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### *Challenges and prospects for multilateral weapons of mass destruction, arms control and disarmament regimes*

- European Parliament resolution of 15 December 2021 on the challenges and prospects for multilateral weapons of mass destruction, arms control and disarmament regimes (2020/2001(INI)), <[https://www.europarl.europa.eu/doceo/document/TA-9-2021-0504\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0504_EN.html)>

On 15 December 2021, the European Parliament (EP) adopted a resolution on the challenges and prospects for multilateral weapons of mass destruction, arms control and disarmament regimes. In relation to it, the EP reiterates its full commitment to the preservation of effective international arms control, disarmament and non-proliferation regimes, classified as “a cornerstone of global and European security”.<sup>2</sup>

The EP expresses profound concern over “the ongoing erosion of the global non-proliferation, disarmament and arms control architecture, which is worsened by the rapid development of new potentially destabilising systems, such as weapon systems enabled with artificial intelligence (AI) and hypersonic missile and drone technologies”.<sup>3</sup>

The resolution stresses the need to limit recourse to nuclear weapons by all nuclear States. The parties are called upon to reduce the use of nuclear weapons within their security concepts, doctrines and policies, and nuclear States not yet parties are invited to adhere to to the Non Proliferation Treaty (NPT).<sup>4</sup> Furthermore, the resolution recalls that France is the only nuclear European Union (EU) Member State, and that in 2020, French President Emmanuel Macron proposed launching a ‘strategic dialogue’ with willing European partners on the potential role of France’s nuclear deterrence.<sup>5</sup> Furthermore, it notes that only three EU Member States are contracting parties to the Treaty on the Prohibition of Nuclear Weapons (TPNW), which entered into force on 22 January 2021.<sup>6</sup>

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<sup>2</sup> European Parliament resolution of 15 December 2021 on the challenges and prospects for multilateral weapons of mass destruction arms control and disarmament regimes, <[https://www.europarl.europa.eu/doceo/document/TA-9-2021-0504\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0504_EN.html)>, para. 1.

<sup>3</sup> *Ibid.*, para. 2.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*, para Q.

<sup>6</sup> *Ibid.*, para. H.

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The EP welcomes the Presidential Nuclear Initiatives (PNIs) on Tactical Nuclear Weapons (PNIs).<sup>7</sup> The EP furthermore welcomes the EU's commitment to disarmament and non-proliferation as witnessed by the financial support given to all the major Agencies active in the field, such as the UN Office for Disarmament Affairs, the International Atomic Energy Agency (IAEA), the Organisation for the Prohibition of Chemical Weapons (OPCW) and the UN Secretary-General's Mechanism for Investigation of Alleged Use of Chemical and Biological Weapons (UNSGM).<sup>8</sup>

Mention is made also to the Joint Comprehensive Plan of Action (JCPOA), commonly known as the Iran nuclear deal, to which the EP reaffirms its support and calls for Iran to "immediately cease its nuclear activities that violate the JCPOA".<sup>9</sup> Furthermore, the EP signals support for the proposed Fissile Material Cut-off Treaty, the Intermediate-Range Nuclear Forces (INF) Treaty, as well as the Open Skies Treaty.<sup>10</sup>

Referring to chemical weapons, the EP "welcomes the Council's adoption of a horizontal sanctions regime to address the growing violations in the production, storage, use and proliferation of chemical weapons".<sup>11</sup> In this regard, in particular it condemns the development and large-scale use of chemical weapons by States that are members of the CWC, and "condemns the numerous human rights violations and atrocities committed by the regime of Bashar al-Assad's Syrian Arab Republic".<sup>12</sup> The Biological Weapons Convention (BWC) is also referenced.<sup>13</sup>

Turning to outer space, the EP welcomes the contribution given by the EU Satellite Centre to monitor compliance with WMD disarmament and non-proliferation commitments.<sup>14</sup> Regarding AI, the EP calls "for the EU to take the lead on international regulatory efforts to ensure that the development and application of AI for military uses adhere to the strict limits set in international law, including international humanitarian law and human rights law".<sup>15</sup> Furthermore, the EP "underlines that emerging technologies not covered in international law should be judged by the principle of humanity and the dictates of public conscience", and indicates its hopes that a "consensus on a legally binding instrument prohibiting fully autonomous weapons without meaningful human control" is reached.<sup>16</sup>

Finally, as a matter of principle, the EP recalls the importance of equal opportunities and the need to "ensure and mainstream the equal, full and meaningful participation of women in disarmament and non-proliferation conferences and forums, including disarmament diplomacy and all decision-making processes related to disarmament".<sup>17</sup> This statement is in line with the EU commitment on gender mainstreaming.

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<sup>7</sup> *Ibid.*, paras. 27-28.

<sup>8</sup> *Ibid.*, e.g., paras. 6 and 12.

<sup>9</sup> *Ibid.*, e.g., para. 20; see also here: <<https://www.cfr.org/background/what-iran-nuclear-deal>>.

<sup>10</sup> *Ibid.*, paras. 22, 23, and 31.

<sup>11</sup> *Ibid.*, para. 32.

<sup>12</sup> *Ibid.*, para. 33.

<sup>13</sup> *Ibid.*, para. X.

<sup>14</sup> *Ibid.*, para. 35.

<sup>15</sup> *Ibid.*, para. 36.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*, para. 38.

