disarmament agreements. Some States have recognized that non-compliance without repercussions weakens the agreements themselves, rendering them useless, and have states that “rules must be binding, violations must be punished.”

In terms of proliferation and disarmament, nuclear weapons are of the highest priority to the international community, but conventional weapons and small arms and light weapons (SALWs) are responsible for millions of deaths globally and have been on the United Nations (UN) radar for some time. For all three, there is widespread acceptance of the international agreements that are in place, but the General Assembly First Committee has, in recent years, sought to strengthen the agreements, especially by developing compliance methods.

Background

Among the original purposes established by the Charter of the United Nations is “to maintain international peace and security, and to that end: to take collective measures for the prevention and removal of threats to the peace” and in pursuit of fulfilling that purpose, the UN has addressed arms issues since its inception. Non-proliferation, which refers to the prevention of the spread of weapons and almost always refers to halting the spread of nuclear weapons; arms limitation, which includes restrictions on the development, stockpiling, and use of SALWs,

3 Ibid.
conventional weapons, and weapons of mass destruction (WMDs); and disarmament, meaning the reduction and elimination of weapons, have been at the core of international efforts to promote peace and manage arms for decades.

**Non-Proliferation**

Non-proliferation refers to the prevention of the spread of weapons and almost always refers to halting the spread of nuclear weapons. After the dangers of nuclear weapons were demonstrated in World War II, there was a surge of interest in international agreements regarding the proliferation, testing, and usage of nuclear technologies. After a decade of debate throughout the 1950s, the UN passed its first effort to control this emerging threat in 1963. The *Partial Nuclear Test Ban Treaty (PTBT)* sought to ban nuclear tests in the atmosphere, underwater, and outer space, partially reducing the threat of atmospheric fallout.⁵ Meant to halt a potential arms race, this early effort neither directly addressed proliferation nor prevented underground testing. It was not until 1970 that the UN passed the *Treaty on the Non-Proliferation of Nuclear Weapons (NPT)*, which sought to prevent the spread of nuclear weapons, uphold the peaceful use of nuclear technologies, and further the goal of nuclear disarmament.⁶ Under the treaty, only the five permanent members of the UN Security Council (P5) are considered ‘nuclear weapon States’—no other States may produce nuclear weapons if they are party to the *NPT*. The P5, however, are also bound to pursue disarmament with the eventual goal of creating a nuclear-weapons free world and all Member States are authorized to pursue peaceful uses of nuclear technology under Article IV of the *NPT*.

Despite the adoption of the *NPT*, the Cold War stifled progress and it was not until the 1990s that the international community addressed the problem again. In 1996, the General Assembly approved the *Comprehensive Nuclear Test Ban Treaty (CTBT)*, which obligated States party to refrain from testing any nuclear weapons and/or causing, encouraging, or participating in the testing of nuclear weapons.⁷

**Arms Limitations**

In 1980, international negotiations began regarding the restriction of certain types of weapons from being used in armed conflict. The outcome, the *Convention on Certain Conventional Weapons (CCW)*, had the explicit goal “to ban or restrict the use of specific types of weapons that are considered to cause unnecessary or unjustifiable suffering to combatants or to affect

---


When the CCW entered into force in 1983, it prevented the legal use of incendiary weapons, mines, booby-traps, and weapons designed to maim with small fragments. Since then, the treaty has been amended with several protocols that would prevent the legal use of blinding laser weapons and a fifth protocol for addressing explosive remnants of war.

The CCW does not cover SALWs, however, which are responsible for the majority of deaths in modern conflicts. SALWs, by their very nature, are a much more difficult problem to address, but in 2013 the international community drafted the Arms Trade Treaty, the first legally-binding document that seeks to reduce the illicit trade in conventional weapons and SALWS. Unlike previous agreements, the ATT does not necessarily restrict the use of certain types of weapons, but rather regulates the international trade of SALWs, including placing legal restrictions on the sale of arms if they will be used in a repressive nature or to commit human rights violations.

Disarmament

Disarmament is a complicated issue where nearly every type of weapon is handled in a distinct manner. Excluding the relevant nuclear treaties, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BWC), and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC) are of the highest importance. Both of these treaties call for complete disarmament of their respective weapons and are meant to ensure that they are never used. The BWC specifically outlaws the development, stockpiling, and production of biological agents and toxins and of weapons, equipment, and delivery vehicles for those toxins. The CWC is very similar, but for chemical weapons, and also explicitly forbids the use of riot control agents as a method of warfare.

