

NMUN • NY

GENERAL ASSEMBLY FIRST COMMITTEE



NATIONAL MODEL
UNITED NATIONS

5-9 April 2009 - Sheraton
7-11 April 2009 - Marriott

www.nmun.org

BACKGROUND GUIDE 2009

NATIONAL
COLLEGIATE CONFERENCE
association™

WRITTEN BY:
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Rahul Sharma
Kyle Rush
Jeremiah Slinde

Please consult the FAQ section of www.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•NY 2009 IMPORTANT DATES

IMPORTANT NOTICE: To make hotel reservations, you must use the forms at www.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!**

SHERATON

MARRIOTT

31 January 2009

31 January 2009

- Confirm Attendance & Delegate Count. (Count may be changed up to 1 March)
- Make Transportation Arrangements - DON'T FORGET!
(We recommend confirming hotel accommodations prior to booking flights.)

15 February 2009

15 February 2009

- Committee Updates Posted to www.nmun.org.

1 March 2009

1 March 2009

- Hotel Registration with FULL PRE-PAYMENT Due to Hotel - Register Early! Registration is first-come, first-served.
- Any Changes to Delegate Numbers Must be Confirmed to karen@nmun.org
- Two Copies of Each Position Paper Due via E-mail
(See opposite page for instructions).
- ***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.

NATIONAL MODEL UNITED NATIONS

The 2009 National Model UN Conference

- 5 - 9 April – Sheraton New York
- 7 - 11 April – New York Marriott Marquis

Two copies of each position paper should be sent via e-mail by 1 MARCH 2009

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 after 15 November. 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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OTHER USEFUL CONTACTS:

Entire Set of Delegation Position Papers (send only to e-mail for your assigned venue)	positionpapers.sheraton@nmun.org positionpapers.marriott@nmun.org
NMUN Director of Programs	karen@nmun.org
Secretary-General	secgen@nmun.org
Director(s)-General	dirgen@nmun.org

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THE 2009 NATIONAL MODEL UNITED NATIONS

SPONSORED BY THE NATIONAL COLLEGIATE CONFERENCE ASSOCIATION

New York City, 5-9 April (Sheraton) & 7-11 April (Marriott) • www.nmun.org

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Dear Delegates,

We would like to cordially welcome you to the 2009 National Model United Nations (NMUN). The Directors for the General Assembly First Committee (GA 1st) are Rahul Sharma (Marriott Venue) and Benjamin Oppermann (Sheraton Venue). The Assistant Directors for the committee are Kyle Rush (Marriott Venue) and Jeremiah Slinde (Sheraton Venue).

Rahul Sharma is currently undertaking his study abroad year at Georgia Tech and will obtain his M.A. from the University of Munich in 2010. Kyle Rush graduated with a B.A. this past August in political science from California State University, Fullerton, and is currently pursuing an international relations career in Washington, D.C. Benjamin Oppermann studied in Maastricht, the Netherlands, and Montreal and in 2006 graduated with a M.A. in European Studies / International Relations and since 2007 he is working in the European Parliament in Brussels. Jeremiah Slinde studied International Studies at the University of Oshkosh, Wisconsin and is currently an academic advisor for the International Studies Program at the same university.

The topics under discussion for the GA 1st at the 2008 NMUN are:

1. Upholding the Status of Prisoners of War According to the Third Geneva Convention
2. Fighting Illicit Trade and Trafficking of Nuclear Material
3. Preventing an Arms Race in Space

The broad range of topics reflect the variety of agendas that have become relevant for the GA1st in an ever-changing global context and the cross-cutting nature of issues. The topics provide a basis for discussion and discourse in your committee at NMUN, attempting to emulate (albeit not fully) the real GA 1st.

Moreover, it is our endeavor that you will enjoy an invaluable educational experience. We hope that the conference will contribute towards enabling you – as delegates – to change your perspective and to reflect on significant events in international relations in a profoundly critical manner. By adapting the roles of representative of a particular State, you should be able to challenge your own assumptions and popularly proscribed dogmas about global issues. The conference will foster your capacity to debate, negotiate, and be persuasive through cohesive arguments and relevant facts and eloquently articulate your thoughts in public speaking. You will become submerged in the debates and negotiations of your committee, seeking solutions for the above topics with a heuristic approach.

This background guide will serve as an introduction to the above listed topics. Accordingly, it is not meant to be used as an all inclusive analysis but as the groundwork for your own research. In conducting your research, please consult scholarly material, including journals, international news, and the United Nations Web site, among others. You will also need to familiarize yourself with the work and current operations of the GA 1st Committee. GA 1st is a resolution writing committee and deals primarily with disarmament and international security.

Each delegation must submit a position paper. NMUN will accept position papers via e-mail by March 1st, 2009 for both venues. Please refer to the guide from your Directors-General for NMUN's position paper requirements. Delegates' adherence to these guidelines is crucial.

The quality of our committee and the NMUN Conference depends on the quality of your preparation. We wish you the best of luck in your pre-conference planning and research and look forward to meeting you in the spring.

Sheraton Venue
Benjamin Oppermann

Director
Jeremiah Slinde
Assistant-Director

GA1st.Sheraton@nmun.org

Marriott Venue

Rahul Sharma
Director

Kyle Rush
Assistant-Director

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Message from the Directors-General Regarding Position Papers for the 2009 NMUN Conference

At the 2009 NMUN New York Conference, each delegation submits one position paper for each committee it is assigned to. Delegates should be aware that their role in a respective committee has some impact on 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 or technical experts. To understand these fine differences, please refer to Delegate Preparation Guide.

Position papers should provide a concise review of each delegation's policy regarding the topic areas under discussion and establish precise policies and recommendations in regard to 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. Discussing recommendations for action to be taken by your committee is another portion of the position paper that should 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 traditional position papers. 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 material that is entirely original. *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 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 one double-sided page (two single-sided pages is **not** acceptable)
- Font **must** be Times New Roman sized between 10 pt. and 12 pt.
- Margins must be set at 1 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) **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, 2008. 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 or 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, 2009 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 Sarah Tulley, Director-General, Sheraton venue, or Lauren Judy, Director-General, Marriott venue at 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 uses 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 should 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 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,

Sheraton Venue
Sarah Tulley
Director-General

sarah@nmun.org

Marriott Venue
Lauren Judy
Director-General

lauren@nmun.org

Sample Position Paper

The following position paper is designed to be a sample of the standard format that an NMUN position paper should follow. While delegates are encouraged to use the front and back of a single page in order to fully address all topics before the committee, please remember that only a maximum of one double-sided page (or two pages total in an electronic file) will be accepted. Only the first double-sided page of any submissions (or two pages of an electronic file) will be considered for awards.

***Delegation from
Canada***

***Represented by
(Name of College)***

Position Paper for General Assembly Plenary

The topics before the General Assembly Plenary are: Breaking the link between Diamonds and Armed Conflict; the Promotion of Alternative Sources of Energy; and the Implementation of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Particularly in Africa. Canada is dedicated to collaborative multilateral approaches to ensuring protection and promotion of human security and advancement of sustainable development.

I. Breaking the link between Diamonds and Armed Conflict

Canada endorses the Kimberly Process in promoting accountability, transparency, and effective governmental regulation of trade in rough diamonds. We believe the Kimberly Process Certification Scheme (KPCS) is an essential international regulatory mechanism and encourage all Member States to contribute to market accountability by seeking membership, participation, and compliance with its mandate. Canada urges Member States to follow the recommendations of the 2007 Kimberly Process Communiqué to strengthen government oversight of rough diamond trading and manufacturing by developing domestic legal frameworks similar to the Extractive Industries Transparency Initiative. We call upon participating States to act in accordance with the KPCS's comprehensive and credible systems of peer review to monitor the continued implementation of the Kimberly Process and ensure full transparency and self-examination of domestic diamond industries. We draw attention to our domestic programs for diamond regulation including Implementing the Export and Import of Rough Diamonds Act and urge Member States to consider these programs in developing the type of domestic regulatory frameworks called for in A/RES/55/56. We recommend Member States implement the 2007 Brussels Declaration on Internal Controls of Participants and, in cooperation with established diamond industries, increase controls for record keeping, spot checks of trading companies, physical inspections of imports and exports, and maintenance of verifiable records of rough diamond inventories. Pursuant to Article 41 of the Charter of the United Nations and in conjunction with S/RES/1346, we support renewed targeted sanctions on Côte d'Ivoire, initiated under Paragraph 1 of S/RES/1782, and recommend the Security Council use targeted sanctions and embargos to offset illicit exploitation of diamond trading. Canada recognizes the crucial role of non-governmental organizations (NGOs) in the review of rough diamond control measures developed through the Kimberly Process and encourages States to include NGOs, such as Global Witness and Partnership Africa Canada, in the review processes called for in A/RES/58/290. We urge Member States to act in accordance with A/RES/60/182 to optimize the beneficial development impact of artisanal and alluvial diamond miners by establishing a coordinating mechanism for financial and technical assistance through the Working Group of the Kimberly Process of Artisanal Alluvial Producers. Canada calls upon States and NGOs to provide basic educational material regarding diamond valuation and market prices for artisanal diggers, as recommended by the Diamond Development Initiative. Canada will continue to adhere to the 2007 Brussels Declaration on Internal Controls of Participants and is dedicated to ensuring accountability, transparency, and effective regulation of the rough diamond trade through the utilization of voluntary peer review systems and the promotion of increased measures of internal control within all diamond producing States.

II. The Promotion of Alternative Sources of Energy

Canada is dedicated to integrating alternative energy sources into climate change frameworks by diversifying the energy market while improving competitiveness in a sustainable economy, as exemplified through our Turning Corners Report and Project Green climate strategies. We view the international commitment to the promotion of alternative sources of energy called for in the Kyoto Protocol and the United Nations Framework Convention on Climate Control (UNFCCC) as a catalyst to sustainable development and emission reduction. Canada fulfills its obligations to Article 4 of the UNFCCC by continuing to provide development assistance through the Climate Change Development Fund and calls upon Member States to commit substantial financial and technical investment toward the transfer of sustainable energy technologies and clean energy mechanisms to developing States. We emphasize the need for Member States to follow the recommendations of the 2005 Beijing International Renewable Energy Conference to strengthen domestic policy frameworks to promote clean energy technologies. Canada views dissemination of technology information called for in the 2007 Group of Eight Growth and Responsibility in the World Economy Declaration as a vital step in energy diversification from conventional energy generation. We call upon Member States to integrate clean electricity from renewable sources into their domestic energy sector by employing investment campaigns similar to our \$1.48 billion initiative ecoENERGY for Renewable Power. Canada encourages States to develop domestic policies of energy efficiency, utilizing regulatory and financing frameworks to accelerate the deployment of clean low-emitting technologies. We call upon Member States to provide knowledge-based advisory services for expanding access to energy in order to fulfill their commitments to Goal 1 of the Millennium Development Goals (MDGs). Canada emphasizes the need for States to establish domestic regulatory bodies similar to the Use, Development, Deployment, and Transfer of Technology Program to work in cooperation with the private sector to increase the transfer of alternative energy technologies. Highlighting the contributions of the Canadian Initiative for International Technology Transfer and the International Initiative for Technology Development Program, we urge Member States to facilitate the development and implementation of climate change technology transfer projects. Canada urges States to address the concerns of the 2007 Human Development Report by promoting tax incentives, similar to the Capital Cost Allowances and Canadian Renewable and Conservation Expenses, to encourage private sector development of energy conservation and renewable energy projects. As a member of the Renewable Energy and Energy Efficiency Partnership, Canada is committed to accelerating the development of renewable energy projects, information sharing mechanisms, and energy efficient systems through the

voluntary carbon offset system. We are dedicated to leading international efforts toward the development and sharing of best practices on clean energy technologies and highlight our release of the Renewable Energy Technologies Screen software for public and private stakeholders developing projects in energy efficiency, cogeneration, and renewable energy. Canada believes the integration of clean energy into State specific strategies called for in A/62/419/Add.9 will strengthen energy diversification, promote the use of cogeneration, and achieve a synergy between promoting alternative energy while allowing for competitiveness in a sustainable economy.

III. Implementation of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Particularly in Africa

Canada views the full implementation of the treatment and prevention targets of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Especially in Africa, as essential to eradicating malaria and assisting African States to achieve Target 8 of Goal 6 of the MDGs by 2015. We recommend Member States cooperate with the World Health Organization to ensure transparency in the collection of statistical information for Indicators 21 and 22 of the MDGs. Canada reaffirms the targets of the Abuja Declaration Plan of Action stressing regional cooperation in the implementation, monitoring, and management of malaria prevention and treatment initiatives in Africa. To fully implement A/RES/61/228, Canada believes developed States must balance trade and intellectual property obligations with the humanitarian objective of the Doha Declaration on the TRIPS Agreement and Public Health. We continue to implement Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health into our compulsory licensing framework through the Jean Chrétien Pledge to Africa Act. We urge Member States to support compulsory licensing for essential generic medicines by including anti-malarial vaccines and initiating domestic provisions to permit export-only compulsory licenses to domestic pharmaceutical manufacturers, similar to Canada's Access to Medicines Regime. Canada calls upon Member States to establish advanced market commitments on the distribution of pneumococcal vaccines to developing States in cooperation with PATH and the Malaria Vaccine Initiative. We emphasize the need for greater membership in the Roll Back Malaria initiative to strengthen malaria control planning, funding, implementation, and evaluation by promoting increased investment in healthcare systems and greater incorporation of malaria control into all relevant multi-sector activities. Canada continues to implement the Canadian International Development Agency's (CIDA) New Agenda for Action on Health to reduce malaria infection rates among marginalized populations in Africa, increase routine immunizations rates, and reduce infection rates of other neglected infections. Canada will achieve the goal of doubling aid to Africa by 2008-2009 by providing assistance to the Global Fund to Fight Aids, Tuberculosis, and Malaria. We urge Member States to increase donations to intergovernmental organizations and NGOs that support malaria programming in Africa, exemplified by CIDA's contribution of \$26 million to the Canadian Red Cross. We continue our efforts to provide accessible and affordable vector control methods to African States through the Red Cross' Malaria Bed Net Campaign and the African Medical Research Foundation Canada by supplying insecticide-treated mosquito nets and Participatory Malaria Prevention and Treatment tool kits. We support the Initiative to Save a Million Lives Now 2007 Campaign to improve healthcare for impoverished mothers and children and reaffirm the need for standardization of healthcare systems to ensure adequate training of healthcare officials. We call upon Member States to assist in the capacity building of developing States' healthcare frameworks to provide adequate training, equipment, and deployment to new and existing African healthcare personnel. Canada places strong emphasis on ensuring increased accessibility to health services, improved standards of living, and reduction in mortality rates through our \$450 million contribution to the African Health Systems Initiative. Pursuant to Article VII of the A/55/2, we will continue to exhibit leadership in the implementation of A/RES/61/228 to mitigate the effects of malaria in developing States, particularly in Africa, and remain dedicated to the strengthening of healthcare systems to improve malaria prevention and treatment.

History of the General Assembly First Committee

During World War II, the leaders of the international community began advocating for a successor to the League of Nations that could help establish world peace and otherwise stop the devastating effects of conflict witnessed after World War II.¹ At its inception, the international community envisioned the United Nations (UN) as the chief international organization concerned with “maintaining peace and international security.”² Within the UN, the General Assembly (GA) has been called the greatest world forum as it is the only principal organ of the UN where all Member States are represented and given the ability to discuss any matter within the scope of the charter.³ Initially, the Member States did not expect the UN’s purview of maintaining international peace to span such a wide variety of global matters (such as poverty, food, water, etc.) as it does today.⁴ For this reason, the GA has been given the capacity to create its own committees in order to aid in its workflow.⁵ As such, there are six main committees that correspond to the major areas of responsibility of the GA.⁶ The GA circumscribed the first of these committees to discuss threats international security in 1945.⁷ The Disarmament and International Security Committee (First Committee) received its most recent name in 1993 from a GA resolution (A/RES/47/233) that restructured the six main committees.⁸

These committees resemble the GA as all 192 Member States in the GA have a right to be represented.⁹ Similarly, all six of the main committees follow the same set of operating procedures.¹⁰ Due to the fact that the main committees report to the GA, their agenda items are set by the GA and no committee can ‘introduce new items on their own initiative.’¹¹ The GA is not required to send agenda items to a committee before discussing or acting on them.¹² To assist in their work, the main committees have the authority to establish subcommittees.¹³ Like in the GA, each main committee member receives one vote and all resolutions require a simple majority to pass.¹⁴ Resolutions passed in the main committees are considered suggestions to the GA and do not become official UN documents until passed by the GA.¹⁵ All of the main committees elect a Chairman, three Vice-Chairman, and a Rapportuer to lead their sessions.¹⁶

The First Committee and its Relationship to the United Nations System

Recommendations of the First Committee incorporate the authority and abilities of the GA Plenary and other committees in order to achieve the best use of its work. Article 10 of the UN Charter indicates the fundamental importance of the GA as one of the five central organs within the UN and outlines the source of its authority and powers. The GA has the power to discuss and to make recommendations. The GA employs its expressed power to issue recommendations on its own will and is thus not dependent on any other organ of the UN.¹⁷ This power includes authority to investigate, and it which has been used to send observers (United Nations Observation Group in Lebanon, UNOGIL), setup investigating commissions (United Nations Special Committee on Palestine, UNSCOP), supervise mandated territory, and receive and examine reports from Mandatory Powers. Article 10 does not, however, give the GA absolute authority to exercise control and supervisory functions in

¹ Simma, *The Charter of the United Nations: A Commentary*, 2002, p.1-6.

² United Nations General Assembly, *Charter of the United Nations*, 1945, Article 1.

³ *Ibid.*

⁴ Weiss, *The Oxford Handbook on the United Nations*, 2007, p. 97.

⁵ United Nations General Assembly, *Rules of Procedure of the General Assembly*, 1945, Rule 96.

⁶ The six main GA committees are as follows: First Committee (Disarmament and International Security Committee), Second Committee (Economic and Financial Committee), Third Committee (Social, Humanitarian and Cultural Committee), Fourth Committee (Special Political and Decolonization Committee), Fifth Committee (Administrative and Budgetary Committee), and Sixth Committee (Legal Committee).

⁷ United Nations General Assembly, *Rules of Procedure of the General Assembly*, 1945, Rule 98a.

⁸ United Nations General Assembly, 47th Session, *Revitalization of the Work of the General Assembly* (A/RES/47/233), 1993.

⁹ New Zealand Ministry of Foreign Affairs and Trade, *United Nations Handbook*, 2007, p. 22.

¹⁰ United Nations General Assembly, *Rules of Procedure of the General Assembly*, 2007, Section XII Committees.

¹¹ *Ibid.*, Rule 97.

¹² Simma, *The Charter of the United Nations: A Commentary*, 2002, p. 262.

¹³ United Nations General Assembly, *Rules of Procedure of the General Assembly*, 2007, Rule 102.

¹⁴ *Ibid.*, Rule 124 and 125.

¹⁵ Smith, *Politics and Process at the United Nations*, 2006, p. 161.

¹⁶ United Nations General Assembly, *Rule of Procedure of the General Assembly*, 2007, Rule 103.

¹⁷ Simma, *The Charter of the United Nations: A Commentary*, 2002, p. 262; Limits to these powers are stated in Articles 12 and 13 of the UN Charter, however the *Uniting for Peace Resolution* (A/RES/5/377) issued during the Korean War, gives the GA authority to recommend enforcement measures when the Security Council is not performing its duties (see operative clause 1).

