



NMUN • NY

## GENERAL ASSEMBLY FIRST COMMITTEE BACKGROUND GUIDE 2012

Written By: Shyryn Barham, Katharina Schmidt, Sophie Crockett-Chaves, Jesús Pérez



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## CONTACT THE NMUN

Please consult the FAQ section of [nmun.org](http://nmun.org) for answers to your questions. If you do not find a satisfactory answer you may also contact the individuals below for personal assistance. They may answer your question(s) or refer you to the best source for an answer.

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NMUN Secretary-General  
Andrew N. Ludlow | [secgen.ny@nmun.org](mailto:secgen.ny@nmun.org)

### NMUN•NY 2012 Important Dates

**IMPORTANT NOTICE:** To make hotel reservations, you must use the forms at [nmun.org](http://nmun.org) and include a \$1,000 deposit. Discount rates are available until the room block is full or one month before the conference – whichever comes first. **PLEASE BOOK EARLY!**

31 January 2012	<ul style="list-style-type: none"> <li>• Confirm Attendance &amp; Delegate Count. (Count may be changed up to 1 March)</li> <li>• Make Transportation Arrangements - DON'T FORGET! (We recommend confirming hotel accommodations prior to booking flights.)</li> </ul>
15 February 2012	<ul style="list-style-type: none"> <li>• Committee Updates Posted to <a href="http://www.nmun.org">www.nmun.org</a></li> </ul>
1 March 2012	<ul style="list-style-type: none"> <li>• Hotel Registration with FULL PRE-PAYMENT Due to Hotel - Register Early! Group Rates on hotel rooms are available on a first come, first served basis until sold out. Group rates, if still available, may not be honored after that date. See hotel reservation form for date final payment is due.</li> <li>• Any Changes to Delegate Numbers Must be Confirmed to: <a href="mailto:outreach@nmun.org">outreach@nmun.org</a></li> <li>• Preferred deadline for submission of Chair / Rapp applications to Committee Chairs</li> <li>• All Conference Fees Due to NMUN for confirmed delegates. (\$125 per delegate if paid by 1 March; \$150 per delegate if received after 1 March. Fee is not refundable after this deadline.</li> <li>• Two Copies of Each Position Paper Due via E-mail (See Delegate Preparation Guide for instructions).</li> </ul>
NATIONAL MODEL UNITED NATIONS 2012	<p>1 - 5 April – Sheraton New York 3 - 7 April - New York Marriott Marquis</p> <p>The 2013 National Model UN Conference 17 - 21 March &amp; 24 - 28 March (both at Sheraton; Sun-Thurs)</p>

## POSITION PAPER INSTRUCTIONS

**Two copies of each position paper should be sent via e-mail by 1 MARCH 2012**

### 1. TO COMMITTEE STAFF

A file of the position paper (.doc or .pdf) for each assigned committee should be sent to the committee e-mail address listed below. Mail papers by 1 March to the e-mail address listed for your particular venue. These e-mail addresses will be active when background guides are available. Delegates should carbon copy (cc:) themselves as confirmation of receipt. Please put committee and assignment in the subject line (Example: GAPLEN\_Greece).

### 2. TO DIRECTOR-GENERAL

- Each delegation should send one set of all position papers for each assignment to the e-mail designated for their venue: positionpapers.sheraton@nmun.org or positionpapers.marriott@nmun.org.

This set (held by each Director-General) will serve as a back-up copy in case individual committee directors cannot open attachments.

*Note:* This e-mail should only be used as a repository for position papers.

- The head delegate or faculty member sending this message should cc: him/herself as confirmation of receipt. (Free programs like Adobe Acrobat or WinZip may need to be used to compress files if they are not plain text.)

- Because of the potential volume of e-mail, only one e-mail from the Head Delegate or Faculty Advisor containing all attached position papers will be accepted.

Please put committee, assignment and delegation name in the subject line (Example: Cuba\_U\_of\_ABC). If you have any questions, please contact the Director-General at dirgen@nmun.org.

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for more information

### COMMITTEE

### EMAIL - SHERATON

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Human Rights Council.....	hrc.sheraton@nmun.org
ECOSOC Plenary .....	ecosoc.sheraton@nmun.org
Commission on the Status of Women .....	csw.sheraton@nmun.org
Commission on Narcotic Drugs.....	cnd.sheraton@nmun.org
Economic and Social Commission for Western Asia .....	escwa.sheraton@nmun.org
United Nations Children's Fund.....	unicef.sheraton@nmun.org
Conference on Sustainable Development (Rio+20) .....	csustd.sheraton@nmun.org
Food and Agriculture Organization.....	fao.sheraton@nmun.org
UN Educational, Scientific and Cultural Organization .....	unesco.sheraton@nmun.org
African Union.....	au.sheraton@nmun.org
Organization of American States .....	oas.sheraton@nmun.org
Organisation of Islamic Cooperation .....	oic.sheraton@nmun.org
Asia-Pacific Economic Cooperation .....	apec.sheraton@nmun.org
Security Council A.....	sca.sheraton@nmun.org
Security Council B.....	scb.sheraton@nmun.org
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Peacebuilding Commission.....	pbcs.sheraton@nmun.org
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### COMMITTEE

### EMAIL - MARRIOTT

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Human Rights Council.....	hrc.marriott@nmun.org
ECOSOC Plenary .....	ecosoc.marriott@nmun.org
Commission on the Status of Women .....	csw.marriott@nmun.org
Commission on Narcotic Drugs.....	cnd.marriott@nmun.org
Economic and Social Commission for Western Asia .....	escwa.marriott@nmun.org
United Nations Children's Fund.....	unicef.marriott@nmun.org
Conference on Sustainable Development (Rio+20) .....	csustd.marriott@nmun.org
Food and Agriculture Organization.....	fao.marriott@nmun.org
UN Educational, Scientific and Cultural Organization .....	unesco.marriott@nmun.org
African Union.....	au.marriott@nmun.org
Organization of American States .....	oas.marriott@nmun.org
Organisation of Islamic Cooperation .....	oic.marriott@nmun.org
Asia-Pacific Economic Cooperation .....	apec.marriott@nmun.org
Security Council A .....	sca.marriott@nmun.org
Security Council B.....	scb.marriott@nmun.org
International Criminal Court .....	icc.marriott@nmun.org
Peacebuilding Commission.....	pbcs.marriott@nmun.org
Conference on the Arms Trade Treaty .....	att.sheraton@nmun.org

### OTHER USEFUL CONTACTS

Entire Set of Delegation Position Papers .....	positionpapers.sheraton@nmun.org
(send only to e-mail for your assigned venue).....	positionpapers.marriott@nmun.org
Secretary-General .....	secgen.ny@nmun.org
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NMUN Office .....	info@nmun.org



# THE 2012 NATIONAL MODEL UNITED NATIONS

SPONSORED BY THE NATIONAL COLLEGIATE CONFERENCE ASSOCIATION

1 – 5 April (Sheraton) & 3 – 7 April (Marriott) • [www.nmun.org](http://www.nmun.org)

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Dear Delegates,

Welcome to the 2012 National Model United Nations Conference. As part of the volunteer staff for the General Assembly First Committee, we are aiming to facilitate your educational experience at the conference in New York. This year's Directors are Katharina Schmidt (for the Marriott venue), and Sheryn Barham (Sheraton). Jesús Pérez (Marriott) and Sophie Crockett (Sheraton) will be serving as your Assistant Directors. Katharina Schmidt graduated from The University of Bonn, Germany, in Political Science and Economics in 2009 and is currently studying in the Master of Environmental Governance at the University of Freiburg. This is her third year as part of the NMUN staff. Sheryn Barham has served as staff member of the NMUN also for three years. She has a Bachelor of Arts in International Relations with a minor in Political Science from Universidad San Francisco de Quito, Ecuador, and she is studying in the Master's International Relations Programme with an emphasis in Security and Human Rights at the Latin-American Faculty of Social Studies (FLACSO). Jesús Pérez is in his final semester of pursuing a Bachelor's degree in Political Science and International Relations at Hunter College of the City University of New York. His research interests include LGBT human rights in developing countries, peace and security issues, and global governance. Sophie Crockett is on her final year of a Bachelor of Arts in Politics and International Relations at Royal Holloway, University of London. Her main research International Relations' interests are matters related to UN Peacekeeping Operations, Humanitarian Interventions, and Human Rights. This is her second year as part of the staff and her third at NMUN in general.

This year's topics under discussion for the General Assembly First Committee are:

1. Illicit Trade in Small Arms and Light Weapons in Africa
2. Measures to Prevent and Deter Cyberwarfare
3. Implementation of the Biological Weapons Convention.

The General Assembly First Committee on Security and Disarmament is the United Nations System's core body for addressing international matters related with the maintenance of peace and security through the development of a disarmed and safe world. As such, your work will be reflected in the resolutions you will adopt in committee and we hope to see this spirit encompassed in your position papers before and the working papers during the Conference.

This background guide will give you an overview of the topics at hand and the work of the Committee; nevertheless, it should only serve as an introduction to your research and preparation for the Conference. The references listed for each topic provides you a good starting point for your own research, but we highly encourage you to deepen your knowledge further, especially considering your country's position. Each delegation is requested to submit a position paper, which reflects your research on the topics. Please take note of the NMUN plagiarism policy, which is available in this background guide and in the delegate preparation guide. Delegates' adherence to these guidelines is mandatory.

If you have any questions regarding your preparation for the committee and the Conference itself, please feel free to contact any of the substantive staff of the General Assembly First Committee or the Under-Secretaries-General for the Department of the General Assembly, Alex Adriano (Marriott) and Roger Tseng (Sheraton). We wish you all the best in your preparation for the Conference and look forward to seeing you in March.

Sincerely,

*Marriott Venue*  
Katharina Schmidt  
Director

Jesús Pérez  
Assistant Director

[galst.marriott@nmun.org](mailto:galst.marriott@nmun.org)

*Sheraton Venue*  
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## Message from the Directors-General Regarding Position Papers for the 2012 NMUN Conference

At the 2012 NMUN New York Conference, each delegation submits one position paper for each committee to which it is assigned. Delegates should be aware that their role in each committee affects the way a position paper should be written. While most delegates will serve as representatives of Member States, some may also serve as observers, NGOs, or judicial experts. To understand these differences, please refer to the Delegate Preparation Guide.

Position papers should provide a concise review of each delegation's policy regarding the topic areas under discussion and should establish precise policies and recommendations about the topics before the committee. International and regional conventions, treaties, declarations, resolutions, and programs of action of relevance to the policy of your State should be identified and addressed. Making recommendations for action by your committee should also be considered. Position papers also serve as a blueprint for individual delegates to remember their country's position throughout the course of the Conference. NGO position papers should be constructed in the same fashion as position papers of countries. Each topic should be addressed briefly in a succinct policy statement representing the relevant views of your assigned NGO. You should also include recommendations for action to be taken by your committee. It will be judged using the same criteria as all country position papers, and is held to the same standard of timeliness.

Please be forewarned, delegates must turn in entirely original material. *The NMUN Conference will not tolerate the occurrence of plagiarism.* In this regard, the NMUN Secretariat would like to take this opportunity to remind delegates that although United Nations documentation is considered within the public domain, the Conference does not allow the verbatim re-creation of these documents. This plagiarism policy also extends to the written work of the Secretariat contained within the Committee Background Guides. Violation of this policy will be immediately reported to faculty advisors and it may result in dismissal from Conference participation. Delegates should report any incident of plagiarism to the Secretariat as soon as possible.

Delegation's position papers can be awarded as recognition of outstanding pre-Conference preparation. In order to be considered for a Position Paper Award, however, delegations must have met the formal requirements listed below. Please refer to the sample paper on the following page for a visual example of what your work should look like at its completion. The following format specifications are **required** for all papers:

- All papers must be typed and formatted according to the example in the Background Guides
- Length must **not** exceed two single-spaced pages (one double-sided paper, if printed)
- Font must be Times New Roman sized between 10 pt. and 12 pt.
- Margins must be set at one inch for whole paper
- Country/NGO name, School name and committee name clearly labeled on the first page,
- The use of national symbols is highly discouraged
- Agenda topics clearly labeled in separate sections

To be considered timely for awards, please read and follow these directions:

1. **A file of the position paper** (.doc or .pdf format required) **for each assigned committee** should be sent to the committee email address listed in the Background Guide. These e-mail addresses will be active after November 15, 2011. Delegates should carbon copy (cc:) themselves as confirmation of receipt.
2. Each delegation should also send **one set of all position papers** to the e-mail designated for their venue: [positionpapers.sheraton@nmun.org](mailto:positionpapers.sheraton@nmun.org) or [positionpapers.marriott@nmun.org](mailto:positionpapers.marriott@nmun.org). This set will serve as a back-up copy in case individual committee directors cannot open attachments. These copies will also be made available in Home Government during the week of the NMUN Conference.

Each of the above listed tasks needs to be completed no later than **March 1, 2012 (GMT-5) for delegations attending the NMUN conference at either the Sheraton or the Marriott venue.**

**PLEASE TITLE EACH E-MAIL/DOCUMENT WITH THE NAME OF THE COMMITTEE, ASSIGNMENT AND DELEGATION NAME (Example: AU\_Namibia\_University of Caprivi)**

*A matrix of received papers will be posted online for delegations to check prior to the Conference. If you need to make other arrangements for submission, please contact Amanda D'Amico, Director-General, Sheraton venue, or Nicholas Warino, Director-General, Marriott venue at [dirgen@nmun.org](mailto:dirgen@nmun.org). There is an option for delegations to submit physical copies via regular mail if needed.*

Once the formal requirements outlined above are met, Conference staff use the following criteria to evaluate Position Papers:

- Overall quality of writing, proper style, grammar, etc.
- Citation of relevant resolutions/documents
- General consistency with bloc/geopolitical constraints
- Consistency with the constraints of the United Nations
- Analysis of issues, rather than reiteration of the Committee Background Guide
- Outline of (official) policy aims within the committee's mandate

Each delegation can submit a copy of their position paper to the permanent mission of the country being represented, along with an explanation of the Conference. Those delegations representing NGOs do not have to send their position paper to their NGO headquarters, although it is encouraged. This will assist them in preparation for the mission briefing in New York.

Finally, please consider that over 2,000 papers will be handled and read by the Secretariat for the Conference. Your patience and cooperation in strictly adhering to the above guidelines will make this process more efficient and it is greatly appreciated. Should you have any questions please feel free to contact the Conference staff, though as we do not operate out of a central office or location, your consideration for time zone differences is appreciated.

Sincerely yours,

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*Marriott Venue*  
Nicholas Warino  
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**Delegation from  
The United Mexican States**

**Represented by  
(Name of College)**

### ***Position Paper for the General Assembly Plenary***

The issues before the General Assembly Plenary are: The Use of Economic Sanctions for Political and Economic Compulsion; Democracy and Human Rights in Post-Conflict Regions; as well as The Promotion of Durable Peace and Sustainable Development in Africa. The Mexican Delegation first would like to convey its gratitude being elected and pride to serve as vice-president of the current General Assembly Plenary session.

#### **I. The Use of Economic Sanctions for Political and Economic Compulsion**

The principles of equal sovereignty of states and non-interference, as laid down in the Charter of the United Nations, have always been cornerstones of Mexican foreign policy. The legitimate right to interfere by the use of coercive measures, such as economic sanctions, is laid down in Article 41 of the UN-charter and reserves the right to the Security Council.

Concerning the violation of this principle by the application of unilateral measures outside the framework of the United Nations, H.E. Ambassador to the United Nations Enrique Berruga Filloy underlined in 2005 that the Mexico strongly rejects “the application of unilateral laws and measures of economic blockade against any State, as well as the implementation of coercive measures without the authorization enshrined in the Charter of the United Nations.” That is the reason, why the United Mexican States supported – for the 14th consecutive time – Resolution (A/RES/60/12) of 2006 regarding the *Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba*.

In the 1990s, comprehensive economic sanctions found several applications with very mixed results, which made a critical reassessment indispensable. The United Mexican States fully supported and actively participated in the “Stockholm Process” that focused on increasing the effectiveness in the implementation of targeted sanctions. As sanctions and especially economic sanctions, pose a tool for action “between words and war” they must be regarded as a mean of last resort before war and fulfill highest requirements for their legitimate use. The United Mexican States and their partners of the “Group of Friends of the U.N. Reform” have already addressed and formulated recommendations for that take former criticism into account. Regarding the design of economic sanctions it is indispensable for the success to have the constant support by all member states and public opinion, which is to a large degree dependent the humanitarian effects of economic sanctions. Sanctions must be tailor-made, designed to effectively target the government, while sparing to the largest degree possible the civil population. Sanction regimes must be constantly monitored and evaluated to enable the world-community to adjust their actions to the needs of the unforeseeably changing situation. Additionally, the United Mexican States propose to increase communication between the existing sanction committees and thus their effectiveness by convening regular meetings of the chairs of the sanction committees on questions of common interest. An example is the case of negative spill-over effects of economic sanctions on neighboring countries, in which affected countries additionally need to be enabled to voice their problems more effectively, as addressed in the resolution *Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions* (A/RES/54/107). Non-state actors have in the last years tremendously grown in their political importance, especially with regard to the international fight against terrorism. Their position and the possibilities of the application of economic sanction on non-state actors is another topic that urgently needs to be considered.

#### **II. Democracy and Human Rights in Post-Conflict Regions**

As a founding member of the United Nations, Mexico is highly engaged in the Promotion of Democracy and Human Rights all over the world, as laid down in the *Universal Declaration on Human Rights (UDHR)* in 1948. Especially since the democratic transition of Mexico in 2000 it is one of the most urgent topics to stand for Democratization and Human Rights, and Mexico implements this vision on many different fronts.