---

9 Ibid.
10 Ibid.
11 Ibid.
12 Ibid.
Current Issues

At a basic level, the issue with international non-proliferation, arms limitation, and disarmament agreements is ratification. Ratification refers to the “act whereby a state indicates its consent to be bound to a treaty,” which usually means the treaty has been approved by the State’s legislative body or bodies.\(^\text{14}\) If a country has not ratified a treaty, it is not legally bound by any of its obligations and therefore cannot be held to any kind of compliance—many will point out that if a treaty is not near-universally recognized that is tends to be ineffective. In some cases, like the CTBT, the treaty will not enter into force until a certain number of countries have ratified it, a feat that has yet to be accomplished. In the case of the NPT, however, near-universal ratification has proven not to be enough. India, Pakistan, and Israel have never signed the treaty and are known to have a nuclear weapons arsenal.\(^\text{15}\) The Democratic People’s Republic of Korea (DPRK), with its withdrawal from the NPT, is demonstrative of another compliance issue.

Withdrawal from Agreements

Many treaties and agreements, including the NPT, have options for Member States to withdraw from the treaty in certain circumstances. In the case of the NPT, this is included in Article X, which states that “each party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country.”\(^\text{16}\) The DPRK exercised their right to withdraw from the NPT in 2003 and is therefore no longer legally bound by the NPT. Since that time, the issue of withdrawal from treaties, especially the NPT, and how to deter or prevent withdrawal has become a recurring discussion amongst the international community, but to date little progress has been made.

Compliance

There have also been example of States simply ignoring legally binding treaties altogether rather than attempting to withdraw or find a legal workaround. This reality is at the heart of all compliance issue with international agreements and is the major cause of concern for many States. The BWC, as an example, has been criticized for having almost no compliance measures, and the international community has been attempting to rectify that fact since the early 1990s.

when it became clear that Iraq had produced biological weapons in the lead-up to the Gulf War.\textsuperscript{17} In the specific case of the BWC, specific inspections and investigation regimes were created, but most of them, including the UN Special Commission, were single-purpose and no longer operate.\textsuperscript{18} The CWC has also suffered from major compliance issues, and its implementing agency, the Organization for the Prohibition of Chemical Weapons (OPCW), has reported on huge stockpiles of chemical weapons in Syria as late as last year.\textsuperscript{19} The OPCW does review reports from Member States and conduct inspections, but there still seems to be few repercussions for States that a non-compliance with the convention.

Even the NPT has suffered from compliance issues, in part due to major disagreements regarding what constitutes peaceful uses and what levels of enrichment are acceptable for non-nuclear States party to the treaty. The International Atomic Energy Agency (IAEA) has also consistently reported that there has been little to no progress on total and complete nuclear disarmament, in spite of numerous agreements and treaties that call for it, there is indications of multiple failures to safeguard nuclear materials, and continue to pursue non-peaceful nuclear technologies.\textsuperscript{20} Unfortunately, the NPT, like the CWC and BWC, lacks any clear mechanisms for addressing this apparent non-compliance, and many States attempt to operate in a legal ‘gray area.’\textsuperscript{21} The ATT is likely to face similar issue, but must be ratified by many more countries before it will be effective at all.

**Future Outlook**

The question of ensuring compliance with international agreements is an incredibly difficult one and may present issues in international law beyond regular disagreements and interpretations between States. The use of Chapter VI of the *Charter of the United Nations*, which calls for a pacific settlement of disputes between nations, including through negotiation, enquiry, mediation, is likely to be of incredible importance to ensuring compliance.\textsuperscript{22} It might be argued that the Security Council has a role to play in compliance by imposing sanctions or acting under Chapter VII, under which actions can be taken with respect to threats to the peace, breaches of the peace, and acts of aggression.\textsuperscript{23} Balancing the need to ensure compliance with these treaties while respective sovereignty and self-determination, however, is a challenge that has yet to be met.

\textsuperscript{18} Ibid.
Focus Questions

1. To what extent should the UN be responsible for dictating non-proliferation, disarmament, and arms limitations questions? What role does national sovereignty play in deciding these questions?

2. How should the international community address issues of noncompliance?

3. Has your country ratified the NPT, CTBT, CCW, and/or the ATT? What might prevent a Member State from supporting these agreements, and how might they be convinced to support such measures?

4. Has your nation taken any measures to advance non-proliferation, arms limitations, and/or disarmament?

5. Does your bloc participate in any regional non-proliferation, disarmament, or arms limitation agreements?
Works Cited