Member States or to demand reports or actions.¹⁸ Decisions of the GA are approved by the Member States in the form of resolutions (e.g. The Uniting for Peace Resolution), declarations (e.g. The Universal Declaration on Human Rights) and decisions.¹⁹

United Nations efforts toward disarmament have existed for many decades, involving a plethora of bodies, conferences, committees, offices, and meetings. Presently, the main bodies and offices that have a working relationship with the First Committee are: the Conference on Disarmament (CD); the Disarmament Commission (UNDC); the Office for Disarmament Affairs (UNODA). The Conference on Disarmament is the successor of several dissolved and reorganized bodies such as the Atomic Energy Commission (AEC), Commission for Conventional Armaments (CCA), the Eighteen-Nation Disarmament Committee (ENDC), and the Committee on the Conference on Disarmament (CCD).²⁰ The CD meets to discuss ten issues regarding disarmament and later submits its reports to the GA, which in turn forwards them to the First Committee for preparation before discussion.²¹ The GA then offers suggestions of its own or supports the findings of the reports.²² The Disarmament Commission is a deliberative body and subsidiary organ of the General Assembly consisting of all Member States.²³ The commission was created to send reports to the GA and CD on the establishment of a comprehensive program for disarmament.²⁴

Recent Trends and Developments in Disarmament

In recent years, overall progress in disarmament efforts has been mixed, with some issues making significant progress and others very little. During the 62nd session of the General Assembly, 52 resolutions were approved and forwarded to the First Committee regarding six major disarmament issues: nuclear weapons, other weapons of mass destruction, outer space (disarmament aspects), conventional weapons, regional disarmament and security, and other disarmament and international security issues.²⁵ Since 2005, progress in nuclear disarmament experienced more setbacks than achievements primarily because of the disappointing outcomes of the 2005 World Summit and the 2005 Nuclear Non-Proliferation Treaty (NPT) Review Conference where both meetings failed to produce any substantive action.²⁶ Regarding issues of nuclear disarmament, much attention has been focused on the Comprehensive Nuclear Test Ban Treaty (CTBT) which opened for signatures over 12 years ago and has still not entered into force.²⁷ Having recognized the significance of the CTBT and its potential to aid in nuclear disarmament, the GA, in its 61st session, forged a cooperative relationship with the *Preparatory Commission for the CTBT Organization* (CTBTO PrepCom).²⁸ In its last session (62nd) the GA focused less on biological and chemical weapons issues. The First Committee adopted two resolutions by acclamation which were later similarly adopted in the General Assembly. These resolutions focus on providing further support and allocating agenda space at the 63rd session for the *Convention on the Prohibition of the Development, Production and Stockpiling of the Bacteriological (Biological) and Toxin Weapons and on their Destruction*.²⁹

The First Committee has also recognized illicit Small Arms and Light Weapons (SALW) as a threat to world peace and has discussed the issue intensively. Recent efforts have sought to bolster the *Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons, in All Aspects (PoA)*, established in 2001 to limit the illicit proliferation of SALW on a regional, national, and international level.³⁰ In 2006 a CD session was held to review the progress made on the Implementation of the Program of Action (PoA)

¹⁸ Simma, *The Charter of the United Nations: A Commentary*, 2002, p. 259.

¹⁹ *Ibid.*

²⁰ See A/RES/1/41, A/RES/7/502, and A/RES/16/1722

²¹ Simma, *The Charter of the United Nations: A Commentary*, 2002, p. 279.

²² *Ibid.*

²³ United Nations General Assembly, Tenth Special Session, *Final Document of the Tenth Special Session of the General Assembly* (A/S-10/2), 1978.

²⁴ Simma, *The Charter of the United Nations: A Commentary*, 2002, p. 279.

²⁵ United Nations Office for Disarmament Affairs, *Disarmament Yearbook*, 2007, vol. 32, part 1, pp. viii-xii.

²⁶ *Ibid.*, p. ix.

²⁷ The CTBT opened for signatures on September 24th, 2006, and to date has received 176 signatures of which 135 member States have ratified. As of October 2006, of the 44 states whose ratification is necessary for the treaty to enter force, 41 have signed and 34 have ratified. See footnote 26, p.7.

²⁸ United Nations General Assembly, 61st Session, *Cooperation Between the United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization* (A/RES/61/47), 2006.

²⁹ United Nations General Assembly, 62nd Session, *Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction*, (A/RES/62/23), 2007; United Nations General Assembly, 62nd Session, *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction*, (A/RES/62/60), 2007.

³⁰ United Nations Office for Disarmament Affairs, *Conventional Arms: Small Arms and Light Weapons*, 2002.

for this effort, yet the conference failed to produce an outcome document and instead re-stated the importance of the program.³¹ However, in 2008, 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* was held in New York and developed a comprehensive report detailing current issues and ‘a way forward’ for illicit brokering, international cooperation, assistance and national capacity-building, stockpile management and surplus disposal, and other issues.³²

I. Upholding the Status of Prisoners of War according to the Third Geneva Convention

“Nobody in enemy hands can fall outside the law.”³³

International humanitarian law, comprising of the four Geneva Conventions and two additional protocols, strives to guarantee the protection of the victims of war during times of conflict.³⁴ These conventions are the codification of standards relating to treatment of prisoners of war and rules that allow these to be upheld.³⁵

The *Third Geneva Convention Relative to the Treatment of Prisoners of War of 1949*, is an integral part of international humanitarian law as it promulgates the rights of prisoners of war while seeking to clarify and defend the legal status of prisoners of war as comprehensively as possible in armed conflicts.³⁶

The principles that are enshrined in the Third Geneva Convention are based on the notion, which gradually emerged in the eighteenth century, that being captured in war is "neither revenge, nor punishment, but solely protective custody, the only purpose of which is to prevent the prisoners of war from further participation in the war."³⁷ The latter premise was developed in conjunction with the fundamental tenets of international law that prohibits the killing and injuring of people who are helpless.³⁸ Since prisoners of war are highly vulnerable, they require a unique kind of protection.³⁹ The Third Geneva Convention explicitly prohibits prisoners of war from being detained in an area where they could become targets of the “fire of the combat zone,” according to the Art. 23.⁴⁰

The Geneva Convention is applicable even if one or more of the parties concerned denies the presence of a “state of war.”⁴¹ The state that has taken prisoners of war is solely responsible for their well being.⁴² According to the Third Geneva Convention, a prisoner of war is defined as a member of the armed forces of a party to the conflict, member of militias and volunteer corps, such as resistance movement members or non-combatants who have a supporting role in the military who has been captured by the enemy.⁴³ In addition, prisoners of war must also fulfil the criteria of having a fixed distinctive sign that is recognizable from the distance as well bear arms openly and conduct war in accordance to the rules of the law of war.⁴⁴

Besides defining the legal status of prisoners of war in international law, the Third Geneva Convention seeks to guarantee the humane treatment of prisoners of war by prohibiting the degrading treatment that infringes on the personal integrity of prisoners of war.⁴⁵ Treatment of prisoners of war should under no circumstances be "humiliating and degrading."⁴⁶ Humane treatment of prisoners of war includes the understanding that prisoners of war must not be held in close confinement, save for breaches of law, and prisoners of war must not be subjugated to do military work that is dangerous, unhealthy and degrading.⁴⁷ Thus, prisoners of war are only

³¹ United Nations Office for Disarmament Affairs, *Disarmament Yearbook*, 2006, vol. 32, p. 91.

³² United Nations General Assembly, *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/CONF.192/BMS/2008/3), 2008.

³³ Human Rights Watch, *Background Paper on Geneva Conventions and Persons Held by US Forces*, 2002.

³⁴ Dürr, *Humanitarian law of Armed Conflicts: Problems of Applicability*, 1987.

³⁵ Morrow, *The Institutional Features of the Prisoners of War Treaties*, 2001, p. 973.

³⁶ Valencia, *Note & Comment: Theories of Compliance in International Conflict : The Geneva Convention in the Colombian Armed Conflict*, Temple International and Comparative Law, 2007, p. 452.

³⁷ Naqvi, *Doubtful Prisoners-of-War Status*, p. 571.

³⁸ *Ibid.* p. 572.

³⁹ *Ibid.* p. 572.

⁴⁰ Elliott, *Hostages or Prisoners of Power: War Crimes at Dinner*, 1995, p.260.

⁴¹ Dürr, *Humanitarian law of Armed Conflicts: Problems of Applicability*, 1987.

⁴² Naqvi, *Doubtful Prisoners-of-War Status*, 2002, p. 573.

⁴³ Human Rights Watch, *Background Paper on Geneva Conventions and Persons Held by US Forces*, 2002.

⁴⁴ *Ibid.*

⁴⁵ The Global Policy Forum, *The Geneva Conventions and Prisoners of War*, 2003.

⁴⁶ *Ibid.*

⁴⁷ Learn for Peace: A Peace Pledge Union Project, *Geneva Convention. An Introduction*.

allowed to work that is they deemed physically fit and due regard is given to their gender, age and their physical ability is assessed.⁴⁸

Furthermore, prisoners of war must be guaranteed certain basic rights, such as the right to inform their next of kin of their captivity, the right to correspond with relatives as well as receive personal parcels.⁴⁹ Prisoners of war may not be put on trial for being a combatants and being prepared to undertake military actions against other combatants.⁵⁰ Moreover, any breaches of the aforementioned commitments are considered to be war crimes according to Art. 120 of the *Third Geneva Convention of 1949*.⁵¹

Mechanisms to Enforce the Third Geneva Convention

Almost all Member States have signed the *Third Geneva Convention*, with numerous ones even ratifying it and integrating it into domestic jurisdiction.⁵² The Third Convention has become a codified and customary piece of international law.⁵³ In addition to the fact that several military manuals refer to the obligations vis-à-vis the protection of prisoners of war, international organization such as the United Nations and NATO, to

o, have reinforced the aforementioned rights when deploying troops.⁵⁴ The Members States are obliged to distribute information and ensure that the population is aware, especially the armed forces, of the rights stipulated in the *Third Geneva Convention*.⁵⁵ They have persistently emphasized the rights of prisoners of war by providing a copy it in military manuals for soldiers. Thus, the United States Army manual stipulates that “military necessity has been generally rejected as a defense for acts forbidden by the customary and conventional laws of war...”⁵⁶

Notwithstanding the commendable efforts made, critics have pointed out that the *Third Geneva Convention* represents a very minuscule part of many military manuals and have expressed grave concern the ability of members of the armed forces to fully comprehend and, as a result, comply with it.⁵⁷

Breaches of norms of the *Third Geneva Convention* have been promulgated illegal in international criminal law – the International Criminal Court and International Criminal Tribunal for the Former Yugoslavia.⁵⁸ Furthermore, the International Committee of the Red Cross (ICRC), according to the Geneva Convention, is responsible, along with other treat powers and the detaining State, for ensuring the well being and humane treatment of prisoners of war.⁵⁹ The ICRC supervises compliance with the treaty, for example, making visits to the prisoners of war.⁶⁰ In 2003, the employees of the ICRC visited 468,000 prisoners of war and other detainees in over 70 countries, but even this instrument is sometimes questioned or at times ignored.⁶¹ In 2004, it was discovered that at the Abu Ghraib prison, Iraq, torture was carried out in a systematic manner.⁶² This involved indiscriminate arrest, the abuse physical and psychological abuse of prisoners through electric shocks and morally repugnant conditions, the excessive smell of excrements in prisons.⁶³ The means used had two primary intentions: cause humiliation in the most profound manner and inflict severe physical pain.⁶⁴ Guaranteeing the welfare of prisoners of wars also entails not repatriating prisoner to a State where they could be tortured.⁶⁵

In addition, prisoners were denied visits from family members and lawyers while those that committed the horrific acts against the prisoners were not punished.⁶⁶ It was during the aforementioned crisis when there was

48 Levie, *The Employment of Prisoners of War*, 1963, p. 324.

49 *Ibid.*

50 Human Rights Watch, *Background Paper on Geneva Conventions and Persons Held by US Forces*, 2002.

51 Gasser, *Acts of terror, "terrorism" an international humanitarian law*, p. 558.

52 Jinks, *The Declining Significance of POW Status*, p. 376.

53 Valencia, *Note & Comment: Theories of Compliance in International Conflict : The Geneva Convention in the Colombian Armed Conflict*, 2007, p. 453.

54 *Ibid.*, p. 377.

55 Murphy, *Challenges to Contemporary to the Implementation of International Humanitarian Law*, 2004, p. 100.

56 Elliott, *Hostages or Prisoners of Power: War Crimes at Dinner*, *Military Law Review*, Vol. 149, Summer 1995, p.260.

57 Murphy, *Challenges to Contemporary to the Implementation of International Humanitarian Law*, 2004, p. 113.

58 *Ibid.*, p. 378

59 The Harvard Law Review, *The Geneva Convention and the Treatment of Prisoners of War in Vietnam*, p. 853-854.

60 Foukles, *Iraq Scandal reveals Red Cross Pressures*, 2004.

61 *Ibid.*

62 Glantz, *New Leaders, Same Stories at Iraq's Abu Ghraib*, 2007.

63 *Ibid.*

64 Bazelon, *From Bagram to Abu Ghraib*, 2005, p53.

65 Levie, *Prisoners of War and the Protecting Power*, 1961, p. 374.

66 lantz, *New Leaders, Same Stories at Iraq's Abu Ghraib*, 2007.

increased criticism pertaining to the reticence of the ICRC to comment on the treatment of Iraqi prisoners, notwithstanding it had made various visits to that prison.⁶⁷ The ICRC seeks to ensure the implementation of the *Third Geneva Convention* in more subtle ways, such as ensuring the family members of detainees know of their whereabouts, rather than seeking public awareness or media attention.⁶⁸

By and large, the rising importance of NGOs and civil society in recent years coincided with their increased relevance regarding the Third Geneva Convention, as it has considerably contributed towards providing public awareness and scrutiny regarding issues pertaining to the conditions and treatment of prisoners of war. Moreover, with the rise in media as a potential player in international affairs, it invariably has the capacity to play quite a significant role in publicly admonishing the maltreatment of prisoners. However, the dangers of bias in the media remains persist and its independence is frequently in doubt.

The right to have access to a military lawyer is another key aspect to upholding the Third Geneva, as it guarantees the rights of prisoners of war and an independent analysis of the prison conditions. The right to a military lawyer most fundamentally reflects the notion of humane treatment, as it prevents arbitrary and wilful treatment of prisoners of war. Thus, the right to have access to lawyer ensures that war is conducted in a humane way and the rights of prisoners of war are upheld.

The voice of the international community has gained greater importance regarding the *Third Geneva Convention*, with the Council of Europe even passing a resolution that asked members not to extradite persons in conflict that could become subject to mal treatment and violations of Geneva Conventions⁶⁹.

'Unlawful Combatants' – a watershed for the Third Geneva Convention?

A vast number of people, on the contentious basis of being unlawful combatants, have been detained without charges at a naval base at Guantanamo Bay.⁷⁰ The term “unlawful combatants” encapsulates the notion that certain combatants do not receive any protection under the law of war.⁷¹ According to this interpretation, these persons are not guaranteed combatant immunity, as they are not fighting for State and only States can have the right to go to war in international law, not private groups or persons.⁷² The Guantanamo Bay incidence, the maltreatment of the persons detained there, caused an international outcry, as military lawyers, the media and the International Committee of the Red Cross were given restricted and intermittent access to the 625 prisoners detained following the 9/11 attacks.⁷³ The United States Human Rights Commission asserted that the United States also violated the *International Covenant for Civil and Political Rights* and requested the immediate closure of the Guantanamo Bay detention center.⁷⁴

The severe conditions and harsh interrogation techniques detainees were subject to clearly violated the Third Geneva Convention and were often tantamount to torture, thus also on the Convention Against Torture. In the aftermath of 9/11 and the ongoing war on terrorism the maltreatment of prisoners of wars was systematically and intentionally carried out not only in Guantanamo Bay, but also in lesser well known cases such the US occupied Bagram air base in Afghanistan.⁷⁵ Even if the aforementioned prisons are closed, the long-term ramifications are detrimental, as the enemy has been systematically dehumanized in order to justify horrific acts, setting a dangers precedent and rationalizing the possible use of torture.⁷⁶

Some of the deprecating techniques that were employed included sexual abuse of prisoners, humiliating prisoners through insults or in some cases through dangerous dogs, threat and other psychologically stressful conditions.⁷⁷ These interrogation techniques, which were employed in order obtain information from prisoners,

67 Foukles, *Iraq Scandal reveals Red Cross Pressures*, 2004

68 *Ibid.*

69 Ratner, *Jus ad Bellum and Jus in Bello after September 11*, p.912.

70 Johns, *The Guantanamo Bay and the Annihilation of the Exception*, p. 617.

71 Jinks, *The Declining Significance of POW Status*, p. 370.

72 Fogarty, *Guantanamo Bay: Undermining the Global War on Terror*, 2005, p. 61.

73 Priest, Gellmann, & Barton, *US Decries Abuse but Defends Interrogation. Stress and Duress Tactics Used on Terrorism Suspects Held in Secret Overseas Facilities*, 2002.

74 *Guantánamo Bay Detainees Geneva Conventions in the Age of Terrorism*, 2006, p. 97.

75 Priest, Gellmann, & Barton, *US Decries Abuse but Defends Interrogation. Stress and Duress Tactics Used on Terrorism Suspects Held in Secret Overseas Facilities*, 2002.

76 Hooks and Mosher, *Outrages Against the Personal Dignity: Rationalizing Abuse and Torture in the War on Terror*, 2005, p. 1627.

77 Barry, Hirsh & Isikoff, *The Roots of Torture. The Road to Abu Ghraib began after 9/ 11, when Washington wrote new rules to fight a new kind of war*, 2004.

violated the Third Geneva Convention, as prisoners may not be forced to give any information of military use. This does not mean that interrogations as such are illegal, as prisoners can be interrogated on suspicion of having committed a crime or if the possibility of a future criminal remains very potent.⁷⁸ This, nevertheless, does not justify the maltreatment of prisoners in any possible way.

The justification for the treatment of prisoners in the above mentioned cases stemmed from the creation of the term "unlawful combatants," persons without any rights.⁷⁹ Thus, according to the interpretation of the Bush administration, the Third Geneva Convention had no applicability regarding Al Qaeda or the Taliban.⁸⁰ This invariably represents a very assertive and highly untypical interpretation of the Third Geneva Convention.⁸¹ The maltreatment of prisoners was based on political motives and the notion that the United States was engaged in a war against terrorism that ruled the provisions of the Geneva Convention moot.⁸² The very vague term "war on terror" gives a lot of leeway, as it allows the detention of prisoners for almost indefinitely or at least until the so called "war" ended, as the international humanitarian law allows the detention of prisoners until a war ceases.⁸³

In addition, the premise for ruling the Third Geneva Convention void was the fact that Taliban and Al Qaeda fighters wore no distinctive signs to visibly identify themselves as combatants and were engaged in fighting methods that were in violation of the laws of war.⁸⁴ Moreover, the question of cardinal importance is whether the Taliban and Al Qaeda should be regarded as militias, as the only members of an armed force enjoy the "privilege of using force in order to attack other armed forces." The latter case highlights conflicts how in our modern world conflicts are no longer confined to large armies with uniforms from opposing states, making the Geneva Convention as it was initially conceived not always applicable to current circumstances.⁸⁵

According to the Third Geneva Convention, a tribunal has to rule whether an individual should be a prisoner of war or not.⁸⁶ This highlights how states, in cases of doubt about the status of prisoner, are judges in their own matter and decide through formal legal mechanisms.⁸⁷ Thus, Article 5 of the Third Geneva Convention promulgates:

*"Should any doubt arise as to whether persons, having committed a belligerent act and having fallen into the hands of the enemy.....shall enjoy the protection of the present Convention until such time as their status has been determined by a competent tribunal."*⁸⁸

The ambiguity regarding Art. 5 of the Third Geneva Convention is difficult to dissipate, as the Convention does not clarify what a 'competent tribunal' is and what legal procedures must be upheld prior to putting someone on trial.⁸⁹ Generally speaking the words 'competent' could be inferred to mean a body with the capacity "possessing jurisdiction or authority to act," while 'tribunal' merely means a court or some sort "place of judgement or decision."⁹⁰

Prisoners cannot be brought to justice for carrying arms or committing an act of using force, insofar it does not contradict international law.⁹¹ The false claim to bring justice to the detainees is symbolized by the military commissions. At the military commissions the people designated by the government had the function of being prosecutors, judges, juries and, possibly as executioner.⁹² This blatantly defies the idea of a fair trial, as nobody, according to fundamental international legal norms, can be punished without having received a fair trial, regardless whether they are considered to prisoners of war or not.⁹³ In addition, notwithstanding the fact that the

78 The Global Policy Forum, *The Geneva Conventions and Prisoners of War*, 2003.

79 Barry, Hirsh & Isikoff, *The Roots of Torture. The Road to Abu Ghraib began after 9/ 11, when Washington wrote new rules to fight a new kind of war*, 2004.