In the Convoking Group of the intergovernmental Community of Democracies (GC), the United Mexican States uphold an approach that fosters international cooperation to promote democratic values and institution-building at the national and international level. To emphasize the strong interrelation between human rights and the building of democracy and to fortify democratic developments are further challenges Mexico deals with in this committee. A key-factor for the sustainable development of a post-conflict-region is to hold free and fair election and thus creating a democratic system. Being aware of the need of post-conflict countries for support in the preparation of democratic elections, the United Mexican States contribute since 2001 to the work of the International Institute for Democracy

and Electoral Assistance (IDEA), an intergovernmental organization operating at international, regional and national level in partnership with a range of institutions. Mexico's foreign policy regarding human rights is substantially based on cooperation with international organizations. The Inter American Commission of Human Rights is one of the bodies, Mexico is participating, working on the promotion of Human Rights in the Americas. Furthermore, the Inter-American Court of Human Rights is the regional judicial institution for the application and interpretation of the *American Convention of Human Rights*.

The objectives Mexico pursues are to improve human rights in the country through structural changes and to fortify the legal and institutional frame for the protection of human rights on the international level. Underlining the connection between democracy, development and Human Rights, stresses the importance of cooperation with and the role of the High Commissioner on Human Rights and the reform of the Human Rights Commission to a Human rights Council.

Having in mind the diversity of challenges in enforcing democracy and Human Rights, Mexico considers regional and national approaches vital for their endorsement, as Mexico exemplifies with its *National Program for Human Rights* or the *Plan Puebla Panama*. On the global level, Mexico is encouraged in working on a greater coordination and interoperability among the United Nations and regional organizations, as well as the development of common strategies and operational policies and the sharing of best practices in civilian crisis management should be encouraged, including clear frameworks for joint operations, when applicable.

### **III. The Promotion of Durable Peace and Sustainable Development in Africa**

The United Mexican States welcome the leadership role the African Union has taken regarding the security problems of the continent. Our delegation is furthermore convinced that The New Partnership for Africa's Development (NEPAD) can become the foundation for Africa's economic, social and democratic development as the basis for sustainable peace. Therefore it deserves the full support of the international community.

The development of the United Mexican States in the last two decades is characterized by the transition to a full democracy, the national and regional promotion of human rights and sustainable, economic growth. Mexico's development is characterized by free trade and its regional integration in the North American Free Trade Agreement. Having in mind that sustainable development is based not only on economic, but as well on social and environmental development, President Vicente Fox has made sustainable development a guiding principle in the Mexican Development Plan that includes sustainability targets for all major policy areas.

The United Nations Security Council has established not less than seven peace-keeping missions on the African continent, underlining the need for full support by the international community. In post-conflict situations, we regard national reconciliation as a precondition for a peaceful development, which is the reason why Mexico supported such committees, i.e. in the case of Sierra Leone. The United Mexican States are convinced that an other to enhance durable peace in Africa is the institutional reform of the United Nations. We therefore want to reaffirm our full support to both the establishment of the peace-building commission and the Human Rights Council. Both topics are highly interrelated and, having in mind that the breach of peace is most often linked with severest human rights' abuses, thus need to be seen as two sides of one problem and be approached in this understanding.

As most conflicts have their roots in conflicts about economic resources and development chances, human development and the eradication of poverty must be at the heart of a successful, preventive approach. Lifting people out of poverty must be seen as a precondition not only for peace, but for social development and environmental sustainability.

The United Mexican States want to express their esteem for the decision taken by the G-8 countries for a complete debt-relief for many African Highly-Indebted-Poor-Countries. Nevertheless, many commitments made by the international community that are crucial for Africa's sustainable development are unfulfilled. The developed countries agreed in the *Monterrey Consensus of the International Conference on Financing for Development* (A/CONF.198/11) to increase their Official Development Aid (ODA) "towards the target of 0,7 per cent of gross national product (GNP) as ODA to developing countries and 0,15 to 0,20 per cent of GNP of developed countries to least developed countries". Furthermore, the United Mexican States are disappointed by the result of the Hong Kong Ministerial conference of the World Trade Organization, which once more failed to meet the needs of those, to whom the round was devoted: developing countries and especially African countries, who today, more than ever, are cut off from global trade and prosperity by protectionism.

With regard to the African Peer Review Mechanism, the United Mexican States want to underline that good governance is an integral part of sustainable development. Therefore, we support all efforts by African countries to make the mechanism obligatory to increase transparency and accountability in all African countries.



## Committee History

*“Gentlemen, Monday’s near-miss was the fourth such incident since the thermonuclear age began. So long as the nations of this Earth are armed against each other, we’re bound to have more such ... accidents. And eventually ... soon ... one must prove fatal. These nations must unite. We ... we must make them unite. And gentlemen, we can make them unite.”<sup>1</sup>*

### *An Assembly of United Nations*

The United Nations (UN) officially came into being on October 24, 1945.<sup>2</sup> The nomenclature, however, saw the light of day nearly four years earlier in the Declaration by United Nations, a pact between the United Kingdom, the Soviet Union, China, the United States and twenty-two other countries to establish a military alliance against the Axis powers during World War II.<sup>3</sup> The very concept of *united nations* — sovereign states working together towards common ends — is a powerful one indeed. It is a concept that is most faithfully realized in the General Assembly (GA), as the entity within the UN System that “offer[s] a voice and a vote to all members of the organization.”<sup>4</sup> To be clear, the GA is not where the power lies within the United Nations, but it is the quintessential world stage. Although the resolutions and declarations adopted by the GA are not legally binding, as they are in the Security Council, “they carry the weight of world opinion, as well as the moral authority of the world community.”<sup>5</sup> Additionally, to a large extent, the GA drives the work of the United Nations.<sup>6</sup>

Article 7, paragraph 1 of the Charter of the United Nations establishes the GA as one of the UN’s six principal organs and Chapter IV delineates its functions and the procedures that govern the body.<sup>7</sup> Many of the Articles in Chapter IV of the Charter deal with what subject matter the GA can and cannot discuss.<sup>8</sup> Despite a few limitations, the field of potential topics of discussion for the GA is very broad. The Charter of the United Nations specifies that the “GA may discuss any question or any matter within the scope of the present Charter.”<sup>9</sup> This means that as long as the Charter does not expressly forbid it, the GA may discuss it. Among its various powers and responsibilities enumerated in the Charter, the GA elects the non-permanent members of the Security Council, approves the Organizational budget, and functions as the UN’s main deliberative body.<sup>10</sup> Deliberation and discussion are central to the United Nations as they work towards achieving the principal aims of world peace and international cooperation to solve global problems.<sup>11</sup>

### **“Such Subsidiary Organs as It Deems Necessary”**

Article 22 of the UN Charter allows the GA to “establish such subsidiary organs as it deems necessary for the performance of its functions.”<sup>12</sup> In other words, the GA is empowered by the Charter to create ancillary entities to divide up its duties and help it more efficiently manage its substantial workload. This very practical principle is not an isolated occurrence within the Charter. In fact, the Charter also gives the Security Council, as well as the Economic and Social Council (ECOSOC), the authority to create subsidiary bodies in order to more efficiently execute their respective duties.<sup>13</sup> To handle the many issues that the GA is called upon to address, this international body divides its work among dozens of “Boards, Commissions, Committees, Councils and Panels, and Working

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<sup>1</sup> Dolinsky, “The Architects of Fear,” *The Outer Limits*, 1963.

<sup>2</sup> United Nations Department of Public Information, *The United Nations Today*, 2008, p. 3.

<sup>3</sup> Bosco, *Five to Rule Them All: The UN Security Council and the Making of the Modern World*, 2009, p. 13.

<sup>4</sup> Bosco, *Five to Rule Them All: The UN Security Council and the Making of the Modern World*, 2009, p. 22.

<sup>5</sup> United Nations Department of Public Information, *The United Nations Today*, 2008, p. 8.

<sup>6</sup> United Nations Department of Public Information, *The United Nations Today*, 2008, p. 8.

<sup>7</sup> United Nations, *Charter of the United Nations*, 1945, Article 7, paragraph 1; United Nations, *Charter of the United Nations*, 1945, Chapter IV.

<sup>8</sup> United Nations, *Charter of the United Nations*, 1945, Articles 10-15 and 17.

<sup>9</sup> United Nations, *Charter of the United Nations*, 1945, Article 10.

<sup>10</sup> United Nations, *Charter of the United Nations*, 1945, Article 18, paragraph 2, and Article 23, paragraph 1; United Nations, *Charter of the United Nations*, 1945, Article 17; United Nations Department of Public Information, *The United Nations Today*, 2008, p. 6.

<sup>11</sup> United Nations, *Charter of the United Nations*, 1945 Article 1.

<sup>12</sup> United Nations, *Charter of the United Nations*, 1945, Article 22.

<sup>13</sup> United Nations, *Charter of the United Nations*, 1945, Article 29; United Nations, *Charter of the United Nations*, 1945, Article 68.

Groups.”<sup>14</sup> Only six of these subsidiary bodies, however, are designated as Main Committees.<sup>15</sup> From the mid-1950s through the early 1990s, there even existed a seventh Main Committee called the Special Political Committee. Though it was never officially given the numerical designation of *the Seventh Committee*, this committee existed right alongside the other Main Committees, always being listed in the official General Assembly Rules of Procedure between the First Committee, which was the *Political and Security Committee* at the time, and the Second Committee, which has always been known by the name it bears today. Originally, an ad hoc committee of the GA that had “a permanent character” conferred upon it, this little-remembered seventh Main Committee would eventually be merged into the Fourth Committee beginning with the GA’s 48<sup>th</sup> session in 1994.<sup>16</sup>

The Main Committees each function as distinct replicas of the full 193-member GA, otherwise known as the Plenary.<sup>17</sup> The six different GA Main Committees, however, only discuss matters pertaining to a very specific set of issues. Most of the work of the GA, in fact, takes place in these six Main Committees.<sup>18</sup> All of the UN Member States discuss and debate world problems in the various committees and together try to negotiate a common proposal for a solution, usually in the form of a draft resolution.<sup>19</sup> That draft resolution is then taken up at the GA Plenary for further debate and voting, where it can be adopted or defeated.<sup>20</sup>

### ***The Purview of the General Assembly First Committee***

One key topic of discussion for the General Assembly is the maintenance of international peace and security.<sup>21</sup> In fact, the very phrase “international peace and security” is mentioned no less than six times in Chapter IV of the Charter.<sup>22</sup> Article 11, paragraph 1 even specifies that “disarmament and the regulation of armaments” are within the purview of the GA.<sup>23</sup> This is underscored by the fact that the very first resolution ever passed by the GA sought to find a way to eliminate nuclear bombs and weapons of mass destruction.<sup>24</sup> It is, therefore, no surprise that the GA established the First Committee with a mandate to focus on one of the UN’s earliest and most central missions: disarmament and international security.<sup>25</sup> Even before the First Committee officially became known as the Disarmament and International Security Committee after the passage of A/RES/47/233 in 1993, the First Committee’s previous official name, the Political and Security Committee (including the regulation of armaments), paid homage — albeit parenthetical — to the importance that arms control issues occupied in the minds of the founders of the UN.<sup>26</sup> The First Committee’s role within the UN system is to debate disarmament and international security issues, create draft resolutions that address those matters, and then subsequently send those draft resolutions to the GA Plenary for consideration and potential adoption.<sup>27</sup>

### ***Recent Developments in the General Assembly First Committee***

Other than the topic of nuclear weapons, one reoccurring issue in the First Committee is that of the proliferation of small arms and light weapons (SALW). A matter of significant importance to Africa, the African bloc has used their voice in the First Committee to draw attention to developing countries’ lack of adequate technology and sufficient

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<sup>14</sup> United Nations General Assembly, *Subsidiary Organs of the General Assembly*.

<sup>15</sup> United Nations General Assembly, *Main Committees*; United Nations General Assembly, *Rules of Procedure of the General Assembly*, 1947, A/71/Rev. 1, rule 101; United Nations, *Yearbook of the United Nations 1946-47*.

<sup>16</sup> United Nations General Assembly, *Rules of Procedure of the General Assembly*, 1985, A/520/Rev. 15, p. xiii, paragraph 17(b); Peterson, *The Oxford Handbook on the United Nations*, 2007, p.100; United Nations General Assembly, *Rules of Procedure of the General Assembly*, 1957, A/520/Rev.4/Corr.1, rule 101; United Nations General Assembly, *Resolution A/RES/47/233*, 1993, paragraph 4.

<sup>17</sup> Karns & Mingst, *International Organizations: The Politics and Processes of Global Governance*, 2010, p. 104.

<sup>18</sup> Karns & Mingst, *International Organizations: The Politics and Processes of Global Governance*, 2010, p. 104.

<sup>19</sup> United Nations General Assembly, *Subsidiary Organs of the General Assembly*.

<sup>20</sup> United Nations General Assembly, *Subsidiary Organs of the General Assembly*.

<sup>21</sup> United Nations, *Charter of the United Nations*, 1945, Articles 11-12, 15, and 18.

<sup>22</sup> United Nations, *Charter of the United Nations*, 1945, Articles 11-12, 15, and 18.

<sup>23</sup> United Nations, *Charter of the United Nations*, 1945, Article 11, paragraph 1.

<sup>24</sup> United Nations General Assembly, *Resolutions Adopted by the General Assembly During Its First Session*; United Nations General Assembly, *Resolution 1 (I)*, 1946, paragraph 5(c).

<sup>25</sup> United Nations General Assembly, *Resolution A/RES/47/233*, 1993, paragraph 1(a).

<sup>26</sup> Nations General Assembly, *Resolution A/RES/47/233*, 1993, paragraph 1(a); United Nations General Assembly, *Rules of Procedure of the General Assembly*, 1957, A/520/Rev.4/Corr.1, rule 101.

<sup>27</sup> James Martin Center for Nonproliferation Studies, *Inventory of International Nonproliferation Organizations & Regimes: United Nations First Committee*, 2010, p. UNFC-1.

financial resources to properly combat the problem of illegal SALW.<sup>28</sup> Another perennial issue is the adoption of a legally binding instrument to prevent an arms race in outer space.<sup>29</sup> In 2008, when this matter was put on the agenda of the First Committee, it obtained almost total unanimity save for the United States, which voted against the proposal, arguing that the existing framework for multilateral arms control was sufficient and that the prospect of an international arms race in outer space constituted a “nonexistent threat.”<sup>30</sup> Although efforts to prevent an arms race in outer space may not receive much attention by casual watchers of the UN, this proposal enjoys wide support in the First Committee, again being nearly unanimously adopted in 2010, except for the United States and Israel, which usually abstain or vote no on the matter whenever it arises.<sup>31</sup>

### ***Conclusion***

It is easy to think of the work of the First Committee as being rather repetitive. Certain topics, such as nuclear weapons — and the myriad issues that surround their restriction and eradication — or the prevention of an arms race in outer space, recur on the First Committee’s agenda year after year.<sup>32</sup> Perhaps this is because of the intractability of these problems. Or maybe, as some critics suggest, it is because the First Committee has become a place where some Member States are “entrenched in their positions and do not listen to the arguments or suggestions of others.”<sup>33</sup> The challenge for every delegate in the First Committee is to work diligently to propose innovative proposals that will overcome the seemingly inexorable nature of the global problems before them and to redouble their efforts to engage their colleagues in the spirit of meaningful dialogue and consensus building.

## **Annotated Bibliography**

### ***Committee History***

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*An indispensable resource, as are most resources from the James Martin Center for Nonproliferation Studies at the Monterrey Institute of International Studies. This resource gives a summary of the major topics of debate in the GA1 sessions at the UN from 1997 to the most recent 2010 session. A wealth of information, this source details specifically what draft resolutions were proposed, on what specific topic, and whether they were adopted or not.*

Peterson, M. (2007). General Assembly, In: T. Weiss & S. Daws. *The Oxford Handbook on the United Nations* (pp. 97-116). Oxford, United Kingdom: Oxford University Press.

*The Oxford Handbook on the United Nations is a very lengthy 800-page tome that provides the reader with a comprehensive foundation on the United Nations. From its structure, to its politics, to its work, this book covers in great detail and is a good introduction to the institution. While it devotes very little time to the First Committee, Peterson’s chapter on the GA is essential reading for any delegate interested in General Assembly, its history and its workings.*

United Nations General Assembly. (1993). *Resolution A/RES/47/233*. Retrieved September 25, 2011 from <http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/47/233>

*This source is significant because it is the Resolution that formally established the First Committee, which already existed, as the Disarmament and International Security committee. The*

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<sup>28</sup> James Martin Center for Nonproliferation Studies, *Inventory of International Nonproliferation Organizations & Regimes: United Nations First Committee*, 2010, p. UNFC-1.

<sup>29</sup> James Martin Center for Nonproliferation Studies, *Inventory of International Nonproliferation Organizations & Regimes: United Nations First Committee*, 2010, p. UNFC-3.

<sup>30</sup> James Martin Center for Nonproliferation Studies, *Inventory of International Nonproliferation Organizations & Regimes: United Nations First Committee*, 2010, p. UNFC-13.

<sup>31</sup> James Martin Center for Nonproliferation Studies, *Inventory of International Nonproliferation Organizations & Regimes: United Nations First Committee*, 2010, p. UNFC-3.

<sup>32</sup> James Martin Center for Nonproliferation Studies, *Inventory of International Nonproliferation Organizations & Regimes: United Nations First Committee*, 2010.

<sup>33</sup> Reaching Critical Will, *General Assembly First Committee on Disarmament and International Security*.

*preambulatory section of this resolution also contains some rather nicely worded clauses about the democratic nature of the General Assembly, the importance of the GA doing its work efficiently, and the necessity of the GA to adapt to the demands of a changing world.*

United Nations. (1945). *Charter of the United Nations*. New York, NY: United Nations Department of Public Information.