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*Women and girls' full enjoyment of human rights in humanitarian situations*

- EU Submission to Report on promoting, protecting and fulfilling women's and girls' full enjoyment of human rights in humanitarian situations. <<https://www.ohchr.org/sites/default/files/2022-02/EuropeanUnion.pdf>>
- Communication from the Commission to the European Parliament and the Council on the EU's humanitarian action: new challenges, same principles, COM(2021) 110, <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2021:110:FIN>>

Following an open call, the EU submitted a report to the UN Human Rights Council on the topic of “promoting, protecting and fulfilling women's and girls' full enjoyment of human rights in humanitarian situations”. The report relies upon the European Consensus for Humanitarian Aid, within which the EU asserts that it is “firmly committed to upholding and promoting the fundamental humanitarian principles of humanity, neutrality, impartiality and independence”<sup>18</sup> and to the respect of international humanitarian law (IHL).<sup>19</sup> These statements are in line with the values included in Article 2 of the Treaty on European Union (TEU), which recalls the strong commitment to promote and protect human rights, democracy and the rule of law.

These principles are also reaffirmed in both the 2019-2024 strategic agenda adopted by the European Council<sup>20</sup> and the 2019-2024 political guidelines for the European Commission.<sup>21</sup> Within these documents, the EU pays particular attention to gender also in relation to natural disasters and human-made crises, recognising that they are not gender neutral since they have a different impact on women, girls, boys and men. Thus, in order to respond effectively to the differentiated needs, humanitarian assistance must be gender sensitive. The EU also recalls the importance of participation, providing that the involvement of women in humanitarian aid is key.<sup>22</sup>

The EU's commitment to meeting the needs of specific groups, including women and girls, is also repeated in the European Commission's “Communication on the EU's humanitarian action”, with specific references made to the prevention, mitigation and response to sexual and gender-based violence and sexual exploitation, abuse and harassment.<sup>23</sup> The principles set forth in the Beijing Declaration and Platform for Action<sup>24</sup> and the United Nations Security Council Resolution (UNSCR) 1325 (2000)<sup>25</sup> and its follow-up resolutions on Women, Peace and Security are also deemed applicable to the EU's humanitarian aid policies. Furthermore, the centrality of the

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<sup>18</sup> Joint Statement by the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the European Commission, para. 10, <<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1431445468547&uri=CELEX%3A42008X0130%2801%29>>.

<sup>19</sup> *Ibid.*, para. 16.

<sup>20</sup> EU Action Plan on Human Rights and Democracy 2020-2024, <[https://www.eeas.europa.eu/eeas/eu-action-plan-human-rights-and-democracy-0\\_en](https://www.eeas.europa.eu/eeas/eu-action-plan-human-rights-and-democracy-0_en)>.

<sup>21</sup> 2019-2024 Political guidelines for the European Commission, <[https://commission.europa.eu/strategy-and-policy/priorities-2019-2024\\_en](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024_en)>.

<sup>22</sup> *Ibid.*

<sup>23</sup> Communication from the Commission to the European Parliament and the Council on the EU's humanitarian action: new challenges, same principles, COM(2021) 110, <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2021:110:FIN>>.

<sup>24</sup> Beijing Declaration and Platform for Action, <<https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>>

<sup>25</sup> United Nations Security Council Resolution on Women, Peace and Security, S/RES/1325 (2000), 31 October 2000, <<https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>>.

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promotion of IHL in the EU's external action is highlighted.<sup>26</sup> In accordance with the EU's Gender Action Plan III, the EU commits to combating discrimination at all levels.<sup>27</sup>

The European Commission's gender policy, 'Gender in Humanitarian Aid: Different Needs, Adapted Assistance', of July 2013, already introduced a quality and accountability tool that measures the extent to which EU-funded humanitarian actions integrate gender and age considerations, based on: (1) gender and age analysis, (2) adapted assistance, (3) negative effects and (4) adequate participation.<sup>28</sup>

Therefore, EU policy implements UNSCR 1325 (2000)'s four pillars: prevention, protection, participation and relief/recovery, also in relation to humanitarian aid. Such EU policies follow the third EU Gender Action Plan (GAP III) and the Strategic Approach on Women, Peace and Security. More specifically, as far as IHL is concerned, the EU remains engaged in promoting the protection of civilians in armed conflicts, including the most vulnerable categories, such as women and girls.<sup>29</sup>

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<sup>26</sup> Above n 23, section 4.1.

<sup>27</sup> Council of the European Union (2019) Action Plan on Women, Peace and Security (WPS) 2019-2024, <<https://data.consilium.europa.eu/doc/document/ST-11031-2019-INIT/en/pdf>>; see also Valeria Eboli, 'Correspondents' Reports 2019: European Union' 22 *YIHL*, <[https://www.asser.nl/media/784762/eu-report\\_2019.pdf](https://www.asser.nl/media/784762/eu-report_2019.pdf)>, pp. 11-15.

<sup>28</sup> European Commission, 'Gender in Humanitarian Aid: Different Needs, Adapted Assistance', <[https://ec.europa.eu/echo/files/policies/sectoral/Gender\\_SWD\\_2013.pdf](https://ec.europa.eu/echo/files/policies/sectoral/Gender_SWD_2013.pdf)>.

<sup>29</sup> E.g., Council of the EU, 'Report on the EU Guidelines on Promoting Compliance with International Humanitarian Law', <<https://www.consilium.europa.eu/media/46205/ihl-2019-report-june-en.pdf>>.