80 Ratner, *Jus ad Bellum and Jus in Bello after September 11*, *American Journal of International Law*, p. 912.

81 *Ibid.*

82 Barry, Hirsh & Isikoff, *The Roots of Torture. The Road to Abu Ghraib began after 9/ 11, when Washington wrote new rules to fight a new kind of war*, 2004.

83 *Ibid.*

84 Greenwood, *International Law and the 'War against Terrorism*, 2004, p. 316.

85 De Nevers, *The Geneva Conventions and New Wars*, 2006, p. 269.

86 Human Rights Watch, *United States: Guantanamo Two Years On*, 2004.

87 Naqvi, *Doubtful Prisoners-of-War Status*, 2002, p. 574.

88 Editorial Comments, *The Taliban, Al Qaeda, and the Determination of Illegal Combatants*, p. 897.

89 Naqvi, *Doubtful Prisoners-of-War Status*, 2002, p. 571.

90 *Ibid.* p. 557.

91 Greenwood, *International Law and the 'War against Terrorism*, 2004, p. 315.

92 *Ibid.*

93 *Ibid.*

term 'unlawful combatant' cannot be found in the Geneva Convention, these individuals should receive protection under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.⁹⁴ This aspect regarding the rights of 'unlawful combatants' has been marginalized in political discourse, despite being frequently cited in legal academic writing, war criminal law and various military manuals.⁹⁵

However, the argument to the contrary, according to one interpretation, is that persons taking up arms cannot be considered to be 'civilians,' highlighting that either someone fulfils the criteria of being a prisoner of war or falls out the protective parameters of international humanitarian law.⁹⁶ Consequently, the number of persons falling outside the confines of international humanitarian law is vast, reflecting the rise in guerrilla forces in modern conflicts.⁹⁷ Thus, the latter interpretation further reinforces that in order to be considered a combatant the aforementioned persons must be easily distinguishable from civilians.⁹⁸ Furthermore, the Additional Protocol I of 1970 sought to bring clarity to the ensuing legal opaqueness regarding 'unlawful combatants', promulgating that "Any person who has taken part in hostilities, who are not entitled to prisoner-of-war status and who do not benefit from more favorable treatment in accordance with the Fourth Geneva Convention shall have the right at all times to the protection of Article 75 of this Geneva Protocol."⁹⁹

Shortcomings of the Third Geneva Convention

The most fundamental shortcoming regarding International Humanitarian Law, as a result also the *Third Geneva Convention*, remains that an objective observation remains highly difficult.¹⁰⁰ States are undeniably prone to opt for a subjective interpretation; a situation that is fuelled by the fact that there is no "supranational legal authority" is responsible for upholding the convention.¹⁰¹ In addition, the Third Geneva Convention is beset by the practical inconveniences, as various prison camps are located in war ravaged zone that render accessibility very arduous, while the States that maintains the prison camps are poised to be anything but congenial vis-à-vis observers that might scrutinize the prison camps. Moreover, the original Geneva Conventions at its inception had one perception of war, one that was conducted by regular troops and armies of the respective states.¹⁰²

There has been a rise in intrastate conflict, border skirmishes and guerrilla warfare, with only four wars occurring between states since 1990.¹⁰³ Scholars have gone on to interpret that Article 2 of the Third Geneva Convention in such a manner the Geneva Convention does not apply to internal conflicts, as the Article 2 stipulates that "all cases of declared war or any other armed conflict which may arise between two or more of the High Contracting Parties."¹⁰⁴ The most prominent case has been the stance of Colombian government regarding the FARC rebels, highlighting another case where the application of the *Third Geneva Convention* has been highly contested.¹⁰⁵

The General Assembly First Committee and Prisoners of War

Notwithstanding the fact that the General Assembly First Committee has thus far not addressed the issue of prisoners of war in the most comprehensive manner, it has made several oblique references that underline the importance of the topic for future deliberations. The General Assembly adopted a resolution regarding prisoners of war in the Korean War, *Measures for the Peaceful solution of the Problem of Prisoners of War*.¹⁰⁶ In aftermath of the Second World War the issue of prisoners of war was highly relevant, as, firstly, many prisoners of war had still not been repatriated and, secondly, the Korean War was a major war that brought to the fore the importance of POWs.¹⁰⁷ The document highlights the importance of the *International Committee of the Red Cross* as the key organization, in conjunction with the relevant governments, in assisting the process of repatriation.¹⁰⁸ In addition, during the Korean War the General Assembly vehemently condemned the atrocities committed against prisoners of war of the United Nation and the violation of international humanitarian law, as

94 *Ibid.*

95 Jinks, *The Declining Significance of POW Status*, p. 382.

96 *Ibid.* p. 379.

97 *Ibid.* p. 379.

98 *Ibid.* p. 379.

99 *Ibid.* p. 386.

100 Dürr, *Humanitarian law of Armed Conflicts: Problems of Applicability*, 1987, p. 264.

101 *Ibid.*

102 De Nevers, *The Geneva Conventions and New Wars*, 2006, p. 374.

103 *Ibid.*

104 Valencia, *Note & Comment: Theories of Compliance in International Conflict : The Geneva Convention in the Colombian Armed Conflict*, 2007, p. 453.

105 *Ibid.*

106 A/8/741

107 *Ibid.*

108 *Ibid.*

it tried to give a boost the *Third Geneva Convention* that had been created in 1949.¹⁰⁹

More recently, the General Assembly addressed the problem of prisoners of war in the context of the Gulf War in 1991, where large numbers of Kuwaiti POWs were not repatriated after the cessation of hostilities. During the *Sixty-Fifth Session of the General Assembly of the First Committee* requested the Iraqi government to cooperate with the International Committee of the Red Cross in the process of repatriating prisoners of war.¹¹⁰ In addition, during the conflict in Western Sahara the question of prisoners of war was explored as a subsidiary topic.¹¹¹

Conclusion

In the current debate about the rights of prisoners of war there has been an oversimplification of the issue and the justification for non-compliance with the *Third Geneva Convention*, as terrorists do not adhere to the rules of laws of wars, seems wholly insufficient.¹¹² Despite the non-adherence to the *Third Geneva Convention* by terrorist and insurgents, the maltreatment of the latter is as under no circumstances, be it legally and ethically, justified, as “two wrongs do not make one right.”¹¹³ International humanitarian law, such as the *Third Geneva Convention*, embodies the principles of humanity and necessitates full compliance, notwithstanding the nature of the conflict.¹¹⁴ As there is no real organization for guaranteeing compliance with the *Third Geneva Convention*, save the ICRC with its limited supervisory capacity, the strength of the convention is contingent on the willingness of the Member States to fully comply with it and the significance they choose to lend it.¹¹⁵

Issues for consideration

While the General Assembly First Committee has yet to comprehensively address the issue of prisoners of war, there is great potential for future considerations. Consequently, many questions present themselves when considering the status of prisoners of war. For example, what political aims does each State pursue regarding its foreign policy, and are any of them in contradiction to the Third Geneva Convention? What is a State’s rationale for adhering or perhaps violating the Third Geneva Convention? What costs and benefits will a States incur as a result? What are the exact legal confines of international humanitarian law under which States act? Where do individual states stand regarding human rights, as the Third Geneva Convention voices many of the concerns that are echoed by the human rights treaties, which seek to protect the rights of the individual. How has the Third Geneva Convention been affected by its most recent debacles? Has a dangerous precedent been set for the International Humanitarian Law? What are the short and long-term effects going to be? Which instruments could contribute towards ensuring that the Third Geneva Convention is upheld? Effectiveness should be judged in terms of short and long term effects and the possible benefits as well costs these mechanisms cause for states?

II. Fighting the Illicit Trade and Trafficking of Nuclear Material

“A small but dedicated and resourceful terrorist group could very plausibly design and build at least a crude nuclear bomb. And the danger that they could get the nuclear material needed to do so is very real.”¹¹⁶

The Threat of Illicit Proliferation of Nuclear Material

The illicit trade and trafficking of nuclear materials, which constitutes both the sale and physical movement of nuclear materials, constitutes a very serious threat to the safety and security of the international community as it allows for clandestine nuclear operations that could allow Member States to develop nuclear weapons; it could also increase the probability that a terrorist organization such as Al Qaeda could buy stolen nuclear material or recruit nuclear weapon scientists, two tactics that it has previously attempted.¹¹⁷ While often unreported to mainstream news sources, between January 1993 and December 2006, the Illicit Trafficking Database (ITDB) of the United Nations (UN) nuclear watchdog, the International Atomic Energy Agency (IAEA), reported 275 incidents of criminal activity related to the unauthorized possession of nuclear material, fifteen of which

109 A/8/804

110 A/C.1/56/PV.11

111 A/55/303

112 Murphy, *Challenges to Contemporary to the Implementation of International Humanitarian Law*, Vol. 3, No. 3., September 2004, p. 113.

113 *Ibid.* p. 113

114 *Ibid.* p. 113

115 The Harvard Law Review, *The Geneva Convention and the Treatment of Prisoners of War in Vietnam*, p. 853-854.

116 Bunn and Wier, *The Seven Myths of Nuclear Terrorism*, 2005, p. 153.

117 *Ibid.*, p.154.

involved highly enriched uranium and plutonium.¹¹⁸ These activities can be described as illicit trafficking and include the illegal possession and movement of nuclear materials as well as illegal attempts to trade these materials.¹¹⁹ In addition to these reports, the ITDB was able to report 332 incidents in which nuclear or other radioactive material was stolen or lost and an additional 398 incidents that included other unauthorized activities such as the improper disposal of nuclear or radioactive material or the discovery of orphaned sources, which are defined as improperly disposed of nuclear materials.¹²⁰ The details of these events are especially harrowing for the international community since nuclear proliferation in the modern era no longer requires the mobilization of massive resources, but instead materials and technology can be purchased from rogue States or freelance vendors including companies that engage in illicit sales or nuclear scientists looking to make extra profits.¹²¹ While all Member States agree that stemming the illicit trade and trafficking of nuclear materials is a high priority, strategies range from locking down every kilogram of plutonium and highly enriched uranium, to implementing sweeping counterterrorism strategies that would mitigate the ability of illicit organizations to acquire or successfully utilize nuclear materials.¹²²

The Nuclear Non-Proliferation Treaty

One of the first lines of defense against the spread of nuclear technology and materials is the *Treaty on the Non-Proliferation of Nuclear Weapons (NPT)*, which was adopted by the international community in 1968 and works to deter non-nuclear weapons States from seeking nuclear weapons through the establishment of security guarantees as well as incentives to limit proliferation.¹²³ The negotiations leading to the establishment of the *NPT* were dominated by three different interest groups: nuclear weapons States; developing countries; and non-nuclear weapons States, both developed and developing.¹²⁴ The nuclear weapons States, namely the United States, France, the United Kingdom, Russia, and China, sought to protect their nuclear monopoly without exposing themselves to the threat of nuclear weapons in the hands of other States.¹²⁵ During the course of negotiations, developing States sought to ensure themselves access to beneficial nuclear technology while all non-nuclear weapons States attempted to rein in the nuclear arms race that was occurring between the existing nuclear weapons States.¹²⁶ Each of these facets appeared in the ten articles of the *NPT*.¹²⁷ The concerns of the nuclear weapons States were addressed in Articles I and II of the *NPT*, which strictly prohibit the transfer of nuclear weapons technology from a nuclear State to a non-nuclear State, while Article IV exempted recognized nuclear weapons States from this ban.¹²⁸ Article III further limits proliferation by requiring all non-nuclear weapons States to undergo mandatory inspections of their nuclear facilities by the IAEA to ensure transparency in all nuclear related activities.¹²⁹ The concerns of all non-nuclear weapons States are embodied in Article VI of the *NPT*, which calls for all signatories of the *NPT*, nuclear weapons States in particular, to work towards universal nuclear disarmament while Article VII allowed for the creation of regional nuclear-free zones.¹³⁰ Lastly, the concerns of developing States were assuaged in Article IV, which guaranteed any State party to the *NPT* the right to develop, research, and use nuclear energy for peaceful purposes as well as to exchange equipment, materials, and technology amongst one another for peaceful purposes.¹³¹

While Article VII of the *NPT* calls for periodic reviews of its implementation every five years, the First Main Committee of the UN General Assembly (First Committee) routinely assesses progress made towards the fulfillment of the review conferences of the *NPT* to ensure that Member States continue to work towards fulfilling their commitments to disarmament.¹³² Unfortunately, the 2005 Review Conference of the *NPT* failed to come to a substantive conclusion, although the First Committee continued to make progress towards the fulfillment of the 1995 and 2000 Review conferences of the *NPT*.¹³³ In General Assembly (GA) Resolution

¹¹⁸ International Atomic Energy Agency, *Illicit Trafficking Database*.

¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*

¹²¹ Levi and O'Hanlon, *Arms Control and American Security*, 2005, p. 165.

¹²² Levi, *Stopping Nuclear Terrorism*, 2008, p. 131.

¹²³ Beckman, Crumlish, Dobkowski and Lee, *The Nuclear Predicament*, 2000, p. 221.

¹²⁴ *Ibid.*, p. 222.

¹²⁵ *Ibid.*

¹²⁶ *Ibid.*

¹²⁷ *Ibid.*

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*

¹³⁰ Beckman, Crumlish, Dobkowski and Lee, *The Nuclear Predicament*, 2000, p. 222.

¹³¹ United Nations General Assembly 23rd Session, *Treaty on the Non-Proliferation of Nuclear Weapons*, 1968, Article VI.

¹³² United Nations General Assembly 62nd Session, *Follow-up to nuclear disarmament obligations agreed to at the 1995 and 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (A/RES/62/24)*, 2008.

¹³³ *Ibid.*, Art. I.

A/RES/62/24, Follow-up to Nuclear Disarmament obligations agreed to at the 1995 and 2000 Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the First Committee agreed to increase the transparency of nuclear weapons States through “voluntary confidence-building measures”, reduce non-strategic nuclear weapons through unilateral measures, create measures to “reduce further the operational status of nuclear weapons systems”, and to diminish the “role of nuclear weapons in security policies [...] to facilitate the process of their total elimination”.¹³⁴

Even though the *NPT* has been highly successful in stemming the tide of illicit nuclear proliferation, several shortcomings have prohibited its universal acceptance, particularly the difference in treatment between nuclear weapons States and non-nuclear weapons States, which many States find discriminatory, particularly India, who refuses to join the *NPT* under its current terms.¹³⁵ Another point of contention is the fact that while a State is guaranteed the right to pursue peaceful nuclear development, the prohibitively high costs of nuclear power and high skill level required to safely and reliably operate a nuclear facility are more than most developing States can afford, meaning that this compromise did not equally benefit developing States as much as it did developed States.¹³⁶ Another main criticism of the *NPT* is the fact that, while it addresses horizontal nuclear proliferation, that is the spread of nuclear technology between States, it does not address vertical proliferation, which is the accumulation of nuclear weapons by nuclear States.¹³⁷ Despite these shortcomings, the *NPT* has established an international non-proliferation norm, which entails a universally understood standard of non-proliferation that States can expect from one another, thereby reducing instances of illicit trade and trafficking of nuclear material.¹³⁸

The International Atomic Energy Agency

After the *NPT*, the second line of defense that works to halt the illicit proliferation of nuclear technology and material is the IAEA, which was established in 1957 by the GA with the goals of contributing to the utilization of atomic energy for peaceful purposes and ensuring that assistance provided under the jurisdiction of the IAEA was not used as a means to further any military purposes.¹³⁹ The IAEA undertakes these goals in three main categories, including safeguards and verification, safety and security, and science and technology.¹⁴⁰ More specific activities of the IAEA that relate to the protection of nuclear materials from illicit trafficking include the development of standards for radioactive waste, the protection of nuclear facilities, and the implementation of safeguards agreements as espoused in Article III of the *NPT*.¹⁴¹

Through the Waste Management Advisory Program (WAMAP), established in 1987, the IAEA set up a code of practice that prevented the illegal dumping of radiological waste and developed regulations on the trans-boundary movement of radiological waste over land, sea, and air to ensure the safe storage and disposal of nuclear and radioactive waste.¹⁴² In 1997, the IAEA adopted the *Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management* which was the first internationally binding Convention that established norms for the safe storage and disposal of nuclear and radioactive waste during the construction, operation, and closure of a nuclear facility.¹⁴³

As another means to protect nuclear material, in 1980, the IAEA created the *Convention on the Physical Protection of Nuclear Materials*. This convention was the first legally binding agreement that established guidelines to adequately protect nuclear material while being stored, utilized, or transported internationally and also included ways to prevent, detect, and punish offenses related to the misuse of nuclear material.¹⁴⁴ In addition to the *Convention on the Physical Protection of Nuclear Materials*, the IAEA also created the *Convention on Nuclear Safety* in 1994, which set benchmarks for safety standards for land-based civilian nuclear power plants.¹⁴⁵

¹³⁴ *Ibid*, Art. 2(b)-(f).

¹³⁵ Carl, Nuclear Nonproliferation Policy, in Carter (Ed.), *Arms Control and Nonproliferation: Issues and Analyses*, 2000, p. 98.

¹³⁶ *Ibid*.

¹³⁷ Beckman, Crumlish, Dobkowski, and Lee, *The Nuclear Predicament*, 2000, p. 223.

¹³⁸ *Ibid*, p. 221.

¹³⁹ Holman, Canton, Maher, McIntyre, and Thomas, *Europa World Year Book 2003*, 2003, p. 80.

¹⁴⁰ *Ibid*.

¹⁴¹ *Ibid*.

¹⁴² *Ibid*, p. 81.

¹⁴³ International Atomic Energy Agency, *Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management*, 1997.

¹⁴⁴ International Atomic Energy Agency, *Convention on the Physical Protection of Nuclear Material*, 1980.

¹⁴⁵ International Atomic Energy Agency, *Convention on Nuclear Safety*, 1994.