*While it is important for a delegate to be very familiar with the key provisions throughout the entire Charter of the United Nations, it is essential for delegates to the General Assembly First Committee (or any of the other Main Committees of the General Assembly) to specifically be very well versed in Chapter IV of the Charter. Chapter IV of the Charter enumerates the powers and responsibilities of the General Assembly and is the basis for the creation of the GA's six Main Committees and other subsidiary organs. Chapter IV also contains several references to the maintenance of international peace and security and a specific reference to disarmament, making this particular chapter of the Charter required reading for any GAI delegate.*

United Nations General Assembly. (N.D.). *Main Committees*. Retrieved August 8, 2011 from <http://www.un.org/en/ga/maincommittees/index.shtml>

*This source is a very clear and basic listing of the six main committees and their purviews. Not offering much information beyond that, it does, however, provide a link to the General Assembly First Committee website, where delegates can find draft resolutions, reports, as well as other documents issued by this committee.*

## **I. Illicit Trade in Small Arms and Light Weapons in Africa**

*"...Conflicts have several political, economic, and social causes, but it would be much easier to prevent and resolve them if the availability of small arms can be checked."<sup>34</sup>*

### ***Introduction***

The historical development of firearms was not an exclusive case of military development influencing civilian development.<sup>35</sup> In fact, during the early developments of conventional weapons, the need for enlargement of "small arms and light weapons" (SALW) became a priority.<sup>36</sup> In addition, a differentiation was not made between civilian and military requirements, and there were no visible regulations to restrict civilian ownership of military weapons.<sup>37</sup> This would cause serious problems in regards to regulation and the prevention of illicit trade in SALW in the future.<sup>38</sup> "Statistics show that out of the estimated 500 million small arms and light weapons in circulation worldwide, 100 million are found in Africa."<sup>39</sup> This extensive availability of SALW has allowed massive human rights violations and violations of international humanitarian law to occur.<sup>40</sup> This has developed, within the continent, a culture of violence, which destroys the social fabric of several African nations, and the aids escalation of the phenomenon of child soldiers.<sup>41</sup>

Currently, automatic firearms are the most common weapons used in combat.<sup>42</sup> These flow by the millions in an uncontrolled manner in current and former war zones such as Central Africa, Southern Africa, Central America, Southeast Asia, and the Balkans.<sup>43</sup> Retrieving most of them would be difficult, if not impossible. The concern regards not just political willpower but also of weak economic, social, and political capabilities in these regions - capabilities needed to deal with the problem.<sup>44</sup> In Africa, several countries have experienced the consequences and

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<sup>34</sup> Sahnoun, *Member of the Eminent Persons Group on Curbing Illicit Trafficking in Small Arms and Light Weapons*, 2010.

<sup>35</sup> *Trends in Small Arms and Light Weapons Development: Non-Proliferation and Arms Control Dimensions*, 2000.

<sup>36</sup> *Trends in Small Arms and Light Weapons Development: Non-Proliferation and Arms Control Dimensions*, 2000.

<sup>37</sup> *Trends in Small Arms and Light Weapons Development: Non-Proliferation and Arms Control Dimensions*, 2000.

<sup>38</sup> *Trends in Small Arms and Light Weapons Development: Non-Proliferation and Arms Control Dimensions*, 2000.

<sup>39</sup> AfricanUnion.Org, *Small Arms and Light Weapons*, 2011.

<sup>40</sup> AfricanUnion.Org, *Small Arms and Light Weapons*, 2011.

<sup>41</sup> AfricanUnion.Org, *Small Arms and Light Weapons*, 2011.

<sup>42</sup> *Trends in Small Arms and Light Weapons Development: Non-Proliferation and Arms Control Dimensions*, 2000.

<sup>43</sup> *Trends in Small Arms and Light Weapons Development: Non-Proliferation and Arms Control Dimensions*, 2000.

<sup>44</sup> *Trends in Small Arms and Light Weapons Development: Non-Proliferation and Arms Control Dimensions*, 2000.

impacts of weapon proliferation.<sup>45</sup> Thousands of civilians and combatants are killed or gravely wounded every year.<sup>46</sup> Even if death or injury can be prevented, the proliferation and misuse of small arms can impact a community dramatically, as well as impacting the whole country.<sup>47</sup>

The use of and the threat caused by small arms prevent the delivery of humanitarian and economic aid, undermines development, and contributes to the increasing number of refugees and internally displaced persons (IDP).<sup>48</sup> Due to the number of SALW remaining in circulation and in the possession of former combatants, these weapons often create further violence in the form of criminal activity, thereby perpetuating instability in communities.<sup>49</sup> The post-conflict development processes in Africa have been noticeably affected by SALW.<sup>50</sup> This can be shown in the increasing incidences of child participation in conflicts as a consequence of the proliferation of small arms.<sup>51</sup>

### ***International Framework and Overview***

As of 2001, the international frameworks to prevent, combat, and eradicate the illicit trade in small arms and light weapons has been developed.<sup>52</sup> The United Nations (UN) Programme of Action (PoA) has allowed resources to be granted to Member States and regions that are in need.<sup>53</sup> This means that those striving to reduce the effects of SALW in their communities are provided with a platform for further international, regional, and national cooperation, thereby improving their conditions.<sup>54</sup> On October 30, 2009, Member States of the UN overpoweringly voted in favor of *Resolution 64/48* to discuss a “strong and robust” Arms Trade Treaty (ATT).<sup>55</sup> This is a major step forward, but it was also the result of extensive debates and discussions of over a decade on the need to control the transfers of conventional arms and weapons.<sup>56</sup> Now, however, comes the real challenge, as the UN must ensure Member States negotiate the highest possible international standards, ensuring that small arms and light weapons are not distributed to states with a high threshold or risk of human rights abuses.<sup>57</sup>

Member States established that while recognizing the role conventional arms play in the safeguarding of national peace and security, an arms trade treaty was deemed necessary to create “a set of legally-binding international principles to govern the trade in conventional arms and set out a practical mechanism for their application.”<sup>58</sup> This treaty would, as its main goals, minimize the likelihood of international arms being transferred irresponsibly, prevent diversions, increase accountability in an international arms procurement, and avoid the destabilization and accumulation of illegal arms in conflict zones.<sup>59</sup> While the technicalities of an arms trade treaty are still largely unstipulated, international organizations, NGOs, and lawyers have addressed key principles and ideas that might reinforce such a treaty:

- “All arms and ammunition transfers should be authorized and carried out by states in accordance with their national laws and procedures, which reflect their obligations under international law;”<sup>60</sup>
- “States shall not authorize arms or ammunition transfers that violate their obligations under international law, including UN Security Council resolutions, and international humanitarian law;”<sup>61</sup>

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<sup>45</sup> Stohl and Tuttle, *The Challenges of Small Arms and Light Weapons in Africa*, 2006.

<sup>46</sup> Stohl and Tuttle, *The Challenges of Small Arms and Light Weapons in Africa*, 2006.

<sup>47</sup> Stohl and Tuttle, *The Challenges of Small Arms and Light Weapons in Africa*, 2006.

<sup>48</sup> Stohl and Tuttle, *The Challenges of Small Arms and Light Weapons in Africa*, 2006.

<sup>49</sup> Stohl and Tuttle, *The Challenges of Small Arms and Light Weapons in Africa*, 2006.

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<sup>51</sup> Stohl and Tuttle, *The Challenges of Small Arms and Light Weapons in Africa*, 2006.

<sup>52</sup> Lewis, United Nations Institute for Disarmament Research (UNIDIR), *Taking Action on Small Arms*, 2005.

<sup>53</sup> Lewis, United Nations Institute for Disarmament Research (UNIDIR), *Taking Action on Small Arms*, 2005.

<sup>54</sup> Lewis, United Nations Institute for Disarmament Research (UNIDIR), *Taking Action on Small Arms*, 2005.

<sup>55</sup> Saferworld, *UN: Overview – Arms Trade Treaty*, 2011.

<sup>56</sup> Saferworld, *UN: Overview – Arms Trade Treaty*, 2011.

<sup>57</sup> Saferworld, *UN: Overview – Arms Trade Treaty*, 2011.

<sup>58</sup> United Nations Association of Great Britain and Northern Ireland (UNA-UK), *Peace and security – towards the establishment of an arms trade treaty at the United Nations*, 2006.

<sup>59</sup> Parker, *Implications of states’ views on an arms trade treaty*, 2008.

<sup>60</sup> Dye, *Africa and an Arms Trade Treaty*, 2009.

<sup>61</sup> Dye, *Africa and an Arms Trade Treaty*, 2009.

- “States shall not authorize arms or ammunition transfers if they will be, or are likely to be, used in violation of international law, including the violation of human rights;”<sup>62</sup>
- “States should also consider other factors, such as the impact of arms or ammunition transfers on regional security, corruption, and sustainable development;”<sup>63</sup>
- “States shall submit comprehensive national annual reports on all of their arms and ammunition transfers to an international registry;”<sup>64</sup> and
- “States shall establish common standards for specific mechanisms to control the import and export of arms and ammunition, arms and ammunition brokering activities, the transfer of licensed arms and ammunition production, and the transit and transshipment of arms and ammunition.”<sup>65</sup>

For the most part, African countries disclosed considerable support in favor of an arms trade treaty.<sup>66</sup> Current SALW control agreements in Africa either incorporate elements of the proposed treaty or specify the need for the agreement.<sup>67</sup> The Bamako Declaration, for instance, discussed an African Common Position on the illicit propagation, distribution and trafficking of small arms and light weapons. It also appeals to arms-supplying states to eradicate the practice of dumping excess weapons in African states.<sup>68</sup> The Nairobi Protocol’s Best Practice Guidelines also specify the criteria for the transfer of arms.<sup>69</sup> There have been three conferences involving arms transfer controls held in Africa since 2004, one in Tanzania in 2005, and two in Nairobi in 2006 and 2008.<sup>70</sup> Despite apprehensions felt by some, African states showed strong support for the elaboration of an ATT, which would improve arms transfer controls.<sup>71</sup>

An Arms Trade Treaty would have many benefits for countries in Africa, including a decrease in the excess of weapons dumped in Africa; a leveling of the arms industry by a standardization, importation, and exportation criteria; and guaranteeing the adherence to international law, and improved transparency and accountability in arms procurements.<sup>72</sup> Although these benefits are widely recognized in African countries, the continent is overwhelmed by its challenges, such as the dominance of widespread diseases, incessant internal conflicts, and natural disasters.<sup>73</sup> Governments encounter the challenging task of meeting immediate priorities with limited resources.<sup>74</sup> Concerns of the price of adopting and enforcing the standards of a legally binding treaty are raised by states, particularly those that are currently unable to meet their obligations under the existing agreements.<sup>75</sup>

Member State Experts of the African Union held a meeting in Lome, Republic of Togo, from September 26 to 29, 2011. This meeting considered “the adoption of the draft African Union strategy on the control of illicit proliferation, circulation and trafficking of small arms and light weapons, and to elaborate an African Common Position on an Arms Trade Treaty.”<sup>76</sup> The experts decided the revised Draft Implementation Plan would be sent, within the following fortnight, to all Member States. They also established that the experts have, until November 15, 2011, to

<sup>62</sup> Dye, *Africa and an Arms Trade Treaty*, 2009.

<sup>63</sup> Dye, *Africa and an Arms Trade Treaty*, 2009.

<sup>64</sup> Dye, *Africa and an Arms Trade Treaty*, 2009.

<sup>65</sup> Dye, *Africa and an Arms Trade Treaty*, 2009.

<sup>66</sup> Dye, *Africa and an Arms Trade Treaty*, 2009.

<sup>67</sup> Dye, *Africa and an Arms Trade Treaty*, 2009.

<sup>68</sup> African Union, *Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons*, 2000.

<sup>69</sup> Regional Centre on Small Arms: *Best Practice Guidelines for the Implementation of the Nairobi Declaration and the Nairobi Protocol on Small Arms and Light Weapons*, 2005.

<sup>70</sup> Dye, *Africa and an Arms Trade Treaty*, 2009.

<sup>71</sup> Dye, *Africa and an Arms Trade Treaty*, 2009.

<sup>72</sup> Dye, *Africa and an Arms Trade Treaty*, 2009.

<sup>73</sup> Dye, *Africa and an Arms Trade Treaty*, 2009.

<sup>74</sup> Dye, *Africa and an Arms Trade Treaty*, 2009.

<sup>75</sup> Dye, *Africa and an Arms Trade Treaty*, 2009.

<sup>76</sup> African Union, *Meeting of Member States Experts of the African Union to Consider the AU Draft Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, and to Elaborate an African Common Position on an Arms Trade Treaty*, 2011.

present their observations and changes the AU Commission of the revised Implementation Plan, viewing to improve its quality before it is finally considered by the Executive Council in January 2012.<sup>77</sup>

### *Debate within the General Assembly*

SALW cause many human casualties and injuries in conflicts around the world. The UN first introduced the topic of small arms control in 1991. General Assembly *Resolution 46/36* authorized a panel of experts to determine the types of small arms and light weapons being used in many states' conflicts in order to establish what weapons would fall under the "international arms control regime." Later, *Resolution 50/70* advocated the establishment of a UN Register with the purposes of promoting transparency in armament.<sup>78</sup> The reports contained the recommendations of the panel, which were returned to the General Assembly in 1997 and 1999. This prompted a UN-wide conference on the illicit trade in small arms in July 2001, the UN Conference on Illicit Trade and Small Arms, with a supplementary conference to be held in 2006.<sup>79</sup> The conference determined that Member States were required to report to the United Nations on the progress of their implementation of the UN PoA.<sup>80</sup> An evaluation of the PoA was planned for a later conference in 2012.<sup>81</sup> "As the dividing line between underdevelopment, instability, fragility, crisis, conflict and war become increasingly blurred, contemporary conflict prevention, conflict resolution and peace-building efforts requires multidimensional responses, according to the report."<sup>82</sup>

The *Report of the Secretary-General on Small Arms (S/2008/258)* examined the numerous features of the topic of SALW. It stressed the negative impacts illicit arms have on human rights, security, and socioeconomic development, particularly in crisis areas and in post-conflict situations.<sup>83</sup> It investigated global mechanisms that can be used to restrict the uncontrolled proliferation of small arms, including the aforementioned PoA.<sup>84</sup> The statistics on the number of small arms being smuggled in Africa is alarming. The borders between West African states are long and full of poorly patrolled footpaths.<sup>85</sup> In Sierra Leone, Guinea, and Liberia, more than 150 illegal crossing points were identified.<sup>86</sup> "Over 85% of crossing points were covered by fewer than 11% of the customs, immigration, and security officials identified."<sup>87</sup> This established that smuggling of SALW could be a real threat to stability in the region.<sup>88</sup>

At the 2006 session of the General Assembly First Committee on Disarmament and International Security (First Committee), there was significant development regarding the adoption of the Arms Trade Treaty.<sup>89</sup> One hundred fifty-three Member States voted in favor of beginning work towards the implementation of the ATT.<sup>90</sup> This conditioned the adoption of *Resolution 61/89, Towards an Arms Trade Treaty: establishing common international standards for the import, export and transfer of conventional weapons.*<sup>91</sup> This documented that "the absence of common international standards on the import, export and transfer of conventional arms is a contributory factor to

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<sup>77</sup> African Union, *Meeting of Member States Experts of the African Union to Consider the AU Draft Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, and to Elaborate an African Common Position on an Arms Trade Treaty*, 2011.

<sup>78</sup> United Nations, General Assembly, *General and complete disarmament: Transparency in armaments*, (A/50/70), 1996.

<sup>79</sup> United Nations General Assembly, *Report Of The Group Of Governmental Experts On Small Arms*, 1999.

<sup>80</sup> United Nations General Assembly, *Report Of The Group Of Governmental Experts On Small Arms*, 1999

<sup>81</sup> United Nations, General Assembly, *Report of the Third 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/192/2008/3) 2008.

<sup>82</sup> United Nations Security Council, *Threat posed to International Peace by Uncontrolled Trade in Small Arms Cannot be Overemphasized*, (SC/9316), 2008.

<sup>83</sup> United Nations Security Council, *Threat posed to International Peace by Uncontrolled Trade in Small Arms Cannot be Overemphasized*, (SC/9316), 2008.

<sup>84</sup> United Nations Security Council, *Threat posed to International Peace by Uncontrolled Trade in Small Arms Cannot be Overemphasized*, (SC/9316), 2008.

<sup>85</sup> Keili, *Small arms and light weapons transfer in West Africa: a stock-taking*, 2008.

<sup>86</sup> Keili, *Small arms and light weapons transfer in West Africa: a stock-taking*, 2008.

<sup>87</sup> Keili, *Small arms and light weapons transfer in West Africa: a stock-taking*, 2008.

<sup>88</sup> Keili, *Small arms and light weapons transfer in West Africa: a stock-taking*, 2008.

<sup>89</sup> Dye, *Africa and an Arms Trade Treaty*, 2009.

<sup>90</sup> Dye, *Africa and an Arms Trade Treaty*, 2009.