A third method through which the IAEA protects nuclear material is through its obligation under Article III of the *NPT* to inspect and monitor the activities of Member States that utilize nuclear technology to verify that the technology is being used for peaceful purposes.¹⁴⁶ To fulfill this mandate, the IAEA engages Member States of the UN depending on their verification status of the *NPT* in three main types of safeguards agreements: comprehensive safeguards agreements; item-specific safeguards agreements; and, lastly, voluntary offer agreements.¹⁴⁷ Under Article III of the *NPT*, all signatories to the *NPT*, aside from recognized nuclear weapons States, must devise comprehensive safeguards agreements with the IAEA, which cover all of the declared nuclear activities within a State that can be inspected and monitored by the IAEA. To help the IAEA in its mission to determine that a State declared all of its nuclear activities, the international community developed the *Model Additional Protocol* which the IAEA negotiates with individual Member States, and which provides the IAEA with the tools it needs to determine credible assurance of the absence of undeclared nuclear activities and materials.¹⁴⁸

The second type of safeguards, item-specific safeguards, covers only certain nuclear activities within a State that is under the jurisdiction of the IAEA.¹⁴⁹ Currently the IAEA has item-specific safeguards agreements with three States, namely India, Pakistan, and Israel, all of which are States that have not signed on to the *NPT* and are therefore exempt from comprehensive safeguards agreements.¹⁵⁰

The final type of safeguard agreement are voluntary offer agreements, which are primarily undertaken between the IAEA and nuclear weapons States, since under the terms of the *NPT* nuclear weapons States are exempted from comprehensive safeguards agreements.¹⁵¹ These safeguards agreements are typically used by the IAEA to test new and innovative safeguard techniques, and also to fulfill expectations of non-nuclear weapons States that some facilities in nuclear weapons States are subject to safeguards.¹⁵²

While the IAEA has been recognized by the UN System as an autonomous international organization, the UN System and the IAEA share a special working relationship as outlined in *INFCIRC/11, The Texts of the Agency's agreement with the United Nations*.¹⁵³ Under the terms of this agreement, the IAEA pledges to submit yearly reports to the GA concerning its actions and the IAEA also agrees to consider, on a voluntary basis, any resolution that requests the IAEA to take action.¹⁵⁴ For example, in its most recent session, the First Committee, in Resolution *A/RES/62/46, Preventing the Acquisition by Terrorists of Radioactive Materials and Sources*, requested that the IAEA help Member States locate and properly dispose of orphaned nuclear sources.¹⁵⁵ In such a way, the First Committee can request that the IAEA consider action for items, so long as the action requested does not disclose any confidential information of any Member State.¹⁵⁶

International Terrorism and the Threat of the Illicit Trade and Traffic in Nuclear Material

While many defense strategies focus on securing nuclear weapons as a main line of defense against nuclear attacks by terrorist organizations, these measures constitute only one of the many facets that need to be addressed in order to properly secure nuclear materials and technologies from use by terrorists.¹⁵⁷ In order for a terrorist group to successfully execute a nuclear attack, it would need to not only acquire existing nuclear materials, weapons, or build a bomb, but also successfully transport the weapon to its destination and detonate it.¹⁵⁸ Therefore, realistic strategies aimed at eliminating the threat of nuclear terrorism must not only include measures to safeguard nuclear material, but also build integrated defense systems that improve border security, law enforcement, intelligence operations, military and diplomatic initiatives, and emergency response efforts.¹⁵⁹

¹⁴⁶ Holman, Canton, Maher, McIntyre, and Thomas, *Europa World Year Book 2003*, 2003, p. 82.

¹⁴⁷ International Atomic Energy Agency, *The Safeguards System of the International Atomic Energy Agency*, p. 1.

¹⁴⁸ *Ibid.*, p. 2.

¹⁴⁹ *Ibid.*, p. 3.

¹⁵⁰ *Ibid.*, p. 1.

¹⁵¹ *Ibid.*, p. 3.

¹⁵² *Ibid.*

¹⁵³ International Atomic Energy Agency, *The Texts of the Agency's Agreement with the United Nations (INFCIRC/11)*, 1959, Article II.

¹⁵⁴ *Ibid.*, Article VI.

¹⁵⁵ United Nations General Assembly 62nd Session, *Preventing the Acquisition by Terrorists of Radioactive Materials and Sources (A/RES/62/46)*, 2008.

¹⁵⁶ International Atomic Energy Agency, *The Texts of the Agency's Agreement with the United Nations (INFCIRC/11)*, 1959, Article II.

¹⁵⁷ Levi, *Stopping Nuclear Terrorism*, 2008, p. 131.

¹⁵⁸ *Ibid.*

¹⁵⁹ *Ibid.*

While there is currently no universally accepted definition of terrorism, the *International Convention for the Suppression of Acts of Nuclear Terrorism* (2005) defines an act of nuclear terrorism as an offence in which a person unlawfully possesses radioactive material with the intent of causing either bodily harm, including death, or causing substantial physical damage.¹⁶⁰ Furthermore, any person that uses any material or device to attack a nuclear facility and risks releasing radioactive material with the intent to cause either bodily harm or physical damage is also considered to have engaged in an act of nuclear terrorism.¹⁶¹ Although the lack of a universally accepted definition of terrorism has hindered efforts to effectively address terrorism, it is imperative to recognize that the *Ad Hoc* Working Group of the Sixth Committee established pursuant to GA Resolution A/RES/51/210, *Measures to Eliminate International Terrorism*, is the sole body that seeks to define comprehensive legal frameworks to deal with international terrorism.¹⁶²

While the Sixth Committee deals with legal definitions, the First Committee takes a great deal of action to address terrorism, particularly nuclear terrorism, as a means to mitigate the illicit trade and traffic of nuclear materials. During its 62nd Session, one of the first actions of the First Committee, Resolution A/RES/62/33, *Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction*, encouraged Member States to strengthen national efforts to prevent terrorists from acquiring weapons of mass destruction and their delivery systems and strengthen international efforts through universal ratification of the *International Convention for the Suppression of Acts of Nuclear Terrorism*.¹⁶³ Other activities include the previously mentioned Resolution A/RES/62/46, which, in addition to requesting assistance from the IAEA, encourages Member States to improve national security measures, including the security of nuclear facilities and the physical protection of nuclear materials.¹⁶⁴

Case Study: Abdul Qadeer Khan

While the acquisition of existing nuclear materials by non-State actors constitutes one aspect of the illicit proliferation of nuclear weapons and technology, the sale of nuclear technology by scientists to either rogue States or terrorist groups remains an ever-present challenge to non-proliferation. A recent incident, in which a clandestine procurement network for the trade of nuclear technology and material was discovered, centered on Abdul Qadeer Khan, the so called father of Pakistan's nuclear program.¹⁶⁵ The circumstances that led to the rise of Khan as a prominent nuclear scientist and later purveyor of nuclear materials to the black market highlight the serious shortcomings of the current non-proliferation regime and the need for the international community to tighten its security and trade regulations to prevent the illicit trade and trafficking of nuclear materials.

Development of the Illicit Trade Network

Khan's involvement in Pakistan's nuclear weapons program began in 1972, when Khan received a job at Urenco, a Dutch consortium.¹⁶⁶ While at his position at Urenco, Khan was granted limited access to sensitive information, but due to lax security at his office, Khan routinely gained access to confidential and top secret information concerning design plans.¹⁶⁷ Furthermore, after only a few months of working at Urenco, Khan would frequently take unsupervised trips inside centrifuge buildings and began to take notes on the design ideas and compiled lists of companies that supplied the necessary equipment to construct a nuclear power plant.¹⁶⁸ In September of 1974, Khan wrote a letter to then Prime Minister of Pakistan Zulfikar Ali Bhutto in which Khan attempted to convince Bhutto to consider enrichment as a means for developing fissile material to construct an atomic bomb and then offered his services and know-how to Pakistan to achieve such a goal.¹⁶⁹

¹⁶⁰ United Nations General Assembly 60th Session, *International Convention for the Suppression of Acts of Nuclear Terrorism*, 2005, Article 2.

¹⁶¹ *Ibid.*

¹⁶² United Nations General Assembly 51st Session, *Measures to Eliminate International Terrorism (A/RES/51/210)*, 1997.

¹⁶³ United Nations General Assembly 62nd Session *Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction (A/RES/62/33)*, 2008.

¹⁶⁴ United Nations General Assembly 62nd Session, *Follow-up to Nuclear Disarmament Obligations Agreed to at the 1995 and 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (A/RES/62/24)*, 2008.

¹⁶⁵ Corera, *Shopping for Bombs: Nuclear Proliferation, Global Insecurity and the Rise and Fall of the A.Q. Khan network*, 2006, p. xiii.

¹⁶⁶ A.Q. Khan's *Nuclear Wal-Mart: Out of Business or under New Management: Joint Hearing before the Subcommittee on the Middle East and South Asia and the Subcommittee on Terrorism, Non-proliferation, and Trade of the Committee on Foreign Affairs*, 110th Cong. 2007, p. 5.

¹⁶⁷ Corera, *Shopping for Bombs: Nuclear Proliferation, Global Insecurity and the Rise and Fall of the A.Q. Khan network*, 2006, p. 7.

¹⁶⁸ *Ibid.*

¹⁶⁹ *Ibid.*, p. 8.

In 1975, Khan returned to Pakistan and headed Pakistan's enrichment program, which bought nuclear components piecemeal through suppliers and middlemen, and proved difficult to detect and shut down.¹⁷⁰ Khan maintained contact with over 100 companies, businessmen, and executives that included various German, French, and Dutch nationals, all of whom came to Pakistan to sell the goods and technology that Pakistan needed.¹⁷¹ The network also included companies based in Africa, which supplied the necessary materials and European companies for high-end machines and components.¹⁷² While Khan was never charged with making illegal purchases of nuclear materials, the United States and other western States were aware of the transactions occurring between these companies and Khan, but were limited in their ability to take action, since the materials sold were dual-use technologies and therefore could be sold to Pakistan without any violation of international law.¹⁷³

Khan's Network Expands

In the late 1980's Khan shifted from procuring nuclear material for Pakistan's nuclear development and began to serve as the middleman between Iranian diplomats and analysts and his existing procurement network.¹⁷⁴ During these interactions, the level of sophistication of Khan's network became apparent, as Kahn was able to provide a veritable menu of equipment from which his clients could pick and choose including centrifuges, vacuum and withdrawal systems, electrical drive equipment, workshops to make components, and plans for an entire two-thousand-machine centrifuge plant.¹⁷⁵ In the 1990's, Kahn then expanded his network to include North Korea. Pakistan still lacked the delivery systems with sufficient range and payload capacity to suit its military and security needs, whereas North Korea had the missile technology, but lacked nuclear technology.¹⁷⁶ An agreement was quickly reached in which North Korea provided the specifications for its Nodong missile in exchange for centrifuge machines, technical data, and depleted uranium hexafluoride used for developing weapons grade material.¹⁷⁷ The final expansion of Khan's clandestine network came in 1995 when Khan met with representatives from Libya and finalized the purchase of 20 centrifuges with enough supplies to construct 200 more.¹⁷⁸ Unlike Khan's previous exchanges with North Korea and Iran, this deal allowed the Libyan government to purchase a complete and functioning nuclear weapons program, which did not require any research, but instead could be assembled and put into operation.¹⁷⁹ This development represented a dangerous turn for non-proliferation, since its successful implementation would mean that any State with enough money would be able to use an existing underground network of suppliers and builders to create a nuclear weapons program from scratch, with only very limited research and development, limiting the ability of the current international non-proliferation regime to detect and halt the spread of nuclear technology.

Khan's nuclear network was eventually detected and broken by American intelligence services in August 2003, when operatives infiltrated a Scomi Precision Engineering factory, which was established by its parent company Scomi Group in Malaysia to construct machinery needed for Pakistan's enrichment program.¹⁸⁰ During an illicit shipment of materials from Dubai to Libya, Italian officials seized the cargo and the extensive network that Khan had built was finally exposed to the world.¹⁸¹

While Khan confessed to creating a clandestine nuclear proliferation network and selling secrets to Iran, North Korea, and Libya over the course of 15 years, he was completely pardoned in 2004 by then Prime Minister Musharraf and now lives out the remainder of his days under house arrest in Pakistan, where he still enjoys the status of a national hero for his role in Pakistan's acquisition of the nuclear bomb.¹⁸² However, serious questions remain in light of Khan's activities, such as the security of Pakistan's nuclear technology and

¹⁷⁰ *Ibid*, p. 22.

¹⁷¹ Broad, Sanger, and Bonner, *Tale of Nuclear Non-proliferation: How Pakistan Built his Network*, 2004.

¹⁷² *Ibid*.

¹⁷³ Broad, Sanger, and Bonner, *Tale of Nuclear Non-proliferation: How Pakistan Built his Network*, 2004.

¹⁷⁴ Corera, *Shopping for Bombs: Nuclear Proliferation, Global Insecurity and the Rise and Fall of the A.Q. Khan network*, 2006, p. 59.

¹⁷⁵ *Ibid*, p. 66.

¹⁷⁶ *Ibid*, p. 88.

¹⁷⁷ A.Q. Khan's Nuclear Wal-Mart: Out of business or under New Management: Joint Hearing before the Subcommittee on the Middle East and South Asia and the Subcommittee on Terrorism, Non-proliferation, and Trade of the Committee on Foreign Affairs, 110th Cong. 2007, p. 2.

¹⁷⁸ Corera, *Shopping for Bombs: Nuclear Proliferation, Global Insecurity and the Rise and Fall of the A.Q. Khan network* 2006, p. 108.

¹⁷⁹ *Ibid*.

¹⁸⁰ Broad, Sanger, and Bonner, *Tale of nuclear non-proliferation: How Pakistan built his network*, 2004.

¹⁸¹ *The A.Q Khan network: Case Closed? Hearing before the Subcommittee on International Terrorism and Nonproliferation of the Comm. on International Relations*, 109th Cong. 2006, p. 1.

¹⁸² New York Times, *Abdul Qadeer Khan*.

materials and concerns over whether the network was effectively dismantled when it was discovered or whether it is still active.¹⁸³

Conclusion:

As evidenced by the ITDB and the discovery of A.Q. Khan's clandestine nuclear procurement network, illicit trafficking of nuclear materials is occurring and the international community must take action before further proliferation of nuclear materials occurs amongst States and before terrorist organizations are able to use a nuclear device against any member of the international community.

As delegates research and prepare for General Assembly First Committee, several very important aspects must be addressed. How can the upcoming review conference of the *NPT* in 2010 be more successful than the failed talks in 2005? Should Member States focus more on the physical protection of nuclear materials and reducing nuclear stockpiles, or should the focus be on greater information sharing to eliminate terrorist organizations that seek nuclear material? How can the activities of the IAEA be improved so that verification measures increase transparency and ensure the peaceful uses of nuclear technology by all Member States? This topic is very extensive and delegates should also be prepared to discover many more avenues for research in order to build a truly comprehensive plan to eliminate the threat of the illicit trade and traffic of nuclear material.

III. Preventing an Arms Race in Outer Space

“Precision weapons guided to their targets by space-based navigation – instant global communication for commanders and their forces – enemy weapons of mass destruction held at risk by a ready force of intercontinental ballistic missiles – adversary ballistic missiles detected within seconds of launch. This is not a vision of the future. This is Space today!”¹⁸⁴

Introduction and Legal Framework of Outer Space Activities

Over the course of the past years, particularly since September 11, 2001, armament issues have reappeared on the global agenda.¹⁸⁵ Popular topics in this regard are, among others, the alleged Iranian and North Korean nuclear weapons programs, the United States of America's (U.S.) National Missile Defense (NMD) system, and the increase in global spending in armament.¹⁸⁶ Next to being of enormous relevance to international security, all these issues have something else in common, namely the issue of outer space and armament. Since the beginnings of the exploration of outer space by mankind, it has gained more and more relevance for military purposes.¹⁸⁷ Due to technological advancement, today more and more States benefit from intelligence from satellites based in outer space, both for military and civilian purposes.¹⁸⁸ As more and more States are active in the outer space, common rules of conduct are needed to ensure that the entirety of mankind can benefit from the intelligence gained from outer space activities.

The first steps in setting up a legal framework for outer space activities began in the 1960's. One of the key agreements reached was the *Outer Space Treaty (OST)* of 1967.¹⁸⁹ This treaty sets the basic rules and guidelines for outer space activities.¹⁹⁰ According to the United Nations Office for Outer Space Affairs (UNOOSA), the treaty is, among others, based on the following principles: “[T]he exploration and use of outer space [...] shall be carried out for the benefit and in the interests of all countries [...] and shall be the province of all mankind. Outer space [...] shall be free for exploration and use by all States [...] outer space [...] is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means [...] States Parties to the Treaty undertake not to place in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station such weapons in outer space in any other manner.”¹⁹¹

¹⁸³ *Ibid.*, p. 2.

¹⁸⁴ Lord in H. Caldicott & C. Eisendrath, *War in Heaven*, 2007, p. 41.

¹⁸⁵ Women's International League for Peace and Freedom, *Reaching Critical Will*, 2008.

¹⁸⁶ Stockholm International Peace Research Institute, *Yearbook 2008 - Armament, Disarmaments and International Security - Summary*, p. 16.

¹⁸⁷ Wolter, *Common Security in Outer Space and International Law*, 2006, p. 9.

¹⁸⁸ *Ibid.*

¹⁸⁹ United Nations, *Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies*, 1967.

¹⁹⁰ Böckstiegel, *Handbuch des Weltraumrechts [Handbook of Outer Space Law]*, 1991, p. 11.

¹⁹¹ United Nations, *Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies*, 1967, Art. I, II & IV.

Even though the *OST* and other treaties seem to constitute the foundation for peaceful uses of outer space, none of the relevant treaties is sufficient to prevent an arms race in outer space.¹⁹² The relevant treaties, for instance, lack clear definitions of what is meant by terms such as outer space, peaceful purpose, space weapons, or space objects.¹⁹³ As a consequence, outer space today is used for military purposes, including surveillance and spying.¹⁹⁴ The General Assembly First Committee has been trying to encourage the setting up of clear and unambiguous definitions through the Conference on Disarmament (CD) and other qualified institutions.¹⁹⁵ Despite these efforts, no new treaty has been introduced, and consequently the continued lack of clear legal provisions on how to conduct outer space affairs increases the chances for an arms race in outer space.¹⁹⁶

Outer Space as a Prestigious Ground During the Cold War

Due to security implications of the Cold War, outer space explorations were centered on military activities from the onset.¹⁹⁷ The outbreak of the Cold War essentially divided the world into two ideological worldviews, with both struggling to prove their superiority over the other. Due to its military and scientific relevance, outer space had an enormous significance during the Cold War and both superpowers, the U.S. and the Soviet Union (USSR), made considerable efforts to surpass each other in the exploration of outer space.¹⁹⁸ Yet, in the light of mutual agreements towards arms limitation, restrictions were made, which prevented an arms race in outer space during the Cold War.¹⁹⁹

Following the first launches of satellites into outer space by the USSR in October 1957 and the U.S. in January 1958, first steps were taken to limit the potential military usage of outer space.²⁰⁰ The idea of the peaceful use of outer space was enshrined in Resolution A/RES/1148 of November 14, 1957, which constituted the first UN General Assembly (GA) resolution on outer space, and paved the way to further discussions on the issue of arms in outer space.²⁰¹ Following a proposal by then U.S. Secretary of State John Foster Dulles “to prepare for a fruitful program on international cooperation in the peaceful uses of outer space” in December 1958, the GA set up the Committee on the Peaceful Uses of Outer Space (COPUOS), which was created to assist the GA with the legal work in matters dealing with outer space.²⁰² The mandate of COPUOS is to “review the scope of international cooperation in peaceful uses of outer space, to devise programs in this field to be undertaken under United Nations auspices, to encourage continued research and the dissemination of information on outer space matters, and to study legal problems arising from the exploration of outer space”.²⁰³ The work of COPUOS led to the 1962 *Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space*, known as *The Principles Declaration*, which put forward a general legal framework for all activities in outer space.²⁰⁴ Of major relevance is Paragraph I of the declaration, which states that the use of outer space should be “for the benefit and in the interest of all mankind.”²⁰⁵

The Anti-Ballistic Missile Treaty and the Strategic Defense Initiative

One of the key agreements to prevent an arms race in outer space was the *Anti-Ballistic Missile (ABM) Treaty* of 1972, which was signed between the U.S. and the USSR.²⁰⁶ It prohibits the deployment of anti-ballistic missiles and establishes that both States would not “develop, test or deploy anti-ballistic missile systems or components which are sea-based, air-based, space-based or mobile land-based.”²⁰⁷ Despite this treaty the U.S. administration under President Reagan in the early 1980s was highly suspicious of the Soviet intentions was

¹⁹² Wolter, *Common Security in Outer Space and International Law*, 2006, p. 15.

¹⁹³ United Nations, *Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies*, 1967, Art. I, II & IV.

¹⁹⁴ Wolter, *Common Security in Outer Space and International Law*, 2006, p. 9.

¹⁹⁵ *Ibid.*, p. 60.

¹⁹⁶ *Ibid.*

¹⁹⁷ *Ibid.*, p. 9.

¹⁹⁸ *Ibid.*, p. 10.

¹⁹⁹ *Ibid.*, p. 9.

²⁰⁰ von Kries, *Weltraumforschung [Outer Space Research]*, 1991, p. 254.

²⁰¹ United Nations. General Assembly. 12th Session, *Regulation, Limitation and Balanced Reduction of All Armed Forces and All Armaments; Conclusion of an International Convention (Treaty) on the Reduction of Armaments and the Prohibition of Atomic, Hydrogen and other Weapons of Mass Destruction (A/RES/1148)*, 1957.

²⁰² Wolter, *Common Security in Outer Space and International Law*, 2006, p. 11.

²⁰³ United Nations Office for Outer Space Affairs, *United Nations Committee on the Peaceful Uses of Outer Space*, 2006.

²⁰⁴ United Nations. General Assembly. 18th session, *Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space (A/RES/1962)*, 1963.

²⁰⁵ von Kries, *Weltraumforschung [Outer Space Research]*, 1991, p. 329.

²⁰⁶ United States and Union of Soviet Socialist Republics, *Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems*, 1972. Art. V (I).

²⁰⁷ Cleminson, *Non-Weaponization of Space*, 1997.

increasingly worried about a possible nuclear attack.²⁰⁸ Reagan put forward plans for a U.S. American Strategic Defense Initiative (SDI) in a speech on March 23, 1983, which later also became known as the “Star Wars Speech”.²⁰⁹ It was based on the development of space weapons as a strategy to overcome possible nuclear attacks.²¹⁰ The SDI proposal constituted a core change in disarmament policy by the U.S., even though it did not initially affect the *ABM Treaty*.²¹¹

The U.S. American Missile Shield and other Issues Related to Outer Space Armament

After the end of the Cold War in the early 1990s, the hopes by the international community for a demilitarization and termination of the SDI turned out to be in vain. The successful usage of satellite data and missile defense during the U.S.-led Operation Desert Storm in the Iraq War in 1991 resulted in an increased interest by the U.S. in the military capabilities of outer space technology.²¹² Furthermore, it was argued that an “accidental, inadvertent or unauthorized [missile] launch from the republics of the former USSR” could severely hit the U.S., highlighting the necessity of a ballistic missile defense system.²¹³

Consequently, during the administration of U.S. President George H.W. Bush (1989-1993) the plans, which were first introduced under the Reagan presidency, were updated.²¹⁴ Until the end of the first Bush administration, a total of \$100 billion was spent on anti-missile research.²¹⁵ In 1999 the U.S. Senate called for a “deployment of national missile defense as soon as technologically possible.”²¹⁶ One of the major reasons for this decision were findings of the 1998 report of the bipartisan Commission to Assess the Ballistic Missile Threat, headed by former U.S. Secretary of Defense Donald Rumsfeld.²¹⁷ This report concluded, among others, that within a few years North Korea, Iran, and Iraq could deploy operational intercontinental ballistic missile systems with “little or no warning” and that the U.S. could be threatened by as early as 2005.²¹⁸ The findings of this report were not accepted by all academics and experts in armament affairs.²¹⁹ One example of a study that came to an alternative conclusion is the one conducted by the Endowment for International Peace, a non-partisan, U.S.-based NGO, which concluded that the missile threat at that time was only of limited immediate nature, and would also not significantly increase in the near future.²²⁰ All these uncertainties led then U.S. President Clinton to announce on September 1, 2000, that he would defer the decision to deploy a system of missile defense to the next administration.²²¹ The reasons he gave for this decision were the system’s unproven technology, its vulnerability to be foiled by decoys, and the objections by Russia, China, and NATO allies that such a system might offset the 1972 *ABM Treaty*.²²²

Following the terrorist attacks of September 11, 2001, the new U.S. administration under President George W. Bush, despite the previously raised concerns about such a system, decided to proceed with plans for national defense, and consequently withdrew from the *ABM Treaty* on December 13, 2001.²²³ As President Bush stated, “I have concluded the *ABM Treaty* hinders our government’s ability to develop ways to protect our people from future terrorist or rogue state missile attacks.”²²⁴ According to some scholars and diplomats, the U.S. decision to withdraw from the treaty was a set-back to the prevention of a new arms race.²²⁵ As the Russian delegation to the Non-Proliferation Committee stated, “the withdrawal from the *ABM Treaty* may bring along such a dangerous development of events as the weaponization of space”.²²⁶

Following the decision to withdraw from the *ABM Treaty*, the U.S. administration moved ahead with deploying

²⁰⁸ *Ibid.*

²⁰⁹ Wolter, *Common Security in Outer Space and International Law*, 2006, p. 39.

²¹⁰ *Ibid.*

²¹¹ *Ibid.*

²¹² Pike, Lang & Stambler, *Military Use of Outer Space*, 1992, p. 121.

²¹³ *Ibid.*

²¹⁴ Caldicott & Eisendrath, *War in Heaven*, 2007, p. 51.

²¹⁵ *Ibid.*

²¹⁶ *Ibid.*

²¹⁷ Commission to Assess United States National Security Space Management and Organization, *Executive Summary - Report of the Commission to Assess United States National Security Space Management and Organization*, 1999.

²¹⁸ Caldicott & Eisendrath, *War in Heaven*, 2007, p. 53.

²¹⁹ *Ibid.*, p. 54.

²²⁰ Cirincione, *Assessing the Assessment: The 1999 National Intelligence Estimate of the Ballistic Missile Threat*, 2000.

²²¹ Caldicott & Eisendrath, *War in Heaven*, 2007, p. 52.

²²² *Ibid.*

²²³ *Ibid.*, p. 54.

²²⁴ *Ibid.*, p. 56.

²²⁵ *Ibid.*

²²⁶ *Ibid.*, p. 74.

an initial missile defense component at Fort Greeley in Alaska and a mid-course interception component at Vandenberg Air Force Base in California.²²⁷ Additional components are planned in Europe and in the Asia-Pacific region.²²⁸ As a direct result, missile defense is the single most expensive program in the U.S. defense budget, costing some \$10.4 billion in 2007.²²⁹ In the Asian-Pacific region, discussions are still underway to set up a system covering, among others, Japan and Australia.²³⁰ The European components of the SDI, namely the installation of a radar system in the Czech Republic and interceptor rockets in Poland, have led to strong diplomatic disputes between Russia and the U.S., as well as among European States who are uncertain on how to respond to the Russian objections.²³¹ Russia sees the program as aimed against itself and has stated that if no changes are made it “will be forced to react not with diplomatic, but with military-technical methods.”²³² Consequently, fears about a new “Cold War” have arisen.²³³

One of the main arguments made by U.S. administration in setting up the missile defense system was the alleged threats posed by North Korea and Iran.²³⁴ In 2006, after negotiations at the Six Party Talks, which were established in 2003 to find a peaceful outcome to the North Korean issue, failed to produce a breakthrough, the situation on the Korean peninsula saw a deterioration, which climaxed with the North Korean nuclear test in October 2006.²³⁵ As a response to the North Korean tests, the U.S. administration, in June 2007, decided to engage in direct negotiations with the North Korean regime, and the negotiations, which are now led by Assistant Secretary of State Christopher R. Hill have lately produced positive signs that a long-lasting solution may be found.²³⁶

The controversy of the Iranian nuclear program is a topic that is also closely linked to the missile defense system. While Iran insists on its right to enrich uranium for peaceful purposes, a right it claims under Article IV of the *Nuclear Non-Proliferation Treaty*, the U.S and Western European States have raised concerns that once Iran is capable of enriching uranium in low concentration for nuclear reactor fuel it could enrich it to high concentration suitable for nuclear weapons.²³⁷ While Iran currently does not possess any long-distance missiles capable of hitting targets in North America or Western Europe, it already completed successful tests of medium-range missiles in July 2000, which would allow Iran to hit targets in the Middle East, including Israel, Turkey, and Saudi Arabia, and thus makes Iran a major military power in its region, capable of severely striking its neighbors.²³⁸ Over the past years, scholars have widely debated the motivations behind the Iranian program.²³⁹ By the summer of 2008, no solution had yet been found and negotiations continue under the International Atomic Energy Agency (IAEA).²⁴⁰ Similarly, debate about whether or not an Iranian threat to international security is real continues.²⁴¹ While some refer to the limited cooperation of Iran with the IAEA and the radical statements by Iranian President Ahmadinejad, who, in a speech given in 2005, stated that “Israel must be wiped off the map”, as proof for an Iranian threat, others claim that the U.S. invasion in Iraq has indirectly increased this threat since Iran feels threatened by the U.S. presence nearby.²⁴²

At the same time, other countries, such as India, Japan, and Australia, have increased their military spending and have undertaken tests of new missiles in order not to fall behind the military spending of their possible military competitors.²⁴³ Since most of the missiles tested had a trajectory through outer space these tests are of high relevance for the discussion on Preventing an Arms Race in Outer Space (PAROS).²⁴⁴ In July 2006, India had unsuccessfully tested a missile with a range of up to 1,800 miles, which would have put it in striking distance of

²²⁷ Hoey, *Military Space Systems: The Road Ahead*, 2005, p. 13.

²²⁸ *Ibid.*

²²⁹ Caldicott & Eisendrath, *War in Heaven*, 2007, p. 56.

²³⁰ Radio Australia, *Australia: Rethink on US Missile Defense System*, 2008.

²³¹ CNN Online, *U.S.-Czech Missile Deal Raises Russian Ire*, July 8 2008.

²³² *Ibid.*

²³³ The Times, *Russia threatens military response to US missile defense deal*, 2008.

²³⁴ Caldicott & Eisendrath, *War in Heaven*, 2007, p. 56.

²³⁵ Pike, *Nuclear Weapons Testing*, 2006.

²³⁶ The White House, *President Bush Discusses North Korea*, 2008.

²³⁷ United Nations, *Treaty on the Non-Proliferation of Nuclear Weapons*, 1970; Caldicott & Eisendrath, *War in Heaven*, 2007, p. 60.

²³⁸ *Ibid.*

²³⁹ Litwak, *Living with Ambiguity: Nuclear Deals with Iran and North Korea*, 2008, p. 92.

²⁴⁰ *Ibid.*, p. 93.

²⁴¹ *Ibid.*

²⁴² Jordan, & Vick, *World Leaders Condemn Iranian's Call to Wipe Israel 'Off the Map'*, 2005.; Caldicott & Eisendrath, *War in Heaven*, 2007, p. 61.

²⁴³ Caldicott & Eisendrath, *War in Heaven*, 2007, p. 60.

²⁴⁴ *Ibid.*

a number of Chinese cities.²⁴⁵ In this light, the 2008 agreement between the U.S. and India to setup a program of civilian nuclear cooperation is of particular relevance. Since India is not a signatory to the NPT and possesses nuclear weapons it does not come as surprise that some States, such as China and Pakistan, are worried about the Indian tests and possible future capabilities.²⁴⁶

Worrying Signs About a Weaponization of Outer Space

Some scholars state that the main reason for the U.S. missile shield is China, which, in contrast to Iran and North Korea, possesses intercontinental ballistic missiles (ICBM) capable of hitting targets in the U.S.²⁴⁷ These scholars claim that current efforts by the U.S., which seemingly lead towards a militarization of outer space, are motivated by the U.S. wish to use the overwhelming technological advantage which it currently holds to protect its space assets and prevent a “space Pearl Harbor”.²⁴⁸ The Counterspace Operations doctrine by the U.S. Air Force of August 2004 stated even more concretely that the U.S. must “deceive, disrupt, deny, degrade, or destroy adversary space capabilities.”²⁴⁹

The U.S. concerns gained new impetus on January 11, 2007 when China conducted a so-called anti-satellite (ASAT) test and shot down an ageing Chinese weather satellite deployed in Lower Earth Orbit (LEO).²⁵⁰ With the statements and actions by the U.S. administration over the past decade in mind, some scholars speculate that the U.S. refusal to negotiate on a peaceful use of outer space led China to conclude “that only a display of Beijing’s power to launch [...] an arms race would bring Washington to the table to hear their concerns”.²⁵¹ Nevertheless, there are also voices that question this rather defensive argumentation and claim that China is pursuing a grand strategy to offset U.S. military superiority and to seize domination in the Asia-Pacific region.²⁵² Given China’s relative weakness vis-à-vis the United States military, some scholars assume that China’s best strategy is to develop the “ability to attack the relatively vulnerable eyes, ears and voice of American power”, namely the U.S. satellites.²⁵³ Some claim that one of the major reasons for the Chinese policy is the fear of a possible conflict over Taiwan.²⁵⁴ After all, due to the American military bases in, among others, Japan, Guam, and Taiwan, U.S. American “Naval and air forces operate in China’s immediate or extended vicinity”, combined with an operational national missile defense system, puts the effectiveness of China’s deterrence to question.²⁵⁵

Next to raising concerns about a new arms race in outer space, the destruction of the satellite alone created huge amount of space debris and led to an overall 10% increase in total space debris.²⁵⁶ Space debris poses a severe obstacle to the launch and operation of satellites, thus another reason to prevent an arms race is that a possible military conflict in outer space could ultimately lead to a situation where the launch of satellites into the LEO would be futile, since existing debris would be likely to cause severe damage to the satellites.²⁵⁷

Efforts to regulate Outer Space Activities in Terms of Armament

Every year the GA First Committee has adopted with an overwhelming majority a resolution on the topic of preventing an arms race in outer space, which is then later on adopted by the GA Plenary.²⁵⁸ The most recent resolution, A/RES/62/20, was passed in October 2007.²⁵⁹ All Member States – except the U.S., which has continually voted against the resolution, and Israel, which has abstained – supported this resolution, which calls for a new treaty on Preventing an Arms Race in Outer Space (PAROS).²⁶⁰ According to the U.S., no such arms race is taking place, as a senior official put it in 2006 “there is no – repeat, no – problem in outer space for arms

²⁴⁵ The New York Times, *India Reports a Long-Range Missile Test*, 2006.

²⁴⁶ Pan, Bajoria, & Writer, *The U.S.-India Nuclear Deal*, 2008.

²⁴⁷ Eisendrath, Goodman, & Marsh, *The Phantom Defense: America’s Pursuit of Star Wars Illusions*, 2001, p. 131.

²⁴⁸ Commission to Assess United States National Security Space Management and Organization, *Executive Summary - Report of the Commission to Assess United States National Security Space Management and Organization*, 2008, p. 8.

²⁴⁹ United States Air Force, *Counterspace Operations*, p. 2.

²⁵⁰ Tellis, *China’s Military Space Strategy*, 2007, p. 41.

²⁵¹ Hitchens, *U.S.-Sino Relations in Space: From War of Words to Cold War in Space?*, 2007, p. 16.

²⁵² Tellis, *China’s Military Space Strategy*, 2007, p. 50/51.

²⁵³ *Ibid.*, p. 45.

²⁵⁴ Bush & O’Hanlon, *A War Like No Other: The Truth About China’s Challenge to America*, 2007.

²⁵⁵ Tellis, *China’s Military Space Strategy*, 2007, p. 45.

²⁵⁶ *Ibid.*, p. 45.

²⁵⁷ Tellis, *China’s Military Space Strategy*, 2007, p. 41.

²⁵⁸ Women’s International League for Peace and Freedom, *Reaching Critical Will*, 2008.

²⁵⁹ United Nations. General Assembly First Committee. 62nd Session, *Prevention of an Arms Race in Outer Space (A/RES/62/20)*, 2007.

²⁶⁰ Women’s International League for Peace and Freedom, *Reaching Critical Will*, 2008.

control to solve.”²⁶¹ The resolution states in paragraph 2 that “the legal regime applicable to outer space does not in and of itself guarantee the prevention of an arms race in outer space.”²⁶² To overcome this situation, the treaty proposes, among other things, confidence-building measures, which are welcomed in paragraph 7.²⁶³ Additionally, the resolution reaffirms, in paragraph 5, the Conference on Disarmament (CD) as the “sole multilateral disarmament negotiating forum, [which] has the primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space in all its aspects“.²⁶⁴

At the CD major discussions on the issue of PAROS have been taking place. Among others, a joint proposal by the Chinese and Russian delegation for a treaty to define and prohibit space weapons was put forward in June 2002.²⁶⁵ Mainly due to U.S. opposition, there is still no regime in place to prevent an arms race in outer space. At the same time, the GA First Committee remains active in this field. A 2007 report by the UN Secretary General, *Transparency and confidence-building measures in Outer Space*, aims to break the deadlock and lead the way towards new negotiations.²⁶⁶ The report contains, among others, concrete proposals by the European Union for the establishment of “a comprehensive code of conduct on space objects and space activities” and furthermore highlights possible guidelines for the general principles, scope, and participation for such a code.²⁶⁷ Over the course of the past years, more and more proposals in terms of confidence-building measures have been introduced. According to the EU proposal, such measures include, among others: the willingness of a space faring State to “provide advance notice if there is reason to believe that their activities or experiments may interfere with and thereby harm the operation of another nation’s space objects”, the sharing of “surveillance data to the maximum extent possible” and “accurate and timely launch notification and registration”, and advance consultation “before taking any action that could prove harmful by interfering with space operations or space objects”.²⁶⁸ In this regard, particularly the Russian-sponsored Resolution *A/C.1/62/L.41* on transparency and confidence-building measures received great support during the 2007 session and was adopted with an overwhelming majority.²⁶⁹

It is also important to remember that, if the U.S. were to refrain from setting up a missile defense system just like any other State, it would remain vulnerable to possible attacks from so-called rogue States who sponsor terrorism. The cases of the North Korean and Iranian nuclear programs suggest that even if an international agreement prohibiting the weaponization of outer space was setup, this would not mean that the possibility of the usage of such weapons is entirely excluded.²⁷⁰ Since the U.S. is the only country which is currently capable of pursuing a defense system as technologically advanced as the Missile Defense System, it is obvious that its security concerns have to be taken into account when finding a possible solution to the current situation.²⁷¹ Therefore, the question is whether the proposals by various delegations offer enough incentives to all parties to make concessions on their current positions.

Conclusion

The above analysis has shown that PAROS is of fundamental importance to ensure future world peace. While humanity was able to prevent the weaponization of outer space during the first fifty years of space exploration, the current developments draw a less optimistic picture for the future. Regardless of current developments, the necessity of PAROS should be clear to everyone. Next to being highly expensive, the security aspect of NMD is doubtful. After all, the argument that once such a system would be operational nuclear attacks could be prevented seems questionable.²⁷²

The General Assembly First Committee is faced with a number of difficult questions. How should one define

²⁶¹ *Ibid.*

²⁶² United Nations. General Assembly First Committee. 62nd Session, *Prevention of an Arms Race in Outer Space* (A/RES/62/20), 2007, Par. 2.

²⁶³ *Ibid.*, Par. 7.

²⁶⁴ *Ibid.*, Par. 5.