<sup>91</sup> Dye, *Africa and an Arms Trade Treaty*, 2009.

conflict, the displacement of people, crime and terrorism, thereby undermining peace, reconciliation, safety, security, stability and sustainable development.”<sup>92</sup>

As a result of the resolution, the Secretary-General was requested to establish “a group of governmental experts (GGE) to examine the feasibility, scope and draft parameters of a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms.”<sup>93</sup> The GGE would be responsible for compiling a report to be presented for agreement at the General Assembly’s 63<sup>rd</sup> session in October 2008.<sup>94</sup> Algeria, Egypt, Kenya, Nigeria, and South Africa all participated in the Group of Governmental Experts and in its report it noted the changed dynamics caused by globalization affected international arms trade and it also noted that most arms-producing states were increasingly reliant on technology transfers and upgrades from external sources.<sup>95</sup> The issue of violation of arms embargoes was also addressed by report, which also acknowledged that: “global arms production and trade contribute significantly to the economy and employment in a number of countries.”<sup>96</sup>

### ***Case Study: Kenya***

#### *Relevance*

In Kenya and other East African countries, such as Uganda and Tanzania, the increase in SALW is one of the principal security challenges the region faces.<sup>97</sup> The widespread accessibility and trafficking of the aforementioned weapons have been proven to increase in the number of conflicts and instability, while threatening security and sustainable development of the region.<sup>98</sup> The extensive propagation of these small arms increases the number of incidences of armed crimes, both in rural and urban areas, which aggravates armed cattle rustling and conflicts in pastoralist areas.<sup>99</sup> Therefore, the complex situation in Kenya can help us understand the broader problem throughout the whole of Africa, making it an extremely relevant case to consider.<sup>100</sup>

#### *Specifics of the Case*

Armed violence affects predominantly the more deprived demographics of the Kenyan population, and thus becomes a significant factor in undermining poverty reduction efforts and economic development.<sup>101</sup> Prolonged insecurity hinders the delivery of services to the vast urban slum areas and in Kenya’s underdeveloped marginal regions. Much of this uncertainty is driven by the widespread accessibility of small arms.<sup>102</sup> The market for illicit SALW has become increasingly accessible, particularly among the nomadic communities in northern Kenya along the Sudanese border, and also in the criminal world of major cities and towns such as Nairobi, Mombasa, Kisumu, Nakuru, and Eldoret.<sup>103</sup> Nairobi, of all African cities, has the third highest record of illicit traffic of small arms, behind Lagos and Johannesburg.<sup>104</sup>

#### *Solutions*

In 2006, the Kenyan government stated that the control of illegal SALW trade was a priority and has been actively engaged, at the national and regional levels, to advance effective responses.<sup>105</sup> It had recognized that the initiatives were unlikely to succeed without the population’s involvement; as a result, the government launched its *Community*

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<sup>92</sup> Dye, *Africa and an Arms Trade Treaty*, 2009.

<sup>93</sup> United Nations Office for Disarmament Affairs, *Towards an arms trade treaty*, 2008.

<sup>94</sup> United Nations Office for Disarmament Affairs, *Towards an arms trade treaty*, 2008.

<sup>95</sup> United Nations, *Report of the Group of Governmental Experts (A/63/334)*, 2008.

<sup>96</sup> United Nations, *Report of the Group of Governmental Experts (A/63/334)*, 2008.

<sup>97</sup> Njoroge, AfricaFiles.Org, *Small Arms and Light Weapons in Kenya*, 2007.

<sup>98</sup> Njoroge, AfricaFiles.Org, *Small Arms and Light Weapons in Kenya*, 2007.

<sup>99</sup> Njoroge, AfricaFiles.Org, *Small Arms and Light Weapons in Kenya*, 2007.

<sup>100</sup> Njoroge, AfricaFiles.Org, *Small Arms and Light Weapons in Kenya*, 2007.

<sup>101</sup> Khadiagala, *Protection and Poverty: The experiences of community weapons collection initiatives in Northern Kenya*, 2003.

<sup>102</sup> Khadiagala, *Protection and Poverty: The experiences of community weapons collection initiatives in Northern Kenya*, 2003.

<sup>103</sup> Sabala, *The Proliferation, Circulation and Use of Illegal Firearms in Urban Centers: Case of Nairobi, Kenya*, 2002.

<sup>104</sup> Sabala, *The Proliferation, Circulation and Use of Illegal Firearms in Urban Centers: Case of Nairobi, Kenya*, 2002.

<sup>105</sup> *The Nairobi Protocol for Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa*, 2004.



*Policing Initiative* to encourage members of the public to take an active role in fighting all forms of crime.<sup>106</sup> The Initiative still remains active today, predominantly in rural communities where local leaders are encouraged to fight the possession and use of illegal weapons.<sup>107</sup> Since 2006, Kenya has also joined the United Nations Development Programmes (UNDP) regional and international initiatives for the reduction and control of the proliferation of SALW.<sup>108</sup> Kenya currently hosts the Regional Center on Small Arms (RECSA), which is an intergovernmental body supporting Member States. The Kenya National Focal Point for SALW is responsible for issues of SALW.<sup>109</sup>

### *In the Regional Context*

Kenya, similarly to other countries in the region, still does not have the capability to guarantee the security of its citizens.<sup>110</sup> Faced with this reality, the whole region has, as a result, maintained its armed groups in frontier district regions that are suffering from underdevelopment and marginalization.<sup>111</sup> This policy has sent a clear message to the communities stating that they should take care of themselves and their own security, solidifying the belief among the community leaders and heads of ethnic groups that the government itself is unable to take care of the basic needs of the people.<sup>112</sup>

### **Conclusion**

The international community and African states must act together to confront the sale and use of SALW throughout the continent. Arms traders continuously defy international guidelines and national legislations to supply weapons to governments and armed groups. The small arms that remain in circulation are used in armed, criminal violence that perpetuate instability, and it must be prevented. To that end, how can the international community ensure that the PoA is effectively implemented in the African continent, especially in areas with the highest risk of conflict? Given that African states are not producers of SALW, how can the UN address the inadequacies of transit and destination Member States? What is the role of civil society in the combat to eliminate illicit SALW trade in Africa? What are the remaining challenges within the General Assembly First Committee in regards to preventing the illicit trade of SALW?

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*This report from the African Union gives a clear overview of the history and development of small arms and light weapons in Africa. It also presents the current statistics relating to the topic and its growing concern within international institutions as well as the outcome of the discussions within the assembly of the Heads of State and Government in meetings related to SALW control and the OAU's role within the UN and its discussions relating to the Illicit Trade in SALW.*

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*This report gives a very detailed analysis and background of the Programme of Action adopted by the United Nations as well as the developments and predictions for the future. It details the actions of Member States at national, regional, and global levels as well as the responsibilities of each one of the Member States. The report also highlights the way forward for Member States, and it is very descriptive in what was decided and what is to be decided in the proceeding meetings at the UN.*

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<sup>106</sup> *The Nairobi Protocol for Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa*, 2004.

<sup>107</sup> *The Nairobi Protocol for Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa*, 2004.

<sup>108</sup> United Nations Development Programme in Kenya, *Peace Building and Conflict Resolution*, 2011.

<sup>109</sup> United Nations Development Programme in Kenya, *Peace Building and Conflict Resolution*, 2011.

<sup>110</sup> KiflemariamGebre-Wold, *Brief 23: Small Arms in Africa: Challenges, Issues and Perspectives*, 2002.

<sup>111</sup> KiflemariamGebre-Wold, *Brief 23: Small Arms in Africa: Challenges, Issues and Perspectives*, 2002.

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*This Web site offers its users the United Kingdom's perspective on the Arms Trade Treaty. The UNA-UK strongly supports the establishment of an international Arms Trade Treaty (ATT) negotiated at the United Nations. The treaty would aim to set out legally binding international principles to govern the trade in conventional arms and set out a practical mechanism for their application. UNA-UK is raising awareness of the importance of establishing an ATT through continued dialogue and campaigning on the issue with other NGOs.*

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*In its third 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,*

*One hundred and nine Member States considered the implementation of the Programme of Action in all its aspects at the national, regional, and global levels, the implementation of the international instrument to enable states to identify and trace, in a timely and reliable manner, illicit trade in small arms and light weapons, and other issues. They also discussed the outcome on the implementation of the international instrument to enable states to identify and trace, in a timely and reliable manner, illicit small arms and light weapons. The report also provides an annex on the “Outcome on the implementation of the international instrument to enable states to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.”*

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*This portal provides a simple overview on the development of the Arms Trade Treaty. It affirms that the global trade in conventional weapons, from warships and battle tanks to fighter jets and machine guns, remains poorly regulated. A set of internationally agreed standards does not exist to ensure that arms are only transferred for appropriate use.*

## II. Measures to Prevent and Deter Cyberwarfare

*“In the relative anonymity and complexity of the Internet and the ability to cross international borders and jurisdictions with impunity, it is very difficult to know exactly who is behind the attacks and their exact motive. Not knowing who or why makes it very difficult to quantify the risk and determine how we should respond.”<sup>113</sup>*

### **Introduction**

The 21<sup>st</sup> century has been witness to the creation and expansion of types of warfare; recent advances have led warfare to enter a new realm: cyberspace.<sup>114</sup> “Utilizing the same networks and links that bind us globally, cyber threats and attacks are able to strike from virtually anywhere in the world, potentially causing catastrophic social and economic harm.”<sup>115</sup> As a new international phenomenon, cyberwarfare is difficult to address.<sup>116</sup> Despite this difficulty, it is essential that the international community work to understand and deter the cyberwarfare efforts being undertaken by state and non-state actors.

The existence of cybercrime dates back to the emergence and popularity of the Internet.<sup>117</sup> Furthermore, cyber attacks have been adopted as tools not only for achieving financial gains but also endangering governmental secret information with the ultimate goal of weakening the state apparatus and leaving state security systems vulnerable to future cyberterrorism and attacks.<sup>118</sup> Cyber attacks have grown more frequent and destructive in recent years, and warfare has reached its fifth domain of action –the first four being land, air, sea, and space.<sup>119</sup> Most cyber attacks have the ultimate goal of paralyzing Web sites, financial networks, and computer systems by means of flooding them with data from external devices.<sup>120</sup>

The first registered hacking attack, which was a denial-of-service (DoS) attack, was launched in 2000 by a 15-year-old Canadian, and it assaulted numerous e-commerce sites, including online merchants eBay and Amazon.<sup>121</sup> Another type of attack, malware, from “malicious software,” is designed to take control of an individual’s computer in order to spread viruses and harm personal devices and networking profiles.<sup>122</sup> Other cyber attacks may take the form of:

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<sup>113</sup> Anderson, Kent, *Virtual Hostage*, 2010.

<sup>114</sup> Weber, *Cybercrime rising sharply*, 2009.

<sup>115</sup> IMPACT, *Mission & Vision: About Us*, 2011.

<sup>116</sup> Gross, *US Cyber War Policy Needs New Focus, Experts Say*, 2009.

<sup>117</sup> Reference for Business, *Computer Crimes*, 2011.

<sup>118</sup> Weber, *Cybercrime rising sharply*, 2009.

<sup>119</sup> Hazlett, *Decision 2012: War in the Fifth Domain*, 2011.

<sup>120</sup> James, *A Brief History of Cybercrime*, 2009.

<sup>121</sup> James, *A Brief History of Cybercrime*, 2009.

<sup>122</sup> The Telegraph, *Cyber attacks: from Facebook to nuclear weapons*, 2011.

- *Phishing*: attacks intended to steal an individual's online presence and financial information;
- *Carding*: criminal acts based on the use of underground online forums to sell stolen banking information and the duplication of credit and debit cards; and
- *Pranksters*: cyber attacks designed to inflict moral and psychological damage through the use of personal information as means of causing embarrassment, harassment, and annoyance.<sup>123</sup>

Increasingly, states have used cyberwarfare to directly damage other states.<sup>124</sup> In 2007, one of the first reported government cyber attacks took place when agents allegedly associated with the Russian government launched a DoS attack against Estonia, jeopardizing the country's digital infrastructure by paralyzing its governmental, media, and banking sites and systems.<sup>125</sup> In 2008, a massive cyber attack against Georgia is believed to have taken place before Russia's invasion of the country, crippling the banking system and disrupting cell-phone service.<sup>126</sup> More recently, some believe Israeli and U.S. intelligence agencies have perpetrated cyber attacks through the use of a computer virus, *Stuxnet*, in order to carry out imperceptible attacks on Iran's nuclear program.<sup>127</sup> As a result, Iran's president, Mahmoud Ahmadinejad, has admitted that the Islamic Republic is currently working on the development of a cyber-police force in order to combat online sabotage from abroad.<sup>128</sup>

### ***Sabotage and Espionage: Cyberwarfare in the 21<sup>st</sup> Century***

Sabotage and espionage are two primary methods of cyberwarfare. In this sense, sabotage must be understood as an act aimed at hindering, undermining, or harming another person's work or efforts.<sup>129</sup> Espionage can be defined as an intelligence activity based on "spying on the [...] government and/or transferring state secrets on behalf of a foreign country [...]. The term applies particularly to the act of collecting military, industrial, and political data about one nation for the benefit of another."<sup>130</sup> Espionage can further implicate the clandestine research and analysis of undisclosed diplomatic reports and cables, periodicals, technical publications, statistics and governmental data, and radio and television broadcasts with the purpose of using such information as a tool of sabotage and infringing damage on a government or regional and international organization.<sup>131</sup>

Cyberterrorism can thus be understood as the use of the Internet and further cyber-based activities to incite terror and inflict alarm upon civilians in order to achieve political or ideological goals.<sup>132</sup> Cyberterrorism can be further described as those illegitimate threats and attacks against computers, electronic devices, networks, and data accumulated therein to intimidate a government or a society in order to attain political objectives.<sup>133</sup> In this regard, acts of cyberterrorism entail attacks that not necessarily result in violence against persons or property, but that generate harm and fear.<sup>134</sup> Such attacks would include the interference of networks in order to deaths or injuries,<sup>135</sup> Pure cyberterrorism describes terrorist activities carried out, exclusively in the cyber world, and aimed at distressing the virtual world with no additional purposes.<sup>136</sup> In this sense, examples of cyberterrorism may include activities related to the use of information technology, such as but not limited to computer software and hardware, and cybernetic systems, to organize and carry out attacks in order to support group activities and campaigns.<sup>137</sup> Many experts have agreed that many terrorist groups and figures behind such groups, such as al-Qaeda and Hamas, have acquired new information technology as a means to conduct their organizations' operations without being detected.<sup>138</sup> However, in spite of the relative ease of perpetrating acts of cyberterrorism as a result of new information technology, many other groups such as the Irish Republican Army (IRA), the Colombian guerilla FARC (Revolutionary Armed Forces of Colombia), and the Red Army Faction, have never carried out any significant

<sup>123</sup> The Telegraph, *Cyber attacks: from Facebook to nuclear weapons*, 2011.

<sup>124</sup> The Telegraph, *Cyber attacks: from Facebook to nuclear weapons*, 2011.

<sup>125</sup> James, *A Brief History of Cybercrime*, 2009.

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<sup>129</sup> USLegal, *Sabotage law & legal definition*, 2001-2011.

<sup>130</sup> USLegal, *Espionage law & legal definition*, 2001-2011.

<sup>131</sup> USLegal, *Espionage law & legal definition*, 2001-2011.

<sup>132</sup> Gordon and Ford, *Cyberterrorism?*, 2003.

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<sup>135</sup> Gordon and Ford, *Cyberterrorism?*, 2003.

<sup>136</sup> Gordon and Ford, *Cyberterrorism?*, 2003.

<sup>137</sup> Krasavin, *What is cyber-terrorism?*, 2001.

<sup>138</sup> Krasavin, *What is cyber-terrorism?*, 2001.

attacks.<sup>139</sup> Moreover, while Al-Qaeda uses approximately 6,000 Web sites to recruit, proselytize, communicate, and coordinate the development of attacks, there is no evidence that it has carried out any cyber attacks.<sup>140</sup>

Two other hacker activist organizations have made themselves known in recent years: Anonymous and Lulz Security.<sup>141</sup> Little information on Lulz Security is available but what is certain is that their actions, as well as those of Anonymous, are driven by “hacktivism,” which are actions pursued by hacktivists who seek activism and protest through the use of Internet while attacking networks accused of acting against citizens and/or consumers. Anonymous is another group of activist computer hackers that has recently caught international attention; by December 2010, it had assumed a more political profile by directing attacks on corporate and governmental Web Sites in defense of Internet freedom and in support of WikiLeaks.<sup>142</sup> These two groups are most well-known for their joint cyber attack, entitled Operation Anti-Security, committed against several national governments in 2011, starting with Brazil and the United States; the United States Department of Homeland Security and the Federal Emergency Management Agency were known to be specific targets.<sup>143</sup> Between May and June 2011, Lulz Security undertook several attacks, mainly against the U.S.’s Central Intelligence Agency (CIA), the U.S. Senate, and public broadcasters such as Fox News, using distributed DoS attacks.<sup>144</sup>

### ***Current Efforts to Deter Cyberwarfare: Cyberwarfare within the International Community and the United Nations***

It is difficult to address acts of cyberwarfare, as unlike traditional forms of warfare such as nuclear warfare, are no automatic measures of retaliation, the differences between criminality and warfare is undefined, and the identification of the originators remains difficult.<sup>145</sup> Cyberwarfare has become a new war domain that does not distinguish regional or national barriers and frontiers, as it is developed within and throughout a highly interlinked and networked world. Hence, as stated by former President of Costa Rica, Óscar Arias, countries will not be able to deter emerging cyber threats alone as it is an international and interconnecting matter to be addressed at regional and global levels.<sup>146</sup>

#### *The UN International Telecommunication Union*

The branch of the United Nations (UN) that is most often involved in cybersecurity is the International Telecommunication Union (ITU).<sup>147</sup> The first-ever meeting within the UN framework took place in October 2007, as a High-Level Experts Group met for the ITU’s Global Cybersecurity Agenda.<sup>148</sup> Drawing a total of 60 governmental, academic, non-profit, and private sector experts, the meeting laid out the next steps to be taken in order to lay the foundations of an international cybercrime roadmap based on five main areas: legal measures, technical and procedural measures, capacity building, organizational structures, and international cooperation.<sup>149</sup> With a total of 192 Member States, the ITU represents the UN’s multilateral efforts to address cybersecurity and cybercrime.<sup>150</sup> Consequently, the ITU is one of the UN’s main bodies for the development and implementation of proposals aimed at dealing with global cybersecurity challenges.<sup>151</sup> In light of its status within the UN system, the International Multilateral Partnership Against Cyber Threats (IMPACT) was created as the ITU’s cybersecurity executive branch.<sup>152</sup> “As the world’s first comprehensive alliance against cyber threats, IMPACT brings together governments, academia, and industry experts to enhance the global community’s capabilities to deal with cyber threats.”<sup>153</sup> IMPACT provides the 192 Member States with expertise and know-how, access to facilities, and the adequate resources to address and fight cybercrime, as well as assisting the various specialized agencies and bodies

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<sup>139</sup> Anderson, *Virtual Hostage*, 2010.

<sup>140</sup> Anderson, *Virtual Hostage*, 2010.

<sup>141</sup> Storm, *AntiSec hackers mangle & pwn defense contractor, leak Booz Allen Hamilton’s data*, 2011.

<sup>142</sup> The New York Times, *Anonymous (Internet Group)*, 2010.

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<sup>145</sup> The Economist, *Cyberwar: War in the fifth domain*, 2010.

<sup>146</sup> UN News Centre, *Experts at UN-backed meeting lay foundation for global cybersecurity roadmap*, 2007.

<sup>147</sup> ITU, *About ITU*, 2011.

<sup>148</sup> UN News Centre, *Experts at UN-backed meeting lay foundation for global cybersecurity roadmap*, 2007.

<sup>149</sup> UN News Centre, *Experts at UN-backed meeting lay foundation for global cybersecurity roadmap*, 2007.

<sup>150</sup> ITU, *Global Cybersecurity Agenda*, 2008.

<sup>151</sup> ITU, *Global Cybersecurity Agenda*, 2008.

<sup>152</sup> IMPACT, *Mission & Vision: About Us*, 2011.

<sup>153</sup> IMPACT, *Mission & Vision: About Us*, 2011.

comprised under the UN umbrella to protect their cybernetic infrastructures from such attacks.<sup>154</sup> One of the roadblocks that Member States faces in the deterrence of cyberwarfare is the lack of coverage and sharing of related information.<sup>155</sup> IMPACT, through its expert collaboration, knowledge sharing, and technological access, fills this void by offering a space of dialogue under which governments and stakeholders with interests in addressing the issue of cybersecurity and facilitating dialogue and collaboration for a more solid defense against cyberwarfare.<sup>156</sup> The liaison between the ITU and IMPACT provides:

- Nearly real-time analysis, aggregation, and broadcasting of cyber threats;
- Early warning system combined with a global emergency response to cyber threats and crimes; and
- Training and skills development on technical, legal, and policy measures to enforce cybersecurity.<sup>157</sup>

The ITU-IMPACT nexus is very promising since it enables Member States to “detect, analyze, and respond effectively to cyber threats by making available security expertise and resources.”<sup>158</sup> The ITU is currently preparing for the 2012 International Conference on Cyber Security, to be held in New York in January 2012.<sup>159</sup> Law enforcement, academic experts, and industry representatives from around the world will gather to discuss strategies and share crucial intelligence concerning cybersecurity.<sup>160</sup> The ITU recently signed a Memorandum of Understanding with Symantec, one of the world’s largest Internet and data security corporations, signifying a growing trend of public-private partnerships in the deterrence of cyberwarfare.<sup>161</sup> The ITU also signed Memorandum of Understanding with the UN Office on Drugs and Crime (UNODC).<sup>162</sup> This is the first time two UN organs have had a formal agreement to collaborate on a global level in relation to cybersecurity.<sup>163</sup>

#### *The Role of the General Assembly First Committee on Disarmament and International Security*

In March 2010, during the General Assembly 64<sup>th</sup> session, the body passed *Resolution 64/211, Creation of a global culture of cybersecurity and taking stock of national efforts to protect critical information infrastructures*.<sup>164</sup> The resolution called on Member States to develop, at a regional and international level, cybersecurity strategies in order to protect information infrastructures.<sup>165</sup> In October 2010, within the framework of the 65<sup>th</sup> session of the General Assembly, the First Committee held its 16<sup>th</sup> meeting on agenda topic related to the enhancement of security to counter potential risks of Cyberwarfare.<sup>166</sup> India presented a draft decision (A/C.1/65/L.40) on the role of science and technology in the context of international security and disarmament.<sup>167</sup> The Indian delegation emphasized the positive role of science and technology in securing disarmament and non-proliferation. Brazil, however, alleged that given the high dependence of modern society on contemporary information and communication technologies, vulnerabilities have risen, as such technologies could lead to cyberterrorism.<sup>168</sup> The fact that there are some governments that have developed military units trained mainly to intrude into communication networks, a tactic that could be used for illegitimate purposes, was brought to attention.<sup>169</sup> Hence, Member States and the international community were urged to consider working on the development and establishment of international instruments

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<sup>154</sup> IMPACT, *Mission & Vision: About Us*, 2011

<sup>155</sup> IMPACT, *Mission & Vision>About Us*, 2011

<sup>156</sup> IMPACT, *Mission & Vision>About Us*, 2011

<sup>157</sup> ITU, *Press Release: ITU’S Global Cybersecurity Agenda housed in Malaysia*, 2008.

<sup>158</sup> HOST exploit, *UN Agencies Collaborate to Tackle Cybersecurity*, 2011.

<sup>159</sup> International Conference on Cyber Security, *Home*, 2011

<sup>160</sup> International Conference on Cyber Security, *Home*, 2011

<sup>161</sup> ITU, *UN Agencies team up to make the online world safer*, 2011.

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<sup>164</sup> General Assembly, *Creation of a global culture of cybersecurity and tacking stock of national efforts to protect critical information infrastructures*, 2010.

<sup>165</sup> General Assembly, *Creation of a global culture of cybersecurity and tacking stock of national efforts to protect critical information infrastructures*, 2010.

<sup>166</sup> General Assembly, *Fortifying Regional Disarmament and Security, Countering Potential Cyberwarfare, Misuse of Dual-Purpose Technologies, Focus of Debate in First Committee*, 2010.

<sup>167</sup> General Assembly, *Fortifying Regional Disarmament and Security, Countering Potential Cyberwarfare, Misuse of Dual-Purpose Technologies, Focus of Debate in First Committee*, 2010.

<sup>168</sup> General Assembly, *Fortifying Regional Disarmament and Security, Countering Potential Cyberwarfare, Misuse of Dual-Purpose Technologies, Focus of Debate in First Committee*, 2010.

<sup>169</sup> General Assembly, *Fortifying Regional Disarmament and Security, Countering Potential Cyberwarfare, Misuse of Dual-Purpose Technologies, Focus of Debate in First Committee*, 2010.

aimed at dealing with cyberwarfare.<sup>170</sup> The development of national assessments for Member States and organizations, the identification of effective methods based on the share of best practices of protection, qualifying national human resources in the area of cybersecurity, and the establishment of multilateral regulations were among the measures suggested.<sup>171</sup>

#### *The North Atlantic Treaty Organization*

The North Atlantic Treaty Organization (NATO) has also ramped up its efforts in recent years to defend against cyber attacks.<sup>172</sup> Since its first discussion of the cybersecurity issue at the 2008 NATO Bucharest Conference, there have been two major changes in the organization – one operational and one strategic.<sup>173</sup> The first change was the creation of the NATO Cyber Defense Management Authority (CDMA).<sup>174</sup> Based in Brussels, the CDMA now acts as the main body for coordinating member policies and responses toward cyber threats.<sup>175</sup> The second change was the establishment of the Cooperative Cyber Defense (CCD) Centre of Excellence (CoE).<sup>176</sup> Based in Tallinn, Estonia, the CoE's mandate is that of developing a long-term NATO cyber defense strategy.<sup>177</sup>

#### ***Case Study: The United States and its Battle against the Fifth Warfare Domain***

In 2008, the U.S. Department of Defense was the target of a major attack on its classified computer networks; this attack was conducted with an infected flash drive inserted by a foreign intelligence agency into a military laptop at a U.S. base in the Middle East.<sup>178</sup>

“The flash drive's malicious computer code... spread undetected... establishing... a digital beachhead, from which data could be transferred to servers under foreign control. It was a network administrator's worst fear: a rogue program operating silently, poised to deliver operational plans into the hands of an unknown adversary.”<sup>179</sup>

This incident has been the most significant breach of the U.S. military network ever, and it led the initiation of Operation Buckshot Yankee by the Pentagon, marking a turning point in U.S. cyber defense approach.<sup>180</sup> Significant press coverage has also been given to the non-profit hacker activist organization WikiLeaks, known for making classified U.S. government files available online for the general public to view.<sup>181</sup> The files released included 76,900 documents concerning the War in Afghanistan, 400,000 documents concerning the War in Iraq, several high-level U.S. State Department diplomatic cables, and 779 files relating to the prisoners detained in the Guantanamo Bay detention camp.<sup>182</sup> As these early attacks set off alarm bells in the White House, a defense plan began to take shape.

#### *Efforts Undertaken by the U.S. Government*

President George W. Bush ordered a clandestine cybersecurity initiative to take effect in January 2008.<sup>183</sup> In May 2010, the White House cybersecurity coordinator released the “unclassified summary” of this 12-point plan, known as the Comprehensive National Cybersecurity Initiative (CNCI).<sup>184</sup> According to the White House, three major goals are embodied in the CNCI: to establish a front line defense against today's immediate threats; to defend against the full spectrum of threats; and to strengthen the future cybersecurity environment.<sup>185</sup>

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<sup>170</sup> General Assembly, *Fortifying Regional Disarmament and Security, Countering Potential Cyberwarfare, Misuse of Dual-Purpose Technologies, Focus of Debate in First Committee*, 2010.

<sup>171</sup> General Assembly, *Fortifying Regional Disarmament and Security, Countering Potential Cyberwarfare, Misuse of Dual-Purpose Technologies, Focus of Debate in First Committee*, 2010.

<sup>172</sup> Hughes, *NATO and Cyber Defence*, 2009.

<sup>173</sup> Hughes, *NATO and Cyber Defence*, 2009.

<sup>174</sup> Hughes, *NATO and Cyber Defence*, 2009.

<sup>175</sup> Hughes, *NATO and Cyber Defence*, 2009.

<sup>176</sup> Hughes, *NATO and Cyber Defence*, 2009.

<sup>177</sup> Hughes, *NATO and Cyber Defence*, 2009.

<sup>178</sup> Lynn, *Defending a New Domain*, 2010.

<sup>179</sup> Lynn, *Defending a New Domain*, 2010.

<sup>180</sup> Lynn, *Defending a New Domain*, 2010.

<sup>181</sup> WebCitation, *Wikileaks to publish new documents*, 2011.

<sup>182</sup> WebCitation, *Wikileaks to publish new documents*, 2011.

<sup>183</sup> Singel, *White House Cyber Czar: 'There is no Cyberwar.'* 2010.

<sup>184</sup> Vijayan, *Obama administration partially lifts secrecy on classified cybersecurity project*, 2010.

<sup>185</sup> The White House, *The Comprehensive National Cybersecurity Initiative*, 2010.

Also in May 2010, the Pentagon set up its new Cyber Command headed by General Keith Alexander, Director of the National Security Agency (NSA).<sup>186</sup> As head of the NSA, General Alexander's mandate relies utterly in developing and conducting "full-spectrum" operations to secure and defend U.S. military networks.<sup>187</sup> The *2010 Protecting Cyberspace as a National Asset Act* was also a landmark piece of legislation, which included the creation of a Cyber Policy Office within the White House, with a mandate that incorporates public accountability based on the implementation of federal cyberspace initiatives and national strategies.<sup>188</sup> The implementation of a National Center for Cybersecurity and Communications was also included within the Department of Homeland Security, to be headed by a director entitled to enforce cybersecurity policies both through the public and private sector.<sup>189</sup>

There are more than 100 foreign intelligence agencies attempting to hack U.S. military networks, an escalating threat recognized by the Pentagon; in response, it has undergone a defense strategy by partnering with allied governments and companies to prepare itself.<sup>190</sup> President Barack Obama has declared US digital infrastructure as a "strategic national asset," demonstrating a marked shift in transparency from the Bush Administration to the current administration.<sup>191</sup> President Obama even included the new position of Cyber-Security Coordinator in his National Security Council, truly showing the priority his administration has given to cybersecurity.<sup>192</sup> The United States has also added cybersecurity cooperation to its bilateral defense treaty with Australia, the only other country to partner with the U.S. outside of NATO Member States.<sup>193</sup>

### ***The Right to Freedom of Expression vs. Cyberwarfare***

The International Covenant on Civil and Political Rights of December 1966 provides, under Article 19.2, for the right of everyone to freedom of expression, "including the right to seek, receive, and impart information and ideas of all kinds."<sup>194</sup> As stressed by the UN High Commissioner for Human Rights (UNHCHR), this right can only be restricted when considered necessary, provided by law, and justified strictly on the need to protect public order and national security, as specified under the same article.<sup>195</sup> The UNHCHR is currently concerned with governmental pressures placed over private entities, such as WikiLeaks, sustaining that such demands could attempt to breach the right to freedom of expression.<sup>196</sup> In this regard, the UNHCHR encouraged the international community to respect the existing international due process under which, if WikiLeaks commits or has committed any verifiable illegal acts, the matter should be handled by the pertinent courts of law and not by unilateral state actions.<sup>197</sup>

### ***Conclusion***

Today's world is a reflection of a highly interconnected society under which most of the happenings take place within the infrastructure of the so-called cyberspace. Our highly digitalized world, often visualized as an improvement and development in spheres such as health care, food security, infrastructure, and public and private safety, currently poses a high-risk threat to the security and steadiness of every aspect of our societies.<sup>198</sup> As such, cyber threats are becoming a far more dangerous challenge, not only to governments, but also to the private sector and individuals as its capacity to expose, intervene, or hijack cyber information increases.<sup>199</sup> Cyberspace attacks are mounting promptly, resulting in the incidence of greater numbers of "widespread computer-based crime – or cybercrime – ... due to the ease of access, relative anonymity and borderless nature of the Internet."<sup>200</sup> For this is a highly global and interrelated phenomenon, cyberwarfare must be tackled by means of high cooperation amongst all stakeholders, be those governments, industry, academia, and regional and multiregional organizations. How can

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<sup>186</sup> The Economist, *Cyberwar: War in the fifth domain*, 2010.

<sup>187</sup> The Economist, *Cyberwar: War in the fifth domain*, 2010.

<sup>188</sup> Phillips, Leslie, Lieberman, and Collins, *Carper Unveil Major Cybersecurity Bill To Modernize, Strengthen, and Coordinate Cyber Defenses*, 2010.

<sup>189</sup> Phillips, Leslie, Lieberman, and Collins, *Carper Unveil Major Cybersecurity Bill To Modernize, Strengthen, and Coordinate Cyber Defenses*, 2010.

<sup>190</sup> Lynn III, *Defending a New Domain*, 2010.

<sup>191</sup> The Economist, *Cyberwar: War in the fifth domain*, 2010.

<sup>192</sup> The White House, *Cybersecurity*, 2011.

<sup>193</sup> Baldor, *Cybersecurity added to US-Australia treaty*, 2011.

<sup>194</sup> UN News Centre, *UN human rights chief voices concern at reported 'cyber war' against Wikileaks*, 2010.

<sup>195</sup> UN News Centre, *UN human rights chief voices concern at reported 'cyber war' against Wikileaks*, 2010.

<sup>196</sup> UN News Centre, *UN human rights chief voices concern at reported 'cyber war' against Wikileaks*, 2010.

<sup>197</sup> UN News Centre, *UN human rights chief voices concern at reported 'cyber war' against Wikileaks*, 2010.

<sup>198</sup> Dartmouth Life, *Dartmouth Institutes Are National Leaders in Protecting Cyber Infrastructure*, 2009.

<sup>199</sup> IMPACT, *Centre for Policy & International Cooperation*, 2011.

<sup>200</sup> IMPACT, *Centre for Policy & International Cooperation*, 2011.



these stakeholders define cyberterrorism in order to create a legal framework to deter cyberwarfare? What are the main efforts in which Member States need to be engaged, especially in terms of the sharing of technology and information? How should individual Member States and the UN address the issue of anonymity in response to cyber attacks? Lastly, how can non-state actors be held accountable, under international law and domestic legislation, for conducting cyberterrorism and cyberwarfare?

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*The United States Department of Defense discusses the problem of cyberwarfare, cybersecurity, and information securitization in this article and several others. It touches upon an interesting point of view of what the U.S. Government is trying to adopt cyber diplomacy. Cyber diplomacy consists in a new approach aimed at fighting cyber attacks by promoting international and national trust in and interlinked world; hence, this source is an excellent opportunity for delegates to explore possible solutions to the problem.*

Gordon, S. and R. Ford (2003). *Cyberterrorism?* Retrieved on August 20, 2011, from <http://www.symantec.com/avcenter/reference/cyberterrorism.pdf>

*This article serves as a great starting explanation of the phenomenon of cyberterrorism. Gordon and Ford give a concise yet encompassing depiction of what cyberterrorism entails, its different magnitudes, and the different scenarios under which such type of attacks can take place and be acknowledged as terrorist attacks. Moreover, this article will give delegates a deeper look at the issue by enabling the reader to understand the lack of international unity and determination at the time of addressing cyberterrorism.*

IMPACT. (2011). *Home*. Retrieved on September 13, 2011, from <http://www.impact-alliance.org/home/index.html>

*The International Multilateral Partnership Against Cyber Threats (IMPACT) reflects the United Nations efforts to tackle cyberwarfare by means of international unity and cooperation among its Member States, as well as civil society, and private sector enterprises and organizations. The IMPACT Web page is certainly one of the best sources to study and come through the efforts taking place within the UN system. As the International Telecommunication Union's executive branch, the IMPACT Web site will enable delegates to acquire data regarding initiatives and recent news regarding the fight against cyber threats.*

International Telecommunication Union. (2011). *About ITU*. Retrieved on September 19, 2011, from <http://www.itu.int/en/about/Pages/default.aspx>

*The International Telecommunication Unions (ITU) is the United Nations specialized agency responsible with connection the peoples of the world in a secure and peaceful manner. It is entitled to bring together the various societies and help them develop telecommunications' sound services. Delegates will be able to explore a secure inter-connected world through ITU's activities, which will enable them to come up with new policies and measures to deter cyberwarfare through the peaceful use of technologies and cyberspace.*

James, R. (2009). *Cybercrime*. Retrieved on August 28, 2011, from <http://www.time.com/time/nation/article/0,8599,1902073,00.html#ixzz1WVBHmSoI>

*Randy James provides a brief account of the United States' history on cyberwarfare. He touches upon the recent initiatives and measures undertaken by the U.S. Government in order to halt future cyber attacks and to secure their national information as the "national asset" it entails. Delegates will be able to take a closer look at the current debate taking place within U.S. security personalities, their different points of view, and the position of the government.*

Lynn III, W. (2010). *Defending a New Domain: The Pentagon's Cyberstrategy*. Retrieved on August 9, 2011, from <http://www.foreignaffairs.com/articles/66552/william-j-lynn-iii/defending-a-new-domain>

*“Defending a New Domain,” a rather short article, gives an overview at the beginning and development of cyber attacks and threats undertaken by the U.S. Government and the efforts taken after a 2008 attack to fight such threats to cybersecurity by the creation of the U.S. Cyber Command. The U.S. Deputy Secretary of Defense explains the Pentagon’s view on the matter and the U.S. standpoint on combating cyber attacks in the present and future.*

Malaware, S. (February 2010). *Cyber Warfare: Law and Policy Proposals for U.S. and Global Governance*. *Virginia Lawyer*, International Practice Section, Vol. 58: 28-31.