²⁶⁵ United Nations. Conference on Disarmament, *Possible Elements for a Future International Legal Agreement on the Prevention of the Deployment of Weapons in Outer Space, The Threat or Use of Force Against Outer Space Objects* (CD/1679), 2002.

²⁶⁶ United Nations. General Assembly. 62nd Session, *Transparency and confidence-building measures in outer space activities - Report of the Secretary-General* (A/62/114/Add.1), 2007.

²⁶⁷ *Ibid.*, p. 6/7.

²⁶⁸ *Ibid.*, p. 6.

²⁶⁹ Women's International League for Peace and Freedom, *The First Committee Monitor - Final Edition 2007*, 2007, p. 15.

²⁷⁰ The Boston Globe, *Weapons in Outer Space*, 2006.

²⁷¹ Savelyev, *Prospects for US-Russian Cooperation in Ballistic Missile Defense and Outer Space Activities*, 2008, p. 90.

²⁷² Hitchens, *Monsters and Shadows: Left Unchecked, American Fears Regarding Threats to Space Assets will Drive Weaponization*, 2003, p. 30.

weapons in space? How can the Conference on Disarmament be strengthened? What can it contribute to providing better protection for satellites in space? In case no agreement can be found, it would be important to be prepared for situations such as the placing of weapons into space by a State. What would be an appropriate response of the international community? What proposals can convince all sides that a common solution can be found? What can be done to truly make space the “province of all of mankind” and live up to the ideals of the Outer Space Treaty?²⁷³

Annotated Bibliography

Committee History

Simma, B. (2002). *The Charter of the United Nations: A Commentary*. (2nd ed., Vol. 1). New York: Oxford University Press. (Original work published 1994)
This book provides an in depth analysis and commentary of the Charter of the United Nations. It details the international situation before 1945 and the failings of the League of Nations. The General Assembly Chapter (IV) covers its composition, functions and powers, voting, and procedure in great length.

Charter of the United Nations. (n.d.). Retrieved August 6, 2008, from United Nations Web site: <http://www.un.org/aboutun/charter/>
The Charter of the United Nations (UN) is an excellent place to find information on the UN's functions, organization, and rules. Articles 9-22 further explain the structure and the functions of the General Assembly. Limitations on the powers of the General Assembly are outlined in articles 12 and 13.

Weiss, T.G., & Daws, S. (2007). *The Oxford Handbook on the United Nations*. New York: Oxford University Press.
This publication will give the reader a wealth of knowledge regarding the history and functions of the United Nations (UN). Its author has published numerous books on the UN, its history, politics, and happenings. The chapter on the General Assembly very clearly states the rules in which it operates.

New Zealand Ministry of Foreign Affairs and Trade. (2007). *United Nations Handbook*. Wellington: Ministry of Foreign Affairs. (Original Work Published 1961)
The United Nations (UN) Handbook has received great praise from those working within the UN as well as others studying it. It is updated every yearly to provide current views on the topics at hand. In its contents the reader will find a full list of member States, committee participants, organization structure of the UN, Chair, Rapporteur, Vice-chair, and President names etc.

Smith, C.B. (2006). *Politics and Process at the United Nations*. Boulder: Lynne Rienner.
This book will give the reader an intrinsic insight into how everything is accomplished within the United Nations (UN). It includes several chapters on barriers the UN faces to influencing change in the world. It also has an excellent section on formal and informal caucusing blocs as well as voting blocs.

United Nations General Assembly, *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 Aspect*, (A/CONF.192/BMS/2008/3), 2008. Retrieved from United Nations Web site: <http://www.poa-iss.org/DocsUpcomingEvents/ENN0846796.pdf>
This meeting occurred with the purpose of adopting a program of action to prevent, combat, and eradicate the illicit trade in small arms and light weapons, yet only approved a report it was presented. The report covered the following issues: international cooperation and nation building, illicit brokering, stockpile management and surplus disposal, and other issues. The report was adopted with no votes against and only two abstentions. The report was prepared by the United Nations Institute for Disarmament Research (UNIDIR).

²⁷³ United Nations, *Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies*, 1967, Art. I.

- United Nations General Assembly, 62nd Session. (2007). *Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction* (A/RES/62/23). Retrieved August 15th, 2008 from United Nations Web site:
<http://daccessdds.un.org/doc/UNDOC/GEN/N07/465/15/PDF/N0746515.pdf?OpenElement>
This resolution recalled previous resolution on the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction in order to recognize recent advancements on the issue. It also urges a meeting of all Member States who have acceded to the convention. Lastly, the resolution allocates space to discuss the document on the GA's 63rd session agenda.
- United Nations General Assembly, 61st Session. (2006). *Cooperation Between the United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization* (A/RES/61/47). Retrieved August 15th, 2008 from United Nations Web site:
<http://daccessdds.un.org/doc/UNDOC/GEN/N06/497/25/PDF/N0649725.pdf?OpenElement>
This brief resolution was adopted in the General Assembly without recommendation from one of the six main committees. It was initiated as a response to the Secretary General's suggestion that UN forge a cooperative working relationship with the UN and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization. This resolution acted on that suggestion while also taking note of a similar suggest by the Executive Secretary of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization.
- United Nations General Assembly, Tenth Special Session. (1978). *Final Document of the Tenth Special Session of the General Assembly* (A/S-10/2). Retrieved August 15, 2008, from United Nations Web site: http://www.un.org/ga/search/view_doc.asp?symbol=A/S-10/4&Lang=E
The General Assembly convenes in special sessions when issues accumulate a significant amount of urgency. The tenth special session was held to hear preparatory reports, adopt a declaration, and approve a program of action on disarmament. Among its more specific actions was creating the Disarmament Commission.
- United Nations. General Assembly (2007). *Rules of Procedure of the General Assembly*. Retrieved August 6, 2008, from United Nations Web site:
http://www.un.org/ga/search/view_doc.asp?symbol=A/520/rev.17&Lang=E
This document lists the rules under which the GA operates. It will help the reader understand day-to-day context of the main six committees. The document also includes a standard set of procedural rules for all main committees under the GA.
- United Nations. Office for Disarmament Affairs. (2007). *Disarmament Yearbook*. (Vol. 32, Part One.)
The Disarmament Yearbook is a very good source for a comprehensive look at UN efforts in disarmament each year. Volume 32 (2007) is the first year is has been published in two parts. The first lists the full text of UN resolutions regarding disarmament, a look at the decisions as a cluster, and reports and notes of the Secretary General. Part Two was not yet published at the time this research was conducted, but is expected to provide detailed commentary on disarmament in the year 2006-2007.
- United Nations. General Assembly 47th Session. (1993). *Revitalization of the Work of the General Assembly* (A/RES/47/233). Retrieved August 5, 2007, from United Nations Web site:
<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/018/69/IMG/NR001869.pdf?OpenElement>
Streamlining the work of the General Assembly and its Main Committees has received a considerable amount of attention in past years. This resolution provides the basis for restructuring the Main Committees and focusing their work by reducing the number of main committees from seven to six. This resolution also circumscribed the GA First Committee's focus to issues related to disarmament and international security.
- United Nations. Office for Disarmament Affairs. (2002). *Conventional Arms: Small Arms and Light Weapons*. Retrieved August 15th, 2008, from United Nations Web site:
<http://www.disarmament.un.org/cab/salw.html>
The United Nations has recognized the illicit trade of small arms and light weapons as a

barrier to international peace and security. This source provides a brief, yet concise overview of the subject and highlights important resolutions regarding SALW. It also provides various links for more information on SALW and related issues.

I. Upholding the Status of Prisoners of War according to the Third Geneva Convention

Barry, John, Hirsh, Michael, Isikoff, Michael. (2004, May 24). *The Roots of Torture. The Road to Abu Ghraib began after 9/11, when Washington wrote new rules to fight a new kind of war.* Retrieved August 6, 2008 from <http://www.globalpolicy.org/empire/un/2004/0524roots.htm>

This newspaper article looks at how the Guantanamo controversy started. The political issues that led to the application of systematic torture are explored. The article puts great emphasis on the internal process within the United States government that led to torture at Abu Ghraib.

Bazon, Emily, *From Bagram to Abu Ghraib*, in Mother Jones, Vol. 30 Issue 2, Mar/Apr2005, p50-57.

The article devotes attention to the process that led to torture even after military officials had been made aware of the misconduct of officers in regard to their treatment of prisoner at the Bagram base. Several cases of homicide at the Bagram base are alluded to and the decision of the House of Representatives to repatriate prisoners to countries that use torture. The article highlights the political burden for a Member State to engage in torture, as this reflects negatively and tarnishes a States image in the international community.

De Nevers, Renée, *The Geneva Conventions and New Wars*, Political Science Quarterly, Vol. 121, No. 3, 2006, pp. 269- 395.

This essay focuses on the Bush administrations rationale for suspending the Third Geneva Conventions in the wake of the war on terror. In addition, the authors how the nature of warfare has markedly changed and how this has affected the rights of soldiers and the applicability of the Third Geneva Convention. In the final embarks on making a policy recommendation to the Bush administration and the benefits of adhering to the conventions. This essay provides both invaluable analysis and useful policy recommendations, compensating for the strong political and idealistic undertone of the author.

Dürr, Oliver. (1987) *Humanitarian law of Armed Conflicts: Problems of Applicability*, In Journal of Peace Research, Vol. 24, No. 3, pp. 263-273.

This source explores to what extent humanitarian law is adhered to in conflicts. Besides offering some general information on the Geneva Conventions, the source also address the practical problems that arise regarding the applicability of the international humanitarian law , especially the lack of binding jurisdiction in international law. The source alludes to the problems that have arisen regarding prisoners of war in conflicts within a state.

Editorial Comments. (2002). *The Taliban, Al Qaeda, and the Determination of Illegal Combatants*, The American Journal of International Law, Vol. 96, No. 891, pp. 891-898.

Although the level of analysis is rather thin, the Editorial Comment of the American Society of International Law Editorial provides some essential information regarding the invasion of Afghanistan and some of the rights that prisoners of war are granted. The essay is very descriptive in nature with little critical insight into the issue of illegal combatants. Overall, this source should suffice as an introduction to the topic of illegal combatant.

Elliott, Wayne H. (1995). *Hostages or Prisoners of Power: War Crimes at Dinner*, Military Law Review, Vol. 149, p.260.

The author explores the crimes against humanity committed during the civil war in the former Yugoslavia. Although the essay largely focuses on civilians in captivity, the reader will find relevant information regarding prisoners of war according to the Third Geneva Convention. Moreover, the essay offers a historical insight into how the issues of prisoners of war and captives were dealt with during the Second World War. Overall the article provides an interesting case study that is relevant for the topic being addressed.

Fogarty, Gerard. (Fall 2000). *Guantanamo Bay: Undermining the Global War on Terror*, Joint Force Quarterly, Nr. 39, p. 59-67.

Fogarty explores the high contentious term “unlawful combatant” and the justification for the maltreatment of the latter persons as an imperative in the war on terror. The author, critical of the Bush administration, judges the consequences of the violation of the Third Geneva Convention in terms of

the power and image of the United States. In order to undo the damage, in terms of reputation and American power, Fogarty recommends that the United States should put the prisoner on trial in international courts.

Foukles, Imogen, (May 15, 2004). *Iraq Scandal reveals Red Cross Pressures*. Retrieved August 5, 2008 from <http://www.globalpolicy.org/ngos/credib/2004/0515pressure.htm>

This newspaper article critically explores the role of the International Red Cross Committee in ensuring that others uphold the Geneva Convention. The article questions the role of the Red Cross in the Abu Ghraib scandal and its reluctance to reveal the harsh prison condition in that prison. The article lays out the approach the Red Cross adopts when dealing with prisoner of war issues, preferring to improve their prison condition rather than seek public attention.

The Harvard Law Review. (February 1967). *The Geneva Convention and the Treatment of Prisoners of War in Vietnam*, in Harvard Law Review, Vol. 80, Nr. 4, p. 851-864.

The purpose of the article is to look into the issue of non-compliance with the Third Geneva Convention by the National Liberation Front (NLF) and the North Vietnamese during the Vietnam War. An entire section explores the stance of the National Liberation, highlighting the prevailing problems with regard to the application of the Third Geneva Convention, as many of the conflicts that have emerged since the Second World War are civil wars. This essay provides a balanced and reflective interpretation of the Third Geneva Convention and the mechanisms that exist in order to ensure that it is upheld. Eh

Hooks, Gregory and Mosher, Clayton, *Outrages Against the Personal Dignity: Rationalizing Abuse and Torture in the War on Terror*, in Social Forces, Vol. 83, No. 4, June 2005, p. 1627-1645.

The authors offer insight into the issues relating to the Abu Ghraib from a sociological point of view, emphasizing the systematic manner in which torture was carried out and explores the bureaucratic processes involved. Hooks and Mosher warn the reader of the danger precedent that has been set as a result of the war on terror. Moreover, they point out the need for further investigation of the violations of prisoners of war from sociological stance.

Human Rights Watch. (2002, January 29) *Background Paper on Geneva Conventions and Persons Held by US Forces*. Retrieved August 6, 2008 from:

<http://www.globalpolicy.org/intljustice/general/2002/0129hrw.htm>

This source offers invaluable information on the Geneva Convention. This particular background papers gives insight the historical development of the Geneva Convention. This paper looks at the various types of prisoners and international humanitarian law. This source offers useful topical information on the status of prisoners of war in the Afghanistan conflict.

Human Rights Watch. (2004, January 9). *United States: Guantanamo Two Years On*. Retrieved August 6, 2008 from <http://www.globalpolicy.org/wtc/liberties/2004/0109twoyearson.htm>

This website considers the legal aspect of the Guantanamo controversy and legal loopholes the Bush administration took advantage of. Moreover, the source looks at the military commissions that were set up in order to create a false impression of justice. These legal and political aspects addressed in this source make it highly recommendable.

Gasser, Hans-Peter. (2002). *Acts of terror, "terrorism" an international humanitarian law*, RICR, Vol. 84, No. 847, pp. 547-570.

Although the source looks at the legal definition of terrorism from an international law perspective, there is some useful information for the reader to be had regarding the Third Geneva Convention and international humanitarian law. Due to the current debate on terrorism, the reader could find the relationship between terrorism and international humanitarian law especially useful. The critical evaluations of the effects of terrorism on international humanitarian law make this source indispensable.

Greenwood, Christopher. (2004, April). *International Law and the 'War against Terrorism'*, International Affairs, Vol. 78, No.2, pp. 301-317.

The focus of the source gravitates towards how the events of 9/11 led to war on terror and the American invasions in Afghanistan and Iraq. Special attention is given to the use of forces and how hostilities are conducted. The article explore the controversies surrounding the Third Geneva Convention within the context of the events of 9/11. Greenwood explores the nexus between international law and the war on terrorism, seeking to predict the future impact of the latter on the

former.

Glantz, Aaron. (17 September, 2006). *New Leaders, Same Stories at Iraq's Abu Ghraib*, In *One World*, 17 September, 2007. Retrieved 14 October, 2008 from

<http://www.globalpolicy.org/security/issues/iraq/torture/2006/0917abughraib.htm>

The author addresses the problem of systematic torture extensively, offering many graphic details that highlight the horrific nature of the acts committed in Abu Ghraib. Glantz argues that torture posed a serious problem even after the Iraqi government took over the prison. The reader should be aware of the fact that the article was published for One World, a NGO that publishes articles on global issues in order to offer a different perspective on them. The purpose of One World is provide an internet platform for NGOs and other like minded organizations to share and utilize information.

Guantánamo Bay Detainees Geneva Conventions in the Age of Terrorism. (2006, April). In *International Debate of Congressional Digest*, Vol. 4, Issue 4, pp. 97-97.

This short excerpt on the Guantánamo looks at the manner in which the executive and legislative branch in the United States addressed the collaborated on the issues of prisoners of war, justifying the non-compliance to the Third Geneva Convention as a necessity in the war against terror. This article was written prior to the Supreme Court ruling Hamden v. Rumsfeld. The article tries to anticipate the legal ramification of the ruling.

Johns, Fleurs. (2005). *The Guantanamo Bay and the Annihilation of the Exception*, *The European Journal of International Law*, Vol. 16, No. 4, p. 617.

In this essay the author looks at how the Third Geneva Convention was violated and the legal rationale behind it. The emphasis is on the fact that the Guantanamo Bay incidence was invariably a watershed in the history of the Third Geneva Convention, representing an increasing sense of "rule by the exception." The theoretical legal theory according Carl Schmitt may not be so for a practical discussion regarding the Third Geneva Convention, but astute reading will enable the reader to pick out the relevant facts for the topic being addressed in the committee. The overall conclusion of the author is that "rules by exception" are in decline rather than on the rise.

Jinks, Derek. (2004, Summer). *The Declining Significance of POW Status*, *Harvard Journal of International Law*, Vol.45, No. 2, pp. 367-442.

The author explores the diminishing importance of the Third Geneva Convention. This source is invariably the most relevant regarding the topic of the GA First Committee. The extensively information as well the high quality of it make this source absolutely invaluable for a thorough understanding of the topic. Moreover, the author offers different perspectives on status of prisoners of war and unlawful combatants.

Learn for Peace. A Peace Pledge Union Project. (n.d.) *Geneva Convention. An Introduction.* Retrieved 06 August, 2008 from http://www.ppu.org.uk/learn/texts/doc_geneva_con.html

This source offers a sound introduction to the Geneva Conventions. It considers the rights prisoners of war, giving examples of many of the amenities prisoners of war entitled to. The brevity and the quality of the information of the source makes it so valuable, even the source lacks critical analysis of the Geneva Convention.

Levie, Howard S. (1961, April) *Prisoners of War and the Protecting Power*, In *The American Journal of International Law*, Vol. 55, No. 2, p. 374-397.

The problem of repatriating a prisoner of war to State where they are likely to face human rights violations is explored and the obligations a the Detaining Power has under the Third Geneva Convention. The article sheds light on the issue from a historical perspective, with the author alluding to conflicts in the late nineteenth and early twentieth century. Although this may not seem so useful for the reader at first, but some astute reading will enable the reader to realize the significance of the information and its importance regarding modern conflicts.

Levie, Howard S. (1963, April). *The Employment of Prisoners of War.* In *The American Journal of International Law*, Vol. 57, No. 2, pp. 318-353

Levie looks at the issue of prison labor during war, offering a standard interpretation on it. The great strength of the article lies in its historical perspective and how the Second World War influenced the decision of the founders of the Geneva Convention to prohibit forced labor, albeit not labor as such. There are still many ambiguities pertaining to labor by prisoners of war that have been successfully exploited by States.

Priest, Dana, Gellmann, Barton. (2002, December). *US Decries Abuse but Defends Interrogation. Stress and Duress Tactics Used on Terrorism Suspects Held in Secret Overseas Facilities*. Retrieved August 5, 2008 from <http://www.globalpolicy.org/wtc/liberties/2002/1226abuse.htm>

This newspaper article focuses on the systematic manner in which the United States tortured the so called 'unlawful combatants.' This article provides extensive information on the events following 9/11 and the detention of terror suspects. The source provides sound background information on the foreign police of the United States.

Morrow, James D. (2001, Fall). *The Institutional Features of the Prisoners of War Treaties. The Rational Design of International Institutions*, In *International Organization*, Vol. 55, No.4, pp. 971-991.

The author addresses the issue of prisoners of war from a political science point of view rather than from legalistic one. The emphasis is on the Geneva Convention as institution that creates norms for States and, as a result, influences their behaviour regarding the treatment of prisoners of war. Thus, the convention contains norms, rules, processes and procedure that States should adhere to.

Murphy, Ray. (2004, September). *Challenges to Contemporary to the Implementation of International Humanitarian Law*, Vol. 3, No. 3., September 2004, pp. 99-113.