*Stuart Malaware presents a thorough article takes a glance at cyberwarfare, cyberspace, and takes a brief look at reports on the matter issued by the governments of the United States, the United Kingdom, and academia. Furthermore, it concisely depicts the challenges ahead of the U.S. Government and the international community as a whole, mentioning cooperation, bilateral as well as multilateral initiatives, as the cornerstone in the fight against cyberwarfare.*

Singel, R. (2010). *White House Cyber Czar: ‘There is no Cyber War.’* Retrieved on August 11, 2011, from <http://www.wired.com/threatlevel/2010/03/schmidt-cyberwar/>

*Singel introduces the reader with the debate that encompasses all matters related to cyberwarfare. He exposes a position shared by many experts on the problem: the inexistent threat of a cyberwar and the many opposing facts of current and future worldwide probabilities of a cyberwar taking place. Hence, it gives readers a diverging scheme of that which suggests that the world has undergone an increasing cyber threat.*

United Nations News Centre. (2010). *UN human rights chief voices concern at reported ‘cyber war’ against Wikileaks*. Retrieved on September 20, 2011, from <http://www.un.org/apps/news/story.asp?NewsID=37009&Cr=leaked&Cr1>

*Cyberwarfare and its impact as a fifth domain of war has increasingly become a greatly alarming phenomenon by the threats it poses as we live in a highly interlinked world, where all every-day events have, one way or another, to be dealt by means of cyberspace. Cyberwarfare has caused another great consequence: the debate over the limits that freedom of speech have over national and international security. Furthermore, it has given governments and organizations the task of balancing and analyzing what has a greater impact in international peace and security: the respect of a human inalienable right or the need of governments to secure their information. With this article, readers will be able to take a look at the other side of the matter.*

### **III. Implementation of the Biological Weapons Convention**

#### ***Introduction***

The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, commonly referred to as Biological Weapons Convention, is the first multilateral treaty that bans an entire category of weapons.<sup>201</sup> Opening for signature in 1972 and entering into force in 1975, the Biological Weapons Convention was an important step towards a new era of disarmament.<sup>202</sup> Biological and toxin weapons are seen as an especially dangerous category of weapons.<sup>203</sup> According to some studies, biological weapons are the most effective type of weapons of mass destruction and have a greater effect per pound than any other existing weapon today.<sup>204</sup> Additionally, production and stockpiling is technically less complex and economically affordable relative to other weapons of mass destruction, relatively making them attractive to non-state actors such as terrorist organizations.<sup>205</sup>

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<sup>201</sup> United Nations Office for Disarmament Affairs, *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, 1972.

<sup>202</sup> United Nations Office for Disarmament Affairs, *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, 1972.

<sup>203</sup> Koblenz, G., *Pathogens as Weapons - The International Security Implications of Biological Warfare*, 2003, p. 86.

<sup>204</sup> Kortepeter, *Potential Biological Weapon Threats*, 1999, p. 524.

<sup>205</sup> Zanders, J., *Assessing the Risk of Chemical and Biological Weapons Proliferation to Terrorists*, 1999, p.18.

Today, the Biological Weapons Convention is still seen as an important and unique breakthrough in history. The treaty is a central instrument to fight the production, stockpiling, and use of biological weapons.<sup>206</sup> However, a major concern is the effective implementation of the convention.<sup>207</sup> Over the years, six review conferences have taken place to adapt the treaty to the challenges of the future; however, some work remains to be done.<sup>208</sup> As seen in the release of anthrax in the United States in the year 2001, the threat of biological weapons continues to be present.<sup>209</sup> For the General Assembly First Committee, as a universal body occupied with conflict and disarmament, the Biological Weapons Convention and its implementation should therefore be of utmost importance.

### **Biological Weapons**

The idea to use biological agents in their destructive nature is not a new one. In antiquity, dead men and animals were used as weapons to pollute water sources.<sup>210</sup> During the plague in Europe, strategies to release this disease to one's advantage were discussed and dead bodies were shipped to the battlefield.<sup>211</sup> In the beginning of the 20<sup>th</sup> century, biological warfare became more sophisticated and countries accused each other of distributing contaminated crops and other materials.<sup>212</sup> Biological weaponry continues to become more sophisticated and deadly. According to the North Atlantic Treaty Organization (NATO), biological agents are defined as a "microorganism (or a toxin derived from it) which causes disease in man, plants or animals or which causes the deterioration of material."<sup>213</sup> Biological warfare would then be "the employment of biological agents to produce casualties in man or animals and damage to plants or material."<sup>214</sup> Hence, a biological weapon is "an item of material which projects, disperses, or disseminates a biological agent; including arthropod vectors."<sup>215</sup> These definitions already emphasize that it is almost impossible to create a complete list of biological weapons since only the purposeful uses convert biological agents to weapon. The closest attempt to list potential biological weapons is published by NATO, which identifies 36 potential agents and categorizes them according to biological and operational data.<sup>216</sup> Even though this list is not complete, certain characteristics such as cultivation and effective dispersion, can be recognized as favorable.<sup>217</sup> Other specific characteristics are the possibility of further human-to-human spread, the environmental stability of the organism, the size of the infectious dose, and the availability of prophylactic or therapeutic measures.<sup>218</sup> A biological agent becomes a weapon when it has the potential to damage the functioning of a society.<sup>219</sup> Two examples of biological weapons mentioned in literature as being especially dangerous are anthrax and smallpox.<sup>220</sup> Both agents are dispersed as an aerosol and have high fatality rates. Additionally, breeding of large quantities of the organisms is relatively easy and inexpensive and the resistance to destruction makes them suitable to damage wide areas.<sup>221</sup>

Compared to other types of weapons, the attack of a biological weapon is rather quiet. One cannot smell, taste, see, or hear anything during the release.<sup>222</sup> The impact of biological weapons, such as infectious symptoms for human beings, occurs slowly.<sup>223</sup> Only after the infection has reached a certain threshold the outbreak can be investigated as an epidemic.<sup>224</sup> This demonstrates that the identification of a biological attack is very difficult, especially since epidemic diseases can be detected year round all over the world.<sup>225</sup> Only suspicious disease outbreaks are

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<sup>206</sup> United Nations Office for Disarmament Affairs, *Convention on the Prohibition of the Development, Production and Stockpiling*

*of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, 1972.

<sup>207</sup> Kortepeter, *Potential Biological Weapon Threats*, 1999, p. 525.

<sup>208</sup> United Nations Office for Disarmament Affairs, *Sixth Review Conference of the State Parties to the Biological Weapons Convention Background Paper*, 2006, p. 2-5.

<sup>209</sup> Jernigan, *Bioterrorism-Related Inhalational Anthrax: The First 10 Cases Reported in the United States*, 2001, p. 934.

<sup>210</sup> Zajtchuk, *Medical Aspects of Chemical and Biological Warfare*, 1997, p. 425.

<sup>211</sup> Zajtchuk, *Medical Aspects of Chemical and Biological Warfare*, 1997, p. 425.

<sup>212</sup> Zajtchuk, *Medical Aspects of Chemical and Biological Warfare*, 1997, p. 425.

<sup>213</sup> NATO, *NATO-Handbook on the Medical Aspects of NBC Defensive Operations*, 1996, p. 6.

<sup>214</sup> NATO, *NATO-Handbook on the Medical Aspects of NBC Defensive Operations*, 1996, p. 6.

<sup>215</sup> NATO, *NATO-Handbook on the Medical Aspects of NBC Defensive Operations*, 1996, p. 6.

<sup>216</sup> NATO, *NATO-Handbook on the Medical Aspects of NBC Defensive Operations*, 1996, p. 66-69.

<sup>217</sup> NATO, *NATO-Handbook on the Medical Aspects of NBC Defensive Operations*, 1996, p. 66-69.

<sup>218</sup> Henderson, *The Looming Threat of Bioterrorism*, 1999, p. 1281.

<sup>219</sup> Henderson, *The Looming Threat of Bioterrorism*, 1999, p. 1281.

<sup>220</sup> Henderson, *The Looming Threat of Bioterrorism*, 1999, p. 1281.

<sup>221</sup> Henderson, *The Looming Threat of Bioterrorism*, 1999, p. 1281.

<sup>222</sup> Henderson, *The Looming Threat of Bioterrorism*, 1999, p. 1279.

<sup>223</sup> Henderson, *The Looming Threat of Bioterrorism*, 1999, p. 1281.

<sup>224</sup> Wheelis, *Investigating Disease Outbreaks under a Protocol to the Biological and Toxin Weapons Convention*, 2000, p. 2.

<sup>225</sup> Wheelis, *Investigating Disease Outbreaks under a Protocol to the Biological and Toxin Weapons Convention*, 2000, p. 2.

investigated and the presence of certain circumstances can give hints towards a biological weapon attack.<sup>226</sup> Such circumstances include: the fact that the organism detected differs from its relatives in the natural environment, or the outbreak of the disease is restricted to certain corridors close by military institutions.<sup>227</sup> A well-studied example is the outbreak of anthrax in Sverdlovsk in the Soviet Union in 1979, which damaged human life and animals in a very narrow corridor close to military facilities.<sup>228</sup> These circumstances were highly suspicious for an unintended release of biological agents and led to the accusation that the Soviet Union was in possession of biological weapons.<sup>229</sup> Only after the collapse of the Soviet Union in 1992 were the speculations confirmed by the Russian government.<sup>230</sup>

Even though the most recent outbreaks of biological weapons have been rather small (as the release of anthrax in the United States in 2001), consequences of a large-scale outbreak have been estimated and lead to dramatic forecasts.<sup>231</sup> Because biological weapons can be used against human beings and against animals, plants, and other material, an outbreak not only increases health costs, but has many other economic and social impacts on a society.<sup>232</sup> These threats are exacerbated by the rather slow detection of suspicious outbreaks and because the first contact of emergency will be ordinary hospital and police administrations, which are not prepared to deal with the large-scale implications.<sup>233</sup>

The characteristics of biologic weapons make them attractive to non-state actors.<sup>234</sup> Accordingly, the fear of biological weapons in the hand of terrorist organizations such as Al Qaida is only one danger to the public. The possession of biological weapons by private persons, which use the weapons targeted for small-scale damage, is another threat.<sup>235</sup> Therefore, the cooperation towards the ban of biological weapons continues to be one of the most important tasks for the international community to address.

### ***International Cooperation and the Biological Weapons Convention***

After various suspicious actions and many accusations of the use of biological weapons during the First World War, the need for international cooperation in the matter was no longer deniable. On June 17, 1925, the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, usually referred to as the Geneva Protocol from 1925, was signed.<sup>236</sup> Currently, 108 nations are signatories to the first international instrument which prohibited the use of biological weapons.<sup>237</sup> The fact that states such as Iraq and Libya, countries in possession of biological weapons, also signed the protocol make the effectiveness of the instrument questionable.<sup>238</sup> Additional doubts were raised since implementation, verification, and compliance were never addressed.<sup>239</sup> Nevertheless, this protocol marks the first important step towards increased cooperation and for a long time remained to be the only instrument in the international community.

Even though the prohibition of biological weapons was fixed in writing, several incidents still occurred. Experiments on human beings were conducted during World War II.<sup>240</sup> During the Korean War, the United States was accused of biological warfare and during the Vietnam War discussions around the yellow rain further deepened the conflict within the international community.<sup>241</sup> This led the World Health Organization to conduct a report on the effects of biological and chemical weapons and the risks of uncontrollability of its usage, issued in November 1970.<sup>242</sup>

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<sup>226</sup> Wheelis, *Investigating Disease Outbreaks under a Protocol to the Biological and Toxin Weapons Convention*, 2000, p. 2.

<sup>227</sup> Wheelis, *Investigating Disease Outbreaks under a Protocol to the Biological and Toxin Weapons Convention*, 2000, p. 2.

<sup>228</sup> Zajtchuk, *Medical Aspects of Chemical and Biological Warfare*, 1997, p. 429.

<sup>229</sup> Zajtchuk, *Medical Aspects of Chemical and Biological Warfare*, 1997, p. 429.

<sup>230</sup> Moodie, M., *The Soviet Union, Russia, and the Biological and Toxin Weapons Convention*, 2001, p. 61.

<sup>231</sup> World Health Organization, *Health Aspects of Chemical and Biological Weapons*, 1970.

<sup>232</sup> United Nations Office at Geneva, *Disarmament*.

<sup>233</sup> Henderson, *The Looming Threat of Bioterrorism*, 1999, p. 1279.

<sup>234</sup> Kortepeter, *Potential Biological Weapon Threats*, 1999, p. 525.

<sup>235</sup> Kortepeter, *Potential Biological Weapon Threats*, 1999, p. 525.

<sup>236</sup> United Nations Office for Disarmament Affairs, *Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare*, 1925.

<sup>237</sup> Zajtchuk, *Medical Aspects of Chemical and Biological Warfare*, 1997, p. 426.

<sup>238</sup> Zajtchuk, *Medical Aspects of Chemical and Biological Warfare*, 1997, p. 426.

<sup>239</sup> United Nations Office for Disarmament Affairs, *Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare*, 1925.

<sup>240</sup> Zajtchuk, *Medical Aspects of Chemical and Biological Warfare*, 1997, p. 426.

<sup>241</sup> Zajtchuk, *Medical Aspects of Chemical and Biological Warfare*, 1997, p. 426.

<sup>242</sup> World Health Organization, *Health Aspects of Chemical and Biological Weapons*, 1970.

Thereafter Great Britain submitted a statement to the Conference on the Committee of Disarmament, which recommended the prohibition of production, stockpiling, and use of bacteriological and toxin weapons.<sup>243</sup> Only two months later, the Soviet Union suggested a convention against biological weapons to the United Nations (UN) General Assembly.<sup>244</sup> During the Cold War era such a reaction was unexpected.<sup>245</sup> This led to negotiations and the signing of the Biological Weapons Convention by 103 countries in 1972.<sup>246</sup>

As aforementioned, the Biological Weapons Convention is the first international treaty to ban an entire category of weapons and therefore was an outstanding success of international cooperation. Article I of the Convention states that:

*“Each State Party to this Convention undertakes never in any circumstance to develop, produce, stockpile or otherwise acquire or retain: (1) Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; (2) Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.”*<sup>247</sup>

All participating states are required to annually submit information to the UN on their defense research, disease outbreaks, and their exchanged information on the topic.<sup>248</sup> Parties to the treaty can present complaints and violations of the treaty to the UN Security Council, which then can investigate the matter if sufficient evidence has been presented.<sup>249</sup> In the original version of the treaty, it was requested that the Convention be reviewed every five years in a conference in order to adapt the treaty to the challenges of the future and clarify possible misunderstandings and interpretations of the text.<sup>250</sup> These conferences were needed because misunderstandings about “peaceful purpose” and “defensive research” had been arising from the very beginning.<sup>251</sup> Verification and compliance, even though addressed in the treaty, remained a problem. Therefore, in 1980, the First Review Conference on the Biological Weapons Convention took place in Geneva.<sup>252</sup> During this conference, parties dealt mainly with the problem of national implementation of the treaty.<sup>253</sup> Article V of the Convention states that national implementation is obligatory, but concrete measures are missing.<sup>254</sup> Because different methods of national implementation are possible, the spectrum goes from amending an existing law and enforcement system to the establishment of a new administrative system, implying that guidelines for all parties could not be mentioned in the treaty.<sup>255</sup> This issue was recognized from the very beginning and therefore the UN was requested to provide a text with concrete measures for the national implementation.<sup>256</sup> Additional review conferences took place to improve the understanding and implementation of the Convention, but compliance, verification, and implementation continue to be major points on the agenda.<sup>257</sup>

During the Second Review conference, parties agreed to include all actors and private persons into the coverage of the treaty and emphasized that relevant future scientific and technical developments are automatically subject to the

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<sup>243</sup> Zajtchuk, *Medical Aspects of Chemical and Biological Warfare*, 1997, p. 426.

<sup>244</sup> Zajtchuk, *Medical Aspects of Chemical and Biological Warfare*, 1997, p. 426.

<sup>245</sup> Zajtchuk, *Medical Aspects of Chemical and Biological Warfare*, 1997, p. 426.

<sup>246</sup> United Nations Office for Disarmament Affairs, *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, 1972.

<sup>247</sup> United Nations Office for Disarmament Affairs, *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, 1972.

<sup>248</sup> Zajtchuk, *Medical Aspects of Chemical and Biological Warfare*, 1997, p. 429.

<sup>249</sup> United Nations Office for Disarmament Affairs, *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, 1972.

<sup>250</sup> United Nations Office for Disarmament Affairs, *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, 1972.

<sup>251</sup> Atlas, R., *Biological Weapons Pose Challenge for Microbiological Community*, 1998, p. 383.

<sup>252</sup> United Nations Office for Disarmament Affairs. *Sixth Review Conference of the State Parties to the Biological Weapons Convention Backgrounder*, 2006, p. 5.

<sup>253</sup> United Nations Office for Disarmament Affairs. *Sixth Review Conference of the State Parties to the Biological Weapons Convention Backgrounder*, 2006, p. 5.

<sup>254</sup> United Nations Office for Disarmament Affairs, *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, 1972.

<sup>255</sup> Dunworth, *National Implementation of the Biological Weapons Convention*, 2005, p. 71.

<sup>256</sup> United Nations Office for Disarmament Affairs. *Sixth Review Conference of the State Parties to the Biological Weapons Convention Backgrounder*, 2006, p. 5.

<sup>257</sup> NGO Committee on Disarmament, Peace & Security. *Biological Weapons and Biological Weapons Convention*

Convention.<sup>258</sup> Another important outcome was the establishment of a Formal Consultative Process, which is aimed to resolve doubts and ambiguities about compliance with the treaty.<sup>259</sup> Supporting these ambitions, Confidence Building Measures (CBMs) were introduced to reduce doubts and improve cooperation and information sharing on peaceful research.<sup>260</sup> CBMs are mainly a form of information sharing which were subsequently revised and updated in the Third Review Conference.<sup>261</sup> As before, the decision to include all biological agents covering humans, animals, and plants was taken and further misunderstandings were clarified.<sup>262</sup> Already during this conference it became clear that confidence building was not enough but measures for verification would be needed to improve the compliance to the treaty.<sup>263</sup> Therefore, VEREX, a group of government experts, was established to examine possibilities for legally binding verification measures.<sup>264</sup> The final report presented at the Forth Review Conference in 1996 concluded that verification measures are possible, which led to the establishment of an *ad hoc* group of State Parties to negotiate this legally binding regime until the Fifth Review Conference.<sup>265</sup> Apart from the efforts of a group of States Parties led by Australia, the final meeting of this *ad hoc* group failed to reach an outcome and no legally binding regime to strengthen the Convention could be presented at the conference.<sup>266</sup> Therefore, a change of the negotiation mode was agreed upon and annual expert meetings to strengthen the convention were implemented leading up to the Sixth Review Conference.<sup>267</sup> These annual meetings between the Fifth and the Sixth Review Conferences mainly dealt with problems of implementation.<sup>268</sup> The importance of an increased effort in national implementation was stressed and the scope of implementation was expanded to the international community. International Organizations were given a greater importance in the support of the implementation as well as in investigation of suspicious cases.<sup>269</sup> This also included the UN General Assembly by reaffirming resolution A/RES/45/57 and emphasizing the importance of the discussions for the universalization of the treaty.<sup>270</sup>

The outcomes of the annual meetings were presented at the Sixth Review Conference, which decided upon this basis to reaffirm the prohibition of the effective use of biological weapons, to increase the efforts of universalization of the convention and to put in place an Implementation Support Unit (ISU).<sup>271</sup> The ISU forms the core secretariat for the treaty and is responsible for the support of state parties and the interaction with relevant non-governmental, international, and scientific organizations.<sup>272</sup> The establishment of the ISU was seen as the greatest success of the Sixth Review Conference since it represented the institutionalization of the Convention.<sup>273</sup>

The Seventh Review Conference will be held in December 2011 and is surrounded by great optimism.<sup>274</sup> The increased participation in information sharing through CBMs and an ambitious agenda for the Conference shall again widen the scope of national implementation.<sup>275</sup> The meetings prior to the Seventh Review Conference have for the first time reviewed data and documents presented by the ISU.<sup>276</sup> This new transparency seems to increase the confidence and participation of State Parties.<sup>277</sup>

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<sup>258</sup> United Nations Office for Disarmament Affairs, *Biological Weapons Convention – Background Information*, p. 1.

<sup>259</sup> United Nations Office for Disarmament Affairs, *Biological Weapons Convention – Background Information*, p. 1.

<sup>260</sup> United Nations Office for Disarmament Affairs, *Biological Weapons Convention – Background Information*, p. 1.

<sup>261</sup> United Nations Office for Disarmament Affairs, *Biological Weapons Convention – Background Information*, p. 1

<sup>262</sup> United Nations Office for Disarmament Affairs. *Sixth Review Conference of the State Parties to the Biological Weapons Convention Backgrounder*, 2006, p. 6.

<sup>263</sup> United Nations Office for Disarmament Affairs. *Sixth Review Conference of the State Parties to the Biological Weapons Convention Backgrounder*, 2006, p. 6.

<sup>264</sup> United Nations Office for Disarmament Affairs. *Sixth Review Conference of the State Parties to the Biological Weapons Convention Backgrounder*, 2006, p. 6.

<sup>265</sup> Department of Peace Studies of the University of Bradford, *Biological and Toxin Weapons Convention*.

<sup>266</sup> Department of Peace Studies of the University of Bradford, *Biological and Toxin Weapons Convention*.

<sup>267</sup> United Nations Office for Disarmament Affairs, *Biological Weapons Convention – Background Information*, p. 3

<sup>268</sup> United Nations Office for Disarmament Affairs, *Sixth Review Conference of the State Parties to the Biological Weapons Convention Backgrounder*, 2006, p. 3-6.

<sup>269</sup> United Nations Office for Disarmament Affairs. *Sixth Review Conference of the State Parties to the Biological Weapons Convention Backgrounder*, 2006, p. 7.

<sup>270</sup> United Nations General Assembly, *Resolution 45/57*, 1990; United Nations General Assembly, *Resolution 64/70*, 2010; And: United Nations General Assembly, *Resolution 65/92*, 2011.

<sup>271</sup> United Nations Office for Disarmament Affairs, *The United Nations Disarmament Yearbook*, 2009, p. 65-68.

<sup>272</sup> United Nations Office at Geneva, *2010 Report of the Implementation Support Unit*.

<sup>273</sup> United Nations Office for Disarmament Affairs, *Biological Weapons Convention – Background Information*, p. 5.

<sup>274</sup> United Nations Office for Disarmament Affairs, *Biological Weapons Convention – Background Information*, p. 5.

<sup>275</sup> United Nations Office at Geneva, *Report of the Preparatory Committee*, 2011, p. 5.

<sup>276</sup> United Nations Office for Disarmament Affairs, *Biological Weapons Convention – Background Information*, p. 5.

<sup>277</sup> United Nations Office for Disarmament Affairs, *Biological Weapons Convention – Background Information*, p. 5.

A lot has been accomplished since the Biological Weapons Convention entered into force. The general effort to increase the scope of implementation, to institutionalize the Convention through the establishment of the ISU, and to constantly work on a common understanding of the text can be seen as a success.<sup>278</sup> Nevertheless, the continuous efforts towards the improvement of the Convention by national actors but also through international platforms such as the UN General Assembly are needed.

### **Case Study**

In 2001, the most recent documented release of a biological weapon took place. From 4 October to 2 November, 2001, 22 cases of anthrax were identified or suspected to be rooted in an intentional release on the East Coast of the United States.<sup>279</sup> Anthrax was mainly transported via mail to the victims, five of which died.<sup>280</sup> This case of biological weapon usage increased the concern about biological weapons in the society and at the same time demonstrated the unique difficulties of the effective prohibition of these weapons.<sup>281</sup>

After the accidental release of anthrax in the former Soviet Union in 1979, the anthrax attacks in the United States in 2001 provided good evidence to study the effectiveness of this biological agent as a weapon and increased the fear within the international community.<sup>282</sup> It was proven that the stem of the released anthrax came from a laboratory within the United States.<sup>283</sup> Not only was this laboratory located within the country under attack but also the country itself was a party to the Biological Weapons Convention.<sup>284</sup> The incident demonstrated that peaceful research can easily be used for the purpose of warfare and that biological weapons can be possessed and released by non-state actors. These non-state actors do not only include transnational terrorist organizations but also private persons, as in the case of 2001.<sup>285</sup>

As a State Party to the Biological Weapons Convention, the United States is allowed to conduct peaceful research as well as research for the purpose of national defense.<sup>286</sup> Nevertheless, the intentional use of biological agents for the purpose of warfare is strictly prohibited.<sup>287</sup> The implementation of these rules is a national obligation.<sup>288</sup> The anthrax attack of 2001 showed how difficult this implementation could prove to be. During the Review Conference process, all State Parties agreed to include all kind of actors, also non-state actors, into the coverage of the Convention and reemphasized that the use of biological weapons is included in the treaty.<sup>289</sup> Consequently, this means that it is the obligation of a nation state to implement a preventive system also covering these actors. An extraterritorial jurisdiction is therefore needed in the national implementation of the Convention.<sup>290</sup>

### **Conclusion**

The Biological Weapons Convention is the first multilateral treaty to ban an entire category of weapons and remains a great milestone for disarmament.<sup>291</sup> Today the State Parties to the Convention still recognize its importance and demonstrate their willingness to comply and their aim to strengthen the treaty in a vibrant Review Conference Process.<sup>292</sup> Compliance, universalization, and implementation are of utmost concern for all parties and will be the

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<sup>278</sup> United Nations Office at Geneva, *Additional Understandings and Agreements Reached by Review Conferences Relating to each Article of the Biological Weapons Convention*.

<sup>279</sup> Jernigan, *Bioterrorism-Related Inhalational Anthrax: The First 10 Cases Reported in the United States*, 2001, p. 934.

<sup>280</sup> Jernigan, *Bioterrorism-Related Inhalational Anthrax: The First 10 Cases Reported in the United States*, 2001, p. 934.

<sup>281</sup> Inglesby, *Anthrax as a Biological Weapon, 2002 – Updated Recommendations for Management*, 2001, p. 2237.

<sup>282</sup> Inglesby, *Anthrax as a Biological Weapon, 2002 – Updated Recommendations for Management*, 2001, p. 2237.

<sup>283</sup> Jernigan, *Bioterrorism-Related Inhalational Anthrax: The First 10 Cases Reported in the United States*, p. 934.

<sup>284</sup> Jernigan, *Bioterrorism-Related Inhalational Anthrax: The First 10 Cases Reported in the United States*, p. 934.

<sup>285</sup> United Nations Office at Geneva, *Additional Understandings and Agreements Reached by Review Conferences Relating to each Article of the Biological Weapons Convention*.

<sup>286</sup> United Nations Office at Geneva, *National Implementation Obligations, Agreements and Understandings under the BWC*.

<sup>287</sup> United Nations Office at Geneva, *National Implementation Obligations, Agreements and Understandings under the BWC*.

<sup>288</sup> United Nations Office for Disarmament Affairs, *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, 1972

<sup>289</sup> United Nations Office at Geneva, *Additional Understandings and Agreements Reached by Review Conferences Relating to each Article of the Biological Weapons Convention*.

<sup>290</sup> Dunworth, *National Implementation of the Biological Weapons Convention*, 2005, p. 79.

<sup>291</sup> United Nations Office for Disarmament Affairs, *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, 1972.

<sup>292</sup> Department of Peace Studies of the University of Bradford, *Biological and Toxin Weapons Convention*.

major topics for the Seventh Review Conference in December 2011.<sup>293</sup> While the spirit prior to this conference is positive, challenges remain. As shown by the release of a biological weapon in 2001, implementation of the treaty still lacks efficiency.<sup>294</sup>

During preparatory meetings prior to the Sixth Review Conference, State Parties to the Biological Weapons Convention recognized the importance of International Organizations and especially the UN General Assembly and its respective committees to support the implementation process.<sup>295</sup> During the First Review Conference the UN was requested to present a text with concrete measures for national implementation and therefore was given partial responsibility.<sup>296</sup> Today the General Assembly First Committee has the unique chance to discuss recommendations for better national and international implementation of the Biological Weapons Convention and to make an effort towards universalization of the treaty. Delegates should therefore take this responsibility and discuss concrete measures for implementation. Important questions for this debate can be how to increase national efforts and assist states in the implementation process. It is also important to discuss the links with implementation systems of other treaties such as the Chemical Weapons Convention implementation system. Is the process of CBMs today sufficient or should there be other measures to increase confidence and compliance to the treaty? How can the ISU be involved as a supporting actor in the process? What measures need to be taken to decrease the risk of biological warfare from non-state actors? Is a legally binding verification system as suggested by VEREX implementable after all? The General Assembly First Committee has the responsibility to act towards disarmament. Taking up the good spirit of the State Parties to the Biological Weapons Convention it can also be seen as a unique chance to participate in a historic process which ultimately bans an entire category of weapons.

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*This Web site was established upon the request of the President of the Sixth Review Conference to the Biological Weapons Convention. It contains all important documents related to the Convention and all Review Conferences. Additionally, the web site is updated with all news around the Conventions, especially with news concerning the preparation of the Seventh Review Conference. Delegates can use this web site as a credible source of official documents and information in preparation of the Position Papers.*

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*This chapter gives a good overview over national implementation obligations for State Parties to the Biological Weapons Convention. The discussion on how to technically implement the convention into national law and what kind of difficulties do countries face is well researched and understandable also for students without a background in law. In the end of the chapter the national implementation of Australia is discussed, which gives can be used as a nice introduction into the research about national understanding in different countries. Overall, the text helps delegates to develop an understanding for the Convention in general.*

Kortepeter, M. & Parker, G. (1999). Potential Biological Weapon Threats. *Emerging Infectious Disease*. 5(4): 523-527.

*Biological weapons are a severe threat to a nation. The authors review the different types of biological weapons such as anthrax and small pox and their impact on society in case of an outbreak. With the example of the United States, societal and economic consequences are*

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<sup>293</sup> United Nations Office at Geneva, *Report of the Preparatory Committee, 2011*, p. 5.

<sup>294</sup> Inglesby, *Anthrax as a Biological Weapon, 2002 – Updated Recommendations for Management*, 2001, p. 2237.

<sup>295</sup> United Nations Office for Disarmament Affairs, *Biological Weapons Convention – Background Information*, p. 1-3.

<sup>296</sup> United Nations Office for Disarmament Affairs, *Biological Weapons Convention – Background Information*, p. 1-3.



*presented. The article is very technical but it provides a good overview on different types of biological weapons.*

NATO. (1996). *NATO-Handbook on the Medical Aspects of NBC Defensive Operations*. Retrieved August 27, 2011 from <http://www.fas.org/irp/doddir/army/fm8-9.pdf>

*This NATO-Handbook provides a very detailed overview of biological and chemical weapons. Its definitions are cited in various articles and can therefore be taken as a basis of discussion. The assembling of a list and categorization of biological weapons can be found in the appendix. It is a good source to base research upon and deepen the knowledge about biological weapons.*

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*The NGO Committee on Disarmament, Peace & Security coordinates the work on disarmament and security issues of NGOs in the UN. They collect information on all discussions and developments. Therefore their Web Site is an excellent resource to retrieve information on recent developments on the topic. Especially the news on developments on the UN General Assembly First Committee should be of special interest for the preparation of the conference by delegates.*

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*The United Nations Office for Disarmament Affairs provides a great amount of information on the Biological Weapons Convention. This document assembles background information on the Convention of Biological Weapons and gives a very good overview over the content as well as some background information concerning the review conferences. Since it provides the information according to the development of the convention, the change of the treaty can be understood very well.*

United Nations Office at Geneva. (N.D.). *Disarmament*. Retrieved August 12, 2011 from <http://www.unog.ch/80256EE600585943/%28httpPages%29/04FBBDD6315AC720C1257180004B1B2F?OpenDocument>

*This website from the United Nations Office at Geneva provides basic information on various disarmament issues. One major topic is the Biological Weapons Convention. A lot of documents with facts and figures around the topic of biological weapons can be downloaded. Therefore it makes it an excellent starting point for delegate's research.*

United Nations Office at Geneva. (N.D.). *Additional Understandings and Agreements Reached by Review Conferences Relating to each Article of the Biological Weapons Convention*. Retrieved August 12, 2011 from [http://www.unog.ch/80256EDD006B8954/%28httpAssets%29/66E5525B50871CAEC1257188003BDDDD6/\\$file/BWC\\_Text\\_Additional\\_Understandings.pdf](http://www.unog.ch/80256EDD006B8954/%28httpAssets%29/66E5525B50871CAEC1257188003BDDDD6/$file/BWC_Text_Additional_Understandings.pdf)

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## **Rules of Procedure General Assembly First Committee**

### ***Introduction***

1. These rules shall be the only rules which apply to the General Assembly Disarmament and International Security Committee (First Committee) (hereinafter referred to as “the Committee”) and shall be considered adopted by the Committee prior to its first meeting.
2. For purposes of these rules, the Plenary Director, the Assistant Director(s), the Under-Secretaries-General, and the Assistant Secretaries-General, are designates and agents of the Secretary-General and Director-General, and are collectively referred to as the “Secretariat.”
3. Interpretation of the rules shall be reserved exclusively to the Director-General or her or his designate. Such interpretation shall be in accordance with the philosophy and principles of the National Model United Nations and in furtherance of the educational mission of that organization.
4. For the purposes of these rules, “President” shall refer to the chairperson or acting chairperson of the Committee.

### **I. SESSIONS**

#### **Rule 1 - *Dates of convening and adjournment***

The Committee shall meet every year in regular session, commencing and closing on the dates designated by the Secretary-General.

#### **Rule 2 - *Place of sessions***

The Committee shall meet at a location designated by the Secretary-General.

### **II. AGENDA**

#### **Rule 3 - *Provisional agenda***

The provisional agenda shall be drawn up by the Secretary-General and communicated to the Members of the Committee at least sixty days before the opening of the session.

#### **Rule 4 - *Adoption of the agenda***

The agenda provided by the Secretary-General shall be considered adopted as of the beginning of the session. The order of the agenda items shall be determined by a majority vote of those present and voting. Items on the agenda may be amended or deleted by the Committee by a two-thirds majority of the members present and voting.