Ray's analysis focuses on certain historical aspects, especially the motivation for creating, of the Geneva Conventions. There is a whole plethora of relevant information to be found vis-à-vis the Third Geneva Convention and the abuse of prisoners of war in Afghanistan and Iraq. The author's conclusion neatly sums up the debate regarding the rights of prisoners of war and dilemma between military necessity of having to extract information from prisoners of war and their rights according to the Third Geneva Convention.

Naqvi, Yasmin. (2002, September). *Doubtful Prisoners-of-War Status*, IRRC, Vol. 84 No. 847, pp. 571- 597.

The centre of attention of this source is the term that has been extensively referred to as 'unlawful combatant.' Thus, this essay explores the legal situation of those who are neither considered to be prisoners of war nor civilians under the Fourth Geneva Convention. The author explores the prevailing ambiguity within the Third Geneva Convention, especially regarding Art. 5 (2), seeking to define what terms like 'competent tribunal' could mean.

Ratner, *Jus ad Bellum and Jus in Bello after September 11*, *American Journal of International Law*, October 2002, Vol. 96, No. 4, p. 912.

As the title of the essay already indicates the essay focuses on the right to war, with the latter being most relevant for the purposes of committee topic, as it explores issues concerning international humanitarian law. The author also takes into account the legal justification for the Bush administration for going to war and, then, looks at the reaction of NGO's regarding the war in Afghanistan in the second section.

The General Assembly Eighth Session. (December 7, 1953). A/8/741. Retrieved 18 October, 2008 from

<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/086/06/IMG/NR008606.pdf?OpenElement>
This General Assembly Resolution primarily explores the issue of prisoners of war during the Korean War and, secondarily, the prisoner captured during the Second World War. The document underscores the significance of the International Committee of the Red Cross in helping repatriate prisoners of war. This is undeniably the most extensive manner in which the prisoners of war have been addressed by the General Assembly.

The General Assembly Eighth Session. (December 7, 1953). A/8/804. Retrieved 18 October, 2008 from

<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/086/69/IMG/NR008669.pdf?OpenElement>
The General Assembly condemned the atrocities committed against prisoners of war. The condemnation was directed against the Chinese and North Korean forces that had treated prisoners of war in an inhumane manner and had violated the precepts of international law. Inhumane treatment, according to the resolution, was defined as involving murder, mutilation, torture etc.

The General Assembly First Committee Fifty-Fifth Session. (2001, October). A/C.1/56/PV.11. Retrieved 18 October, 2008 from

<http://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/612/94/pdf/N0061294.pdf?OpenElement>
This source explores the wide array of topics addressed by the General Assembly First Committee, including the oblique reference to prisoners of war. The information provided regarding prisoners of war is very brief, but should help the reader provide guidance regarding further research. Moreover,

this document highlights the range of topics that the General Assembly First Committee has decided to address.

The General Assembly Fifty-Fifth Session. (2000, August). A/55/303. Retrieved 18 October, 2008 from <http://documents-dds-ny.un.org/doc/UNDOC/GEN/N01/583/45/pdf/N0158345.pdf?OpenElement>
This resolution provides detailed insight into the conflict in Western Sahara. Although most of the information might not be so relevant, there is some useful information to be found relating to the topic. This source should serve the purpose of undertaking further research into the nexus between the conflict in Western Sahara and prisoners of war.

The Global Policy Forum. (2003, March 2). *The Geneva Conventions and Prisoners of War*. Retrieved August 6, 2008 from <http://www.globalpolicy.org/intljustice/general/2003/0324tv.htm>
This source offers relevant information regarding the violation of the Third Geneva Convention. It also looks at the Iraq War and the humiliating portrayal of prisoners of war. Moreover, this source offers critical insight into the violations committed by the British in Iraq. Despite the fact that the source is rather descriptive in nature than analytical, it is still very useful regarding the topic.

Valencia, Elena M., *Note & Comment: Theories of Compliance in International Conflict: The Geneva Convention in the Colombian Armed Conflict*, Temple International and Comparative Law, Fall 2007, Vol. 21, p. 452.
This essay explores the conflict in Colombia and the posture of the government pertaining to the FARC rebels in the conflict. The Colombian President adamantly points out that the FARC rebels do not enjoy any rights under the Third Geneva Convention as such, as the conflict that is taking place does not represent The history of the Colombian conflict is explored in great detail, providing insight into a conflict where the Third Geneva Convention is contested.

Additional Sources

Bugnion, Francois. (2000, January). *The Geneva Conventions of 12 August 1949: From the 1949 Diplomatic Conference to the Dawn of the New Millennium*. In *International Affairs* (Royal Institute of International Affairs-), Vol. 76, No. 1 (Jan., 2000), pp. 41-50
The focus of the author is the historical motivation for the conception of the Geneva Conventions, particularly the experience of the Second World War and the Hague Conventions. Since the article was written prior to 9/11 the reader should find it very useful for understanding how the latter events changed the interpretation of the Geneva Convention in the most profound manner. The article provides a good overview of the Geneva Convention from its inception until most recently.

Charmatz, Jan P. and Wit, Harold M. (1953, February). *Repatriation of Prisoners of War and the 1949 Geneva Convention*. *The Yale Law Journal*, Vol. 62, No. 3, pp. 391-415
The article was written in the wake of the controversy regarding the repatriation of prisoners of war during the Korean War. The author looks at how from 170,000 prisoners of war only 70, 000 were willing to be forcibly repatriated to North Korea and China, according to the screening done by the United Nations. The legal quandary was that according to the interpretation of the USSR, China and North Korean of the Third Geneva Convention the prisoners of war had to be repatriated. However, according to another interpretation of the Third Geneva Convention the Detaining Power should not repatriate prisoners of war, if their safety is in jeopardy as a result.

Meron, Theodor, (1987, April). *The Geneva Conventions as Customary Law*. *The American Journal of International Law*, Vol. 81, No. 2 pp. 348-370
The author outlines the importance of the Geneva Convention within the context of the Nicaragua case at the International Court of Justice and the ramifications of international customary law. The ramification are explored in terms of their impact on the The Vienna Treaty of Laws and other important customary law treaties. The high level of legal detail may make understanding the article somewhat difficult initially, but closer reading will enable the reader to explore the political implications of the Nicaragua case.

Potter, Pittman B. (1953, October). *Repatriation of Korean Prisoners of War*. *The American Journal*

of International Law, Vol. 47, No. 4 (Oct., 1953), pp. 661-662

This article looks at some the complexities during the Korean War regarding prisoners of war. During the Korean War prisoner were given the choice between repatriation and release, something in international law, as before prisoners of war were automatically repatriated. Moreover, the author highlights the repatriation of prisoner of war, in certain cases, to neutral states as the best means to guarantee their safety.

Rubin, Alfred P. (1972, July). *The Status of Rebels under the Geneva Conventions of 1949*. In *The International and Comparative Law Quarterly*, Vol. 21, No. 3, pp. 472-496
The emergence of civil wars have made the classification of rebels as prisoners of war according to the Third Geneva Convention increasingly difficult. So when should the Third Geneva Convention apply to rebels? According to the author the Third Geneva Convention should apply for rebels as soon as they are captured and find themselves in weak and vulnerable situation.

Scharf, Michael P. (1997, October). *Prosecutor v. Tadic. Case No. IT-94-1-T*. In *The American Journal of International Law*, Vol. 91, No. 4 (Oct., 1997), pp. 718-721
Michael Scharf's article highlights the most recent violations of the Geneva Convention. The focus of the article is on the trial of the Bosnian war criminal Dusko Tadic at the International Criminal Tribunal for the former Yugoslavia. During the civil war in the former Yugoslavia most blatant violations of the Geneva Convention took place and, as a result, are highly relevant for the topic being addressed at the General Assembly First Committee.

Spiro, Peter J. (2006, October). *Hamdan v. Rumsfeld. 126 S.Ct.2749*. In *The American Journal of International Law*, Vol. 100, No. 4, pp. 888-895.
The Supreme Court ruled that the "unlawful combatants" that were put on trial in military tribunals were subject to the violation of their rights in accordance to Article 3 of the Third Geneva Convention and the United States Uniform Code of Military Justice. The article traces the entire legal process that the plaintiff had to go through in order to complain about the violation of habeas corpus and before the case was transferred to the United States Supreme Court. The article primarily concentrate on the legal issues relating to the violations of the rights of prisoners of war rather than political ramifications.

II. Fighting the Illicit Trade and Trafficking of Nuclear Material

The A.Q Khan network: Case Closed? Hearing before the Subcommittee on International Terrorism and Nonproliferation of the Committee on International Relations. 109th Congress. (2006).
This source was published about a year after Khan's network was discovered. It details the questions that many members of the committee still feel are unresolved. Specific issues include the depth and breadth of Khan's network and remaining questions the United States would like to ask Pakistan.

A.Q. Khan's Nuclear Wal-Mart: Out of business or under new management: Joint Hearing before the Subcommittee on the Middle East and South Asia and the Subcommittee on Terrorism, Nonproliferation, and Trade of the Committee on Foreign Affairs, 110th Congress. (2007).
Much like the previous source, this document came after the United States received more information concerning Khan's network. In the time since the previous document, more information came to light, including North Korea's involvement. Question still remained however, including the concern that new leadership had filled in the power vacuum when Khan was arrested.

Beckman, P. R., Crumlish, P. W., Dobowski, M. N., & Lee, S. P. (2000). *The Nuclear Predicament: Nuclear Weapons in the Twenty-First Century* (3rd ed.). Upper Saddle River, New Jersey: Prentice-Hall.
This work follows the development of nuclear weapons from Hiroshima to the modern day. Important information in this book includes a discussion of why States seek nuclear weapons. In addition, it covers some of the historic bilateral negotiations aimed at reducing nuclear weapons stockpiles.

Broad, W. J., Sanger, D. E., & Bonner, R. (2004, February 12). *A Tale of Nuclear Non-proliferation: How Pakistan Built his Network*. *The New York Times*. Retrieved August 27, 2008, from <http://www.nytimes.com/2004/02/12/international/asia/12NUKE.html?ex=1222574400&en=364650118c6cb168&ei=5070>
This news article provides a good summary of the creation of Khan's network. It also discusses the events that led to his network being discovered. Specific amounts of materials traded and dollar

amounts as well as the various countries involved in the network are also briefly touched upon.

Bunn, M., & Wier, A. (2005, April). The Seven Myths of Nuclear Terrorism. *Current History*, 104(681), 153-161.

The purpose of this article is to counter some of the discussion on nuclear terrorism that supports a single course of action. By showing that each separate strategy has its own limitations, the authors support a comprehensive approach that focuses more on addressing terrorism. This view is counter to those that focus more on the physical safety of nuclear material to prevent nuclear terrorism.

Carl, B. (2000). Nuclear Nonproliferation Policy. L. T. Carter (Ed.), *Arms Control and Nonproliferation: Issues and Analyses* (pp. 95-110). New York: Nova Science Publishers.

This article provides a concise summary of the current non-proliferation regime and the responsibilities of each international organization. Further information includes bilateral disarmament measures that have occurred between various nuclear weapons States. A unique part of this book also includes a breakdown of motivations for every Member State that has pursued nuclear technology.

Corera, G. (2006). *Shopping for Bombs: Nuclear Proliferation, Global Insecurity and the Rise and Fall of the A.Q. Khan network*. Oxford: Oxford University Press.

This book provides a great and thorough summary of Khan's proliferation network. It begins with Khan's motivation for building Pakistan's nuclear arsenal following Pakistan's loss of East Pakistan and its need to remain militarily equal to the nuclear capable India. The book continues to explain in great detail Khan's involvement with Iran, North Korea, and Libya, concluding with the discovery of Khan's network and the work done to ensure that it had been dismantled.

Holman, C. A., Canton, H., Maher, J., McIntyre, P., & Thomas, A. (Eds.). (2003). International Atomic Energy Agency. In *The Europa World Year Book 2003* (44th ed., pp. 80-83). New York: Europa Publications.

This encyclopedia provides valuable information concerning the workings of the IAEA and intricate details that are often not included in other reports. The Europa World Book also discusses the structure of the IAEA, including its decision making process and founding documents. Lastly, it discusses some of the activities of the IAEA.

International Atomic Energy Agency. *Illicit Trafficking Database*. Retrieved August 18, 2008, from <http://www-ns.iaea.org/security/itdb.htm>

The Illicit Trafficking Database provides a summary of all of the reported incidents involving the misuse of nuclear materials. Furthermore, it defines what activities are considered a misuse of nuclear materials. The Web site also provides links to the latest reports of the IAEA.

International Atomic Energy Agency. *The Safeguards System of the International Atomic Energy Agency*.

Retrieved August 16, 2008, from http://www.iaea.org/OurWork/SV/Safeguards/safeg_system.pdf

This very informative document should provide the reader with a comprehensive understanding of the safeguards system as well as the various terms used by the IAEA. It also explains the process in which the IAEA performs verification. The development of the safeguards system over the years is also incorporated into the document.

International Atomic Energy Agency. (1980, March 3). *Convention on the Physical Protection of Nuclear Material (INFCIRC/274)*. Retrieved August 17, 2008, from

<http://www.iaea.org/Publications/Documents/Infcircs/Others/inf274r1.shtml>

This convention established a large amount of definitions concerning what is defined as nuclear material and adequate protection measures. It also establishes guidelines that limit sales of nuclear material to set Member States that do not comply with the established guidelines. This was one of the first documents that established standardized requirements to ensure the safety of nuclear material.

International Atomic Energy Agency. (1994, July 5). *Convention on Nuclear Safety (INFCIRC/449)*. Retrieved August 19, 2008, from <http://www.iaea.org/Publications/Documents/Infcircs/Others/inf449.shtml>

The Convention on Nuclear Safety furthered the work of the Radioactive Waste Management program by setting international standards for the safety of radioactive waste material. It also addressed the need for adequate and effective defense systems at all nuclear installations to protect nuclear material and facilities. A final measure purposed in the Convention was the need for Member States to closely monitor the companies involved in the nuclear lifecycle at all stages to ensure the transparency of nuclear activities.

International Atomic Energy Agency. (1997, December 24). *Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management*. Retrieved August 19, 2008, from <http://www.iaea.org/Publications/Documents/Infcircs/1997/infcirc546.pdf>
The Joint Convention was established in order to achieve the highest levels of safety in nuclear facilities in order to protect individuals, society, and the environment against the potential hazards of radiation. Another goal of the Joint Convention is to prevent nuclear accidents as well as mitigate the effects of radiological accidents should they occur. The Joint Convention outlines several activities to achieve these goals including raising standards for the safety of nuclear waste and spent fuel and also established emergency response plans in the case of a radiological incident and established guidelines for decommissioning nuclear facilities.

International Atomic Energy Agency. (1959, October 30). *The Texts of the Agency's Agreement with the United Nations (INFCIRC/11)*. Retrieved August 28, 2008, from <http://www.iaea.org/Publications/Documents/Infcircs/Others/infcirc11.pdf>
Drafted shortly after the creation of the IAEA, this document explains the legal and working relationship between the IAEA and the UN. In this document, the IAEA agreed to provide the Member States with any assistance or information concerning the operation of the IAEA. However, since the IAEA deals with highly sensitive information that is closely related to issues of national security, it can also refuse to provide information if it would be seen as compromising the security of a State.

Levi, M. (2008, January/February). Stopping Nuclear Terrorism. *Foreign Affairs*, 131-140.
As opposed to the Seventh Myths of Nuclear Terrorism explained earlier, this article from Foreign Affairs focuses on the ways in which States need to improve security of nuclear facilities as a means to stop terrorism. It also provides examples of the ways in which terrorist organizations can be captured and an attacked can be intercepted given the limited ability of terrorist organizations when it comes to nuclear expertise.

Levi, M. A., & O'Hanlon, M. E. (2005, April). Arms Control and American Security. *Current History*, 104(681), 162-168.
This article addresses the current United States arms control measures following the end of the Cold War. The article begins with a description of the decline of arms control measures in the post Cold War era due to fewer perceived security risks which has led to an out-of-date system of arms control measures. It continues to address the challenges faced by the international community in the context of keeping weapons safe from acquisition by terrorist organizations and offers areas in which action should be taken.

New York Times. (n.d.) Abdul Qadeer Khan. *The New York Times*. Retrieved August 28, 2008, from http://topics.nytimes.com/top/reference/timestopics/people/k/abdul_qadeer_khan/index.html?scp=1-spot&sq=AQ%20Khan&st=cse
This article very briefly explains the activities of Khan in developing his proliferation network. However, it also provides links to many other news sources, all from the New York Times, that provide information in smaller pieces as they were developing in the international arena. It also provides links to books and scholarly resources that discuss the activities of Khan in greater detail.

United Nations General Assembly. 23rd Session. (1968, July 1). *Treaty on the Non-Proliferation of Nuclear Weapons*. Retrieved August 16, 2008, from <http://disarmament.un.org/wmd/npt/npttext.html>
The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) serves as the foundation for discussions of nuclear safety. It serves as the basis for the activities of the international community dealing with curbing the illicit traffic in nuclear materials. The NPT outlines three major areas of work including disarmament, nonproliferation, and the peaceful uses of nuclear power.

United Nations General Assembly. 51st Session. (1997, January 16). *Measures to Eliminate International Terrorism (A/RES/51/210)*. Retrieved August 29, 2008, from http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/51/210&Lang=E
This resolution came out of Sixth Committee discussions regarding measures against international terrorism. It is vitally important for the fact that it defined the appropriate body under which discussions of the definition of terrorism could take place. Work of the ad hoc committee has led to several of the thirteen international conventions against terrorism and continues to provide consensus and legal basis for the fight against terrorism.

United Nations General Assembly. 60th Session. (2005, April 13). *International Convention for the Suppression of Acts of Nuclear Terrorism*. Retrieved August 14, 2008, from http://untreaty.un.org/English/Terrorism/English_18_15.pdf
This Convention is the most recent of the thirteen international conventions against terrorism and specifically defines what an act of nuclear terrorism is and who would be considered a terrorist. It also establishes minimum standards for the prosecution of individuals that are suspected of violating the terms of the convention and protocols that Member States are required to abide by to limit the ability of terrorist groups to perform. A final topic raised in this convention is the need for Member States to increase information sharing and resources so that international terrorist organizations can be closely monitored and prevented from carrying out acts of nuclear terrorism.

United Nations General Assembly. 62nd Session. (2008, January 8). *Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction (A/RES/62/33)*. Retrieved August 29, 2008, from http://disarmament2.un.org/_852571D5007A5CD4.nsf
This resolution builds on the work of previous General Assembly and Security Council resolutions, namely Security Council Resolution 1540 and the International Convention for the Suppression of Acts of Nuclear Terrorism. The resolution calls for all States to implement the previously mentioned documents as a means to limit the ability of terrorist to gain access to weapons of mass destruction and their delivery systems. This resolution also requested the Secretary General to perform a study on the link between the fight against terrorism and the proliferation of weapons of mass destruction in order to guide their efforts in later years.

United Nations .General Assembly 62nd Session. (2008, January 10). *Follow-up to Nuclear Disarmament Obligations Agreed to at the 1995 and 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (A/RES/62/24)*. Retrieved August 30, 2008, from http://disarmament2.un.org/_852571D5007A5CD4.nsf
Following the failure of the 2005 Review Conference of the NPT to reach a consensus, the First Committee continued the work set out in the previous review conferences. Some of the important aspects of the convention include the continuing efforts of the recognized nuclear weapons States to disarm in good faith. A final aspect in the resolution encourages Member States to work towards the conclusion of additional protocols based on the model Additional Protocol.