*The vote described in this rule is a procedural vote and, as such, observers are permitted to cast a vote. For purposes of this rule, those present and voting means those delegates, including observers, in attendance at the meeting during which this motion comes to a vote.*

#### **Rule 5 - *Revision of the agenda***

During a session, the Assembly may revise the agenda by adding, deleting, deferring or amending items. Only important and urgent items shall be added to the agenda during a session. Permission to speak on a motion to revise the agenda shall be accorded only to three representatives in favor of, and three opposed to, the revision. Additional items of an important and urgent character, proposed for inclusion in the agenda less than thirty days before the opening of a session, may be placed on the agenda if the Assembly so decides by a two-thirds majority of the members present and voting. No additional item may, unless the General Assembly decides otherwise by a two-thirds majority of the members present and voting, be considered until a committee has reported on the question concerned.

*As the General Assembly Plenary determines the agenda for its Committees, this rule is applicable only to the Plenary body. Since NMUN 2011 will simulate the Plenary only on its last day, the agenda approved by the Secretariat is set. Items cannot be amended or added to the agenda by any of the Committees of the Assembly. For purposes of this rule, the determination of an item of an “important and urgent character” is subject to the discretion of the Secretariat, and any such determination is final. If an item is determined to be of such a character, then it requires a two-thirds vote of the Assembly to be placed on the agenda. It will, however, not be considered by the Assembly until a committee has reported on the question, or a second two-thirds vote is successful to keep the*

*Plenary body seized of the matter. The votes described in this rule are substantive vote, and, as such, observers are not permitted to cast a vote. For purposes of this rule, “the members present and voting” means those members (not including observers) in attendance at the session during which this motion comes to vote.*

**Rule 6 - Explanatory memorandum**

Any item proposed for inclusion in the agenda shall be accompanied by an explanatory memorandum and, if possible, by basic documents.

### III. SECRETARIAT

**Rule 7 - Duties of the Secretary-General**

1. The Secretary-General or her/his designate shall act in this capacity in all meetings of the Committee.
2. The Secretary-General shall provide and direct the staff required by the Committee and be responsible for all the arrangements that may be necessary for its meetings.

**Rule 8 - Duties of the Secretariat**

The Secretariat shall receive, print, and distribute documents, reports, and resolutions of the Committee, and shall distribute documents of the Committee to the Members, and generally perform all other work which the Committee may require.

**Rule 9 - Statements by the Secretariat**

The Secretary-General, or her/his representative, may make oral as well as written statements to the Committee concerning any question under consideration.

**Rule 10 - Selection of the President** The Secretary-General or her/his designate shall appoint, from applications received by the Secretariat, a President who shall hold office and, *inter alia*, chair the Committee for the duration of the session, unless otherwise decided by the Secretary-General.

**Rule 11 - Replacement of the President** If the President is unable to perform her/his functions, a new President shall be appointed for the unexpired term at the discretion of the Secretary-General.

### IV. LANGUAGE

**Rule 12 - Official and working language**

English shall be the official and working language of the Committee.

**Rule 13 - Interpretation (oral) or translation (written)**

Any representative wishing to address any body or submit a document in a language other than English shall provide interpretation or translation into English.

*This rule does not affect the total speaking time allotted to those representatives wishing to address the body in a language other than English. As such, both the speech and the interpretation must be within the set time limit.*

### V. CONDUCT OF BUSINESS

**Rule 14 – Quorum**

The President may declare a meeting open and permit debate to proceed when representatives of at least one third of the members of the Committee are present. The presence of representatives of a majority of the members of the Committee shall be required for any decision to be taken.

*For purposes of this rule, members of the Committee means the total number of members (not including observers) in attendance at the first night’s meeting.*

**Rule 15 - General powers of the President**

In addition to exercising the powers conferred upon him or her elsewhere by these rules, the President shall declare

the opening and closing of each meeting of the Committee, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President, subject to these rules, shall have complete control of the proceedings of the Committee and over the maintenance of order at its meetings. He or she shall rule on points of order. He or she may propose to the Committee the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times the representative of each member may speak on an item, the adjournment or closure of the debate, and the suspension or adjournment of a meeting.

*Included in these enumerated powers is the President's power to assign speaking times for all speeches incidental to motions and amendment. Further, the President is to use her/his discretion, upon the advice and at the consent of the Secretariat, to determine whether to entertain a particular motion based on the philosophy and principles of the NMUN. Such discretion should be used on a limited basis and only under circumstances where it is necessary to advance the educational mission of the Conference. For purposes of this rule, the President's power to —propose to the Committee entails her/his power to entertain motions, and not to move the body on his or her own motion.*

#### **Rule 16**

The President, in the exercise of her or his functions, remains under the authority of the Committee.

#### **Rule 17 - Points of order**

During the discussion of any matter, a representative may rise to a point of order, which shall be decided immediately by the President. Any appeal of the decision of the President shall be immediately put to a vote, and the ruling of the President shall stand unless overruled by a majority of the members present and voting.

*Such points of order should not under any circumstances interrupt the speech of a fellow representative. Any questions on order arising during a speech made by a representative should be raised at the conclusion of the speech, or can be addressed by the President, sua sponte, during the speech. For purposes of this rule, —the members present and voting mean those members (not including observers) in attendance at the meeting during which this motion comes to vote.*

#### **Rule 18**

A representative may not, in rising to a point of order, speak on the substance of the matter under discussion.

#### **Rule 19 - Speeches**

1. No one may address the Committee without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak.
2. Debate shall be confined to the question before the Committee, and the President may call a speaker to order if her/his remarks are not relevant to the subject under discussion.
3. The Committee may limit the time allowed to speakers and all representatives may speak on any question. Permission to speak on a motion to set such limits shall be accorded only to two representatives favoring and two opposing such limits, after which the motion shall be put to the vote immediately. When debate is limited and a speaker exceeds the allotted time, the President shall call her or him to order without delay.

*In line with the philosophy and principles of the NMUN, in furtherance of its educational mission, and for the purpose of facilitating debate, if the President determines that the Committee in large part does not want to deviate from the limits to the speaker's time as it is then set, and that any additional motions will not be well received by the body, the President, in her/his discretion, and on the advice and consent of the Secretariat, may rule as dilatory any additional motions to change the limits of the speaker's time.*

#### **Rule 20 - Closing of list of speakers**

Members may only be on the list of speakers once but may be added again after having spoken. During the course of a debate the President may announce the list of speakers and, with the consent of the Committee, declare the list closed. When there are no more speakers, the President shall declare the debate closed. Such closure shall have the same effect as closure by decision of the Committee.

*The decision to announce the list of speakers is within the discretion of the President and should not be the subject of a motion by the Committee. A motion to close the speakers' list is within the purview of the Committee and the*

*President should not act on her/his own motion.*

**Rule 21 - Right of reply**

If a remark impugns the integrity of a representative's State, the President may permit that representative to exercise her/his right of reply following the conclusion of the controversial speech, and shall determine an appropriate time limit for the reply. No ruling on this question shall be subject to appeal.

*For purposes of this rule, a remark that impugns the integrity of a representative's State is one directed at the governing authority of that State and/or one that puts into question that State's sovereignty or a portion thereof. All interventions in the exercise of the right of reply shall be addressed in writing to the Secretariat and shall not be raised as a point of order or motion. The reply shall be read to the Committee by the representative only upon approval of the Secretariat, and in no case after voting has concluded on all matters relating to the agenda topic, during the discussion of which, the right arose.*

**Rule 22 - Suspension of the meeting**

During the discussion of any matter, a representative may move the suspension of the meeting, specifying a time for reconvening. Such motions shall not be debated but shall be put to a vote immediately, requiring the support of a majority of the members present and voting to pass.

**Rule 23 - Adjournment of the meeting**

During the discussion of any matter, a representative may move the adjournment of the meeting. Such motions shall not be debated but shall be put to the vote immediately, requiring the support of a majority of the members present and voting to pass. After adjournment, the Committee shall reconvene at its next regularly scheduled meeting time.

*As this motion, if successful, would end the meeting until the Committee's next regularly scheduled session the following year, and in accordance with the philosophy and principles of the NMUN and in furtherance of its educational mission, the President will not entertain such a motion until the end of the last meeting of the Committee.*

**Rule 24 - Adjournment of debate**

A representative may at any time move the adjournment of debate on the topic under discussion. Permission to speak on the motion shall be accorded to two representatives favoring and two opposing adjournment, after which the motion shall be put to a vote immediately, requiring the support of a majority of the members present and voting to pass. If a motion for adjournment passes, the topic is considered dismissed and no action will be taken on it.

**Rule 25 - Closure of debate**

A representative may at any time move the closure of debate on the item under discussion, whether or not any other representative has signified her/his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall be put to the vote immediately. Closure of debate shall require a two-thirds majority of the members present and voting. If the Committee favors the closure of debate, the Committee shall immediately move to vote on all proposals introduced under that agenda item.

**Rule 26 - Order of motions** Subject to rule 23, the motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

- a) To suspend the meeting;
- b) To adjourn the meeting;
- c) To adjourn the debate on the item under discussion;
- d) To close the debate on the item under discussion.

**Rule 27 - Proposals and amendments**

Proposals and substantive amendments shall normally be submitted in writing to the Secretariat, with the names of twenty percent of the members of the Committee who would like the Committee to consider the proposal or amendment. The Secretariat may, at its discretion, approve the proposal or amendment for circulation among the delegations. As a general rule, no proposal shall be put to the vote at any meeting of the Committee unless copies of it have been circulated to all delegations. The President may, however, permit the discussion and consideration of amendments or of motions as to procedure, even though such amendments and motions have not been circulated. If the sponsors agree to the adoption of a proposed amendment, the proposal shall be modified accordingly and no vote shall be

taken on the proposed amendment. A document modified in this manner shall be considered as the proposal pending before the Committee for all purposes, including subsequent amendments.

*For purposes of this rule, all —proposals shall be in the form of working papers prior to their approval by the Secretariat. Working papers will not be copied, or in any other way distributed, to the Committee by the Secretariat. The distribution of such working papers is solely the responsibility of the sponsors of the working papers. Along these lines, and in furtherance of the philosophy and principles of the NMUN and for the purpose of advancing its educational mission, representatives should not directly refer to the substance of a working paper that has not yet been accepted as a draft resolution. After approval of a working paper, the proposal becomes a draft resolution and will be copied by the Secretariat for distribution to the Committee. These draft resolutions are the collective property of the Committee and, as such, the names of the original sponsors will be removed. The copying and distribution of amendments is at the discretion of the Secretariat, but the substance of all such amendments will be made available to all representatives in some form.*

**Rule 28 - Withdrawal of motions**

A proposal or a motion may be withdrawn by its sponsor at any time before voting has commenced, provided that it has not been amended. A motion thus withdrawn may be reintroduced by any representative.

**Rule 29 - Reconsideration of a topic**

When a topic has been adjourned, it may not be reconsidered at the same session unless the Committee, by a two-thirds majority of those present and voting, so decides. Reconsideration can only be moved by a representative who voted on the prevailing side of the original motion to adjourn. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be put to the vote immediately.

*For purposes of this rule, those present and voting means those representatives, including observers, in attendance at the meeting during which this motion is voted upon by the body.*

## VI. VOTING

**Rule 30 - Voting rights**

Each member of the Committee shall have one vote.

*This rule applies to substantive voting on amendments, draft resolutions, and portions of draft resolutions divided out by motion. As such, all references to member(s) do not include observers, who are not permitted to cast votes on substantive matters.*

**Rule 31 - Request for a vote**

A proposal or motion before the Committee for decision shall be voted upon if any member so requests. Where no member requests a vote, the Committee may adopt proposals or motions without a vote.

*For purposes of this rule, proposal means any draft resolution, an amendment thereto, or a portion of a draft resolution divided out by motion. Just prior to a vote on a particular proposal or motion, the President may ask if there are any objections to passing the proposal or motion by acclamation, or a member may move to accept the proposal or motion by acclamation. If there are no objections to the proposal or motion, then it is adopted without a vote.*

**Rule 32 - Majority required**

1. Unless specified otherwise in these rules, decisions of the Assembly shall be made by a majority of the members present and voting.
2. For the purpose of tabulation, the phrase “members present and voting” means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

*All members declaring their representative States as “present and voting” during the attendance roll call for the meeting during which the substantive voting occurs, must cast an affirmative or negative vote, and cannot abstain.*

**Rule 33 - Method of voting**

1. The Committee shall normally vote by a show of placards, except that a representative may request a roll

call, which shall be taken in the English alphabetical order of the names of the members, beginning with the member whose name is randomly selected by the President. The name of each present member shall be called in any roll call, and one of its representatives shall reply "yes," "no," "abstention," or "pass."

*Only those members who designate themselves as present or present and voting during the attendance roll call, or in some other manner communicate their attendance to the President and/or Secretariat, are permitted to vote and, as such, no others will be called during a roll-call vote. Any representatives replying pass, must, on the second time through, respond with either yes or no. A pass cannot be followed by a second pass for the same proposal or amendment, nor can it be followed by an abstention on that same proposal or amendment.*

2. When the Committee votes by mechanical means, a non-recorded vote shall replace a vote by show of placards and a recorded vote shall replace a roll-call vote. A representative may request a recorded vote. In the case of a recorded vote, the Committee shall dispense with the procedure of calling out the names of the members.
3. The vote of each member participating in a roll call or a recorded vote shall be inserted in the record.

#### ***Rule 34 - Explanations of vote***

Representatives may make brief statements consisting solely of explanation of their votes after the voting has been completed. The representatives of a member sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended, and the member has voted against the proposal or motion.

*All explanations of vote must be submitted to the President in writing before debate on the topic is closed, except where the representative is of a member sponsoring the proposal, as described in the second clause, in which case the explanation of vote must be submitted to the President in writing immediately after voting on the topic ends.*

#### ***Rule 35 - Conduct during voting***

After the President has announced the commencement of voting, no representatives shall interrupt the voting except on a point of order in connection with the actual process of voting.

#### ***Rule 36 - Division of proposals and amendments***

Immediately before a proposal or amendment comes to a vote, a representative may move that parts of a proposal or of an amendment should be voted on separately. If there are calls for multiple divisions, those shall be voted upon in an order to be set by the President where the most radical division will be voted upon first. If objection is made to the motion for division, the request for division shall be voted upon, requiring the support of a majority of those present and voting to pass. Permission to speak on the motion for division shall be given only to two speakers in favor and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are involved shall then be put to a vote. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

*For purposes of this rule, most radical division means the division that will remove the greatest substance from the draft resolution, but not necessarily the one that will remove the most words or clauses. The determination of which division is most radical is subject to the discretion of the Secretariat, and any such determination is final.*

#### ***Rule 37 - Amendments***

An amendment is a proposal that does no more than add to, delete from, or revise part of another proposal.

*An amendment can add, amend, or delete operative clauses, but cannot in any manner add, amend, delete, or otherwise affect perambulatory clauses.*

#### ***Rule 38 - Order of voting on amendments***

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the amendment furthest removed in substance from the original proposal shall be voted on first and then the amendment next furthest removed there from, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment,

the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted on.

*For purposes of this rule, furthest removed in substance means the amendment that will have the most significant impact on the draft resolution. The determination of which amendment is —furthest removed in substance is subject to the discretion of the Secretariat, and any such determination is final.*

**Rule 39 - Order of voting on proposals**

If two or more proposals, other than amendments, relate to the same question, they shall, unless the Committee decides otherwise, be voted on in the order in which they were submitted.

**Rule 40 - The President shall not vote**

The President shall not vote but may designate another member of her/his delegation to vote in her/his place.

## VII. CREDENTIALS

**Rule 41 - Credentials**

The credentials of representatives and the names of members of a delegation shall be submitted to the Secretary-General prior to the opening of a session.

**Rule 42**

The Committee shall be bound by the actions of the General Assembly in all credentials matters and shall take no action regarding the credentials of any member.

## VII. PARTICIPATION OF NON-MEMBERS OF THE COMMITTEE

**Rule 43 - Participation of non-Member States**

1. The Committee shall invite any Member of the United Nations that is not a member of the Committee and any other State, to participate in its deliberations on any matter of particular concern to that State.
2. A committee or sessional body of the Committee shall invite any State that is not one of its own members to participate in its deliberations on any matter of particular concern to that State.
3. A State thus invited shall not have the right to vote, but may submit proposals which may be put to the vote on request of any member of the body concerned.

*If the Committee considers that the presence of a Member invited according to this rule is no longer necessary, it may withdraw the invitation again. Delegates invited to the Committee according to this rule should also keep in mind their role and obligations in the committee that they were originally assigned to. For educational purposes of the NMUN Conference, the Secretariat may thus ask a delegate to return to his or her committee when his or her presence in the Committee is no longer required.*

**Rule 45 - Participation of national liberation movements**

The Committee may invite any national liberation movement recognized by the General Assembly to participate, without the right to vote, in its deliberations on any matter of particular concern to that movement.

**Rule 46 - Participation of and consultation with specialized agencies**

In accordance with the agreements concluded between the United Nations and the specialized agencies, the specialized agencies shall be entitled: a) To be represented at meetings of the Committee and its subsidiary organs; b) To participate, without the right to vote, through their representatives, in deliberations with respect to items of concern to them and to submit proposals regarding such items, which may be put to the vote at the request of any member of the Committee or of the subsidiary organ concerned.

**Rule 47 - Participation of non-governmental organization and intergovernmental organizations**

Representatives of non-governmental organizations/intergovernmental organizations accorded consultative observer status by the General Assembly and other non-governmental organizations/intergovernmental organizations designated on an ad hoc or a continuing basis by the Committee on the recommendation of the Bureau, may participate, with the procedural right to vote, but not the substantive right to vote, in the deliberations of the Committee on questions within the scope of the activities of the organizations.