United Nations. General Assembly. 62nd Session. (2008, January 10). *Preventing the Acquisition by Terrorists of Radioactive Materials and Sources (A/RES/62/46)*. Retrieved August 31, 2008, from http://disarmament2.un.org/_852571D5007A5CD4.nsf
This resolution has been on the agenda of first committee for several years and highlights the importance of universal adherence to the International Convention for the Suppression of Acts of Nuclear Terrorism. It further calls for increased international cooperation for the discovery of orphaned sources. A final measure that it describes is the strengthening of international measures including voluntary confidence building measures to increase transparency.

Additional Sources

Castillo, J. (2003, December). Nuclear Terrorism: Why Deterrence Still Matters. *Current History*, 102(668), 426-431.
This article investigates the reasons for which a State may share nuclear secrets with terrorist organizations and situations in which terrorists would be able to obtain nuclear weapons. The article advocates that rogue States would be more likely to transfer nuclear materials to terrorist organization if a State feels that its livelihood is threatened. With this viewpoint, the author argues that regime change therefore could potentially cause “terrorists” to acquire nuclear weapons and that policies that deter cooperation with terrorists should be pursued instead.

International Atomic Energy Agency. (1994). Radioactive Waste Management. In *The Annual Report for 1994*. Retrieved August 19, 2008, from <http://www.iaea.org/Publications/Reports/Anrep94/anr9404.html>
This program served as one of the first steps to protect nuclear waste from improper disposal. It came in response to nuclear waste being buried improperly in developing countries that lacked the capacity to properly dispose of nuclear material. Regional documents, such as the Bamako Convention, also defined terms and conditions for proper waste management and came in response to improper disposal of nuclear waste.

International Atomic Energy Agency. (2008, January 22). *IAEA Publishes Advisory Guide to Address Nuclear Terror Threat*. Retrieved July 18, 2008, from <http://www.iaea.org/NewsCenter/News/2008/guideterrorthreat.html>
This publication explains the manner in which the agency works to prevent and react to a radiological or nuclear attack. It is one of the first documents to outline coordination efforts aimed at limiting nuclear terrorism as well as organizing a response to the illicit use of nuclear materials by non-State actors. One very important facet of this guide is greater information sharing between Member States in an effort to halt illicit transactions of nuclear material.

International Atomic Energy Agency. (2008, April 28). *First Session of Preparatory Committee for 2010 Non-Proliferation Treaty Review Conference Ends with Adoption of Report* [Press Release]. Retrieved July 18, 2008, from <http://www.un.org/News/Press/docs/2007/dc3070.doc.htm>
This press release details the events of the first Preparatory Committee for the 2010 review of the NPT. It addressed non-proliferation, nuclear weapon free zones, disarmament and international security, as well as the peaceful uses of nuclear technology. It also included discussion on regional disarmament issues including the next steps for the creation of a nuclear weapons free zone in the Middle East.

International Atomic Energy Agency. (2008, April 28). *First Session on behalf of the IAEA Secretariat at the General Debate*. Retrieved July 18, 2008, from www.un.org/NPT2010/SecondSession/delegates%20statements/IAEA.pdf
This statement brings forth some of the major concerns of the IAEA to be discussed during the latest round of Preparatory Committees talks for the 2010 review. It focuses on issues such as financing for the safeguards system, implementation of the comprehensive safeguards agreements, safeguards implementation, and the illicit trafficking of nuclear materials. From this statement, delegates should understand the broad range of issues that need to be addressed in order to properly safeguard nuclear material.

United Nations. General Assembly. 62nd Session. (2008, January 8). *Nuclear Disarmament (A/RES/62/42)*. Retrieved August 31, 2008, from http://disarmament2.un.org/_852571D5007A5CD4.nsf
Another topic that has been before the First Committee for many years, this resolution seeks to make progress towards a convention on nuclear weapons in the same style as the Biological and Toxin Weapons Convention and the Chemical Weapons Convention. In order to achieve this goal, the resolution encourages the creation and strengthening of regional nuclear weapons free zones, particularly in the Middle East, as a means to eliminate barriers towards a nuclear weapons convention. The resolution further called upon all nuclear weapon States to cease qualitative improvement and production of nuclear warheads and their delivery systems.

White, N. D. (2002). *The United Nations System: Toward International Justice*. London: Lynne Rienner.
This book attempts to evaluate the goals and purposes of the various elements of the United Nations system, largely from a legal perspective. Subjects discussed in the book include the legal character of the UN Family and System as well as the development of the UN System since its inception. A review of various UN treaties examines the topics of peace and security, justice, and law and human rights within the UN system.

Ziring, L., Riggs, R., & Plano, J. (2000). *The United Nations: International Organization and World Politics* (3rd ed.). New York: Harcourt College Publishers.
This book investigates the creation of the United Nations System as well as the roles and responsibilities of the United Nations System in the international arena today. Topics of interest include the role of the United Nations for collective security, particularly through maintaining the balance of power and peacekeeping efforts. More valuable subjects include disarmament in a historical perspective and current disarmament efforts as well as obstacles to disarmament and different means of the deal the problems associated with disarmament.

III. Preventing an Arms Race in Outer Space

Australia: *Rethink on US Missile Defense System*. (2008, February 27). Retrieved September 7, 2008, from <http://www.radioaustralia.net.au/programguide/stories/200802/s2173905.htm>
The key message to be taken from this source is that many Western States are indeed involved in the issue of the Missile Defense System. This resource demonstrates that even States like Australia and Japan are deeply involved in the programming and form a fundamental part of the system. The fact

that many States all over the globe are involved in the Missile Defense System highlights the need for a global discussion in a multilateral context such as the United Nations.

Bush, R., & O'Hanlon, M. (2007). *A War Like No Other: The Truth About China's Challenge to America*. Hoboken, NJ: John Wiley & Sons.

This book provides a very interesting overview about the relationship between the U.S. and China. The author tries to elaborate on the different fields of disagreement and explains how conflict is to be avoided. In particular, this book gives a good overview of China's armament and the Taiwan issue.

Böckstiegel, K.-H. (1991). *Handbuch des Weltraumrechts* [Handbook of Outer Space Law]. Cologne, Germany: Carl Heymanns Verlag.

The book written by Böckstiegel describes the basic elements of the legal framework of space law. By referring to the various different legal principles, such as the ones of the Outer Space Treaty (OST), a good overview of the legal framework is provided. This book is thus a good introduction to outer space law.

Caldicott, H., & Eisendrath, C. (2007). *War in Heaven: the arms race in outer space*. New York: The New Press. *This book provides a very detailed analysis of the current issues regarding a possible arms race in outer space. Next to providing a thorough overview of the existing programs, the developments of armament in outer space are explained. The source is a perfect reference for delegates and serves as a good introduction to the issues at hand.*

Cirincione, J. (2000, Spring). Assessing the Assessment: The 1999 National Intelligence Estimate of the Ballistic Missile Threat. *The Nonproliferation Review*.

This study, which was supported by the Carnegie Endowment for International Peace, contradicted the findings of the 1998 Report of the Commission to Assess the Ballistic Missile Threat, which stated that the U.S. could be hit by long-range missiles from States such as North Korea or Iran by 2005. The very fact that this study contradicts the Report shows how controversial and uncertain findings in terms of outer space security and armament are. One has to recall that the degree of a risk or danger will always depend on who is asked and which source is cited.

Cleminson, F. (1997). Non-Weaponization of Space. *Annual Ottawa NACD Verification Symposium: Cyberspace and Outer Space: Transitional Challenges for Multilateral Verification in the 21st Century*. *The Report by Cleminson sheds light on the debate about the future of disarmament and outer space. Cleminson elaborates on the implications of relative agreements for space activities such as the Partial Test Ban Treaty (PTBT) and the OST. Furthermore, he analyzes general disarmament agreements like the ABM Treaty or the Strategic Arms Limitation Talks (SALT) agreements.*

CNN Online. (2008, July 8). *U.S.-Czech Missile Deal Raises Russian Ire*. Retrieved from <http://www.cnn.com/2008/WORLD/europe/07/08/missile.defense/index.html>

The very fact that Russia has expressed its concerns about the positioning of components of the U.S. Missile Shield in Europe should be reason enough to start including Russia in any plans for such a system. Peace and security in Europe are based on good relations with Russia. While the current trends in the Caspian's create worrying signs about the future, especially now the U.S. and its European allies should seek to discuss and negotiate with Russia in order to maintain stability and peace in Europe and beyond.

Commission to Assess United States National Security Space Management and Organization. (2001, January 11). *Executive Summary - Report of the Commission to Assess United States National Security Space Management and Organization*. Retrieved September 7, 2008, from http://www.fas.org/spp/military/commission/executive_summary.pdf

One of the major conclusions of the report by the bipartisan commission was that the United States could be subject to a missile threat by States such as Iran, Iraq, or North Korea as early as 2005. While the findings of the report are disputed by some scholars, one cannot deny that the theoretical possibility of such a threat exists in the long-term. Consequently the findings of the report have led the U.S. government to intensify its efforts in the sphere of the Missile Defense System.

Eisendrath, C., Goodman, M., & Marsh, G. (2001). *The Phantom Defense: America's Pursuit of Star Wars Illusions*. Amherst, NY: Prometheus.

This book provides an interesting view on the U.S. American plans for Missile Defense. By questioning the effectiveness and the need for this system the authors provokes an interesting and necessary debate. Regardless of whether or not the authors are indeed correct with their analysis, the very fact that the U.S. system is subject to a great controversy within the international community cannot be ignored by international bodies like the United Nations.

Hitchens, T. (2003). Monsters and Shadows: Left Unchecked, American Fears Regarding Threats to Space Assets will drive Weaponization. *Disarmament Forum. Making Space for Security*, 15-32. Retrieved August 18, 2008, from <http://www.unidir.org/pdf/articles/pdf-art1884.pdf>
In her analysis, Theresa Hitchens claims that the U.S. government is about to be the first State to place weapons in outer space. In order to prevent this, the world community would have to start to take the U.S. concerns seriously and find a solution to adequately protect space assets from all States that seek to use it. Setting up concrete "rules of the road" and transparency measures would be a first step towards finding a solution which is acceptable to all parties.

Hitchens, T. (2007, Winter). U.S.-Sino Relations in Space: From War of Words to Cold War in Space? *China Security*, 3(1). Retrieved August 18, 2008, from http://www.wsichina.org/cs5_2.pdf
In her analysis, Theresa Hitchens elaborates on the concern that the Chinese ASAT test might trigger a new arms race between China and the U.S. Next to elaborating on the possible consequences of such an arms race, such as an increased level of space debris, she is presenting ways out of the current deadlock. She calls on international institutions to work collectively on joint definitions and to finally setup a legal framework regulating outer space activities.

Hoey, C. (2005). *Military Space Systems: The Road Ahead*. Cambridge, MA: Institute for Defense and Disarmament Studies.
This study elaborates on the military components of the U.S. Missile Defense System. It explains how this system is supposed to work and where its components are to be located. Since the issue of the U.S. Missile Defense System is of key relevance for any discussions about outer space weaponization, knowledge of these details is a prerequisite for any discussion at the United Nations.

Jordan, M., & Vick, K. (2005, October 25). World Leaders Condemn Iranian's Call to Wipe Israel 'Off the Map'. *Washington Post*. Retrieved from <http://www.washingtonpost.com/wp-dyn/content/article/2005/10/27/AR2005102702221.html>
Following the speech given by the current Iranian President Ahmadinejad at a conference entitled "A World without Zionism" the Western media and political scene reacted with great criticism and outrage. By challenging Israel's right of existence the Iranian president created strong fears that Iran is planning an attack on the Israeli State in the long-term. By questioning Israel's right of existence President Ahmadinejad directly provoked the U.S., which is arguably Israel's closest ally.

Litwak, R. (2008, February). Living with Ambiguity: Nuclear Deals with Iran and North Korea. *Survival*, 50(1), 91-118.
This article elaborates on the Iranian and North Korean Nuclear programs. Next to providing an introduction to the cases, the author provides possible ways out of the crises. Knowledge of these cases is of fundamental importance when discussing any further negotiations on a new treaty on PAROS.

Pan, E., Bajoria, J., & Writer, S. (2008, August 13). The U.S.-India Nuclear Deal. *Council of Foreign Affairs*. Retrieved August 18, 2008, from <http://www.cfr.org/publication/9663/>
The U.S. - India Nuclear Deal is of high relevance for any measures in terms of armament and negotiations at any international organization. While some claim that it undermines the NPT Treaty it certainly opens the door for new interpretations of the existing legal agreements. Over the next few months it will be interesting to see how the international negotiations under the umbrella of the IAEA continue, and how other States, such as Iran or North Korea, will behave following any decision taken by the IAEA.

Pike, J. (2006). *Nuclear Weapons Testing*. Retrieved August 18, 2008, from <http://www.globalsecurity.org/wmd/world/dprk/nuke-test.htm>
This Web site provides a good overview of current issues related to security and armament. This specific link elaborates on the North Korean nuclear test of October 2006. The North Korean nuclear program, despite the fact that current discussions point into a positive direction, is one of the many little pieces in the mosaic of international cases which lead up to the U.S. motivation for the Missile

Defense System.

Pike, J., Lang, S., & Stambler, E. (1992). *Military Use of Outer Space*. *Stockholm International Peace Research Institute Yearbook*.

Among others, this article helps to understand the evolution of military operations coordinated by satellites. By citing the example of the successful operation Desert Storm during the 1991 Gulf War, the capabilities of space-guided military activities are underlined. This, of course, also had important consequences since it led to a new intensity in researching military programs for outer space.

President Bush Discusses North Korea. (2008, June 26). Retrieved August 18, 2008, from

<http://www.whitehouse.gov/news/releases/2008/06/20080626-9.html>

Following the North Korean nuclear test of October 2006 the U.S. has changed its approach towards North Korea and has started a series of direct negotiations, led by Christopher R. Hill. These negotiations have greatly contributed to a calming down of the situation and have led the U.S. to take North Korea off the list of State sponsors of terrorism. While the issue of the North Korean nuclear program is still not fully resolved, the source cited here is a sign of hope that in the issue will no longer be a major concern for world security.

Savelyev, A. (2008). *Prospects for US-Russian Cooperation in Ballistic Missile Defense and outer space activities*. In M. Tsytkin (Ed.), *Russia's Security and the War on Terror* (pp. 87-97). New York: Routledge.

This chapter demonstrates that after good U.S.-Russia cooperation between 1993-2000, when projects like the support for the international orbit station took place, the current cooperation is less promising, even in non-military cooperation. As a key reason, the author identifies the deadlock of PAROS and the U.S. attempt to resolve these issues unilaterally. Despite the fact that currently many disagreements persist, the author expresses hope that in the future more cooperation could take place since both sides would benefit greatly from such cooperation.

Stockholm International Peace Research Institute. (2008). *Armament, Disarmaments and International Security - Summary*. *Yearbook 2008*. Retrieved September 7, 2008, from

<http://yearbook2008.sipri.org/files/SIPRIYB08summary.pdf>

Each year, the SIPRI presents a report about the global situation in terms of armament. After reading the annual reports it becomes clear that every year the money invested in armament increases. Investment in R&D related to outer space programs certainly makes up a significant amount of money spent globally on armament.

Tellis, A. (2007). *China's Military Space Strategy*. *Survival*, 49(3), 41-72.

Ashley Tellis provides a very detailed analysis of the current Chinese space strategy. Next to elaborating on the feasibility of an international regime managing outer space activities, Tellis compares the Chinese and U.S. outer space policies and long-term ambitions. While he concludes that the Chinese strategy is to offset the U.S. superiority in space, he also challenges whether a legal regime for outer space would ever truly provide the U.S. with the same degree of security it would have if it would pursue a path of developing space weapons.

The Boston Globe. (2006, July 5). *Weapons in Outer Space*. Retrieved from

http://www.boston.com/news/globe/editorial_opinion/oped/articles/2006/07/05/weapons_in_outer_space/

The article published in The Boston Globe provides a critical analysis of the National Missile Defense (NMD) program. The main argument of the author is that U.S. space assets are indeed vulnerable, but that space weaponization would only increase this vulnerability and that therefore alternative solutions have to be found. The article therefore provides an interesting viewpoint on the issue of the U.S. Missile Defense System.

The New York Times (2006, July 10). *India Reports a Long-Range Missile Test*. Retrieved August 18, 2008, from http://www.nytimes.com/2006/07/10/world/asia/10india.html?_r=1&oref=slogin

While the issue does not gain much attention in the Western media, India has undergone considerable efforts to modernize its armament. This includes the testing of long-range missiles. Together with the U.S. nuclear deal with India, the fact that India is upgrading its military capabilities creates concerns about the security in the Indian Ocean, particularly when recalling the proximity and on-going disputes between India and its neighbors Pakistan and China.

The Times. *Russia threatens military response to US missile defense deal*. (2008, July 9). Retrieved from <http://www.timesonline.co.uk/tol/news/world/europe/article4295309.ece>
Following the decision between the U.S. Government and the Governments of Poland and the Czech Republic to set up components of the U.S. Missile Shield on the Polish and Czech territory, Russia has raised its concerns. Some fear that the U.S. Missile Shield might lead Russia to start a new arms race with the U.S. Overall, what matters is that the Missile Defense System concerns not only the States which it is supposed to protect, but also those which it does not, namely Russia. Thus, over the course of the upcoming months and years the U.S and the other participating States have to closely negotiate and discuss with Russia about how to proceed with the system in order to avoid any unnecessary confrontation.

United Nations. (1967). *Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies*. Retrieved September 7, 2008, from <http://www.state.gov/t/ac/trt/5181.htm>
The so called Outer Space Treaty (OST) constitutes the basic legal framework for outer space activities. One of its main shortcomings is the lack of concrete definitions of outer space, outer space weapons, and peaceful purposes in outer space. It remains to be seen if the Member States of the United Nations will ever agree upon any such definitions.

United Nations. (1970, March 5). *Treaty on the Non-Proliferation of Nuclear Weapons*. Retrieved September 7, 2008, from <http://www.fas.org/nuke/control/npt/text/npt2.htm>
The NPT is one of the core international agreements limiting armament and ensuring world peace. It prevents the proliferation of nuclear arms. All UN Member States, except India, Israel, North Korea, and Pakistan are parties to the NPT.

United Nations. Conference on Disarmament. (2002, June 28). *Possible Elements for a Future International Legal Agreement on the Prevention of the Deployment of Weapons in Outer Space, The Threat or Use of Force Against Outer Space Objects (CD/1679)*. Retrieved September 7, 2008, from <http://www.geneva.mid.ru/disarm/doc/CD1679-ENGLISH.pdf>
This is a joint letter by the governments of Russia and China, introduced at the Conference on Disarmament in Geneva. This letter put forward concrete proposals for the definition of key aspects of outer space. Unfortunately, the initiative did not lead to the desired breakthrough.

United Nations. General Assembly. 12th Session. (1957, November 14). *Regulation, Limitation and Balanced Reduction of All Armed Forces and All Armament; Conclusion of an International Convention (Treaty) on the Reduction of Armaments and the Prohibition of Atomic, Hydrogen and other Weapons of Mass Destruction (A/RES/1148)*. Retrieved September 7, 2008 from <http://daccess-ods.un.org/TMP/7386800.html>
This resolution constituted the first UN General Assembly (GA) resolution on outer space, and paved the way to further discussions on the issue of arms in outer space. It was of enormous relevance during the Cold War. It was a milestone in terms of preventing an arms race in outer space.

United Nations. General Assembly. 18th Session. (1963, December 13). *Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space (A/RES/1962)*. Retrieved September 7, 2008 from <http://daccess-ods.un.org/TMP/325235.1.html>
This GA resolution puts forward a general legal framework for all activities in outer space. Of major relevance is Paragraph I of the declaration, which states that the use of outer space should be "for the benefit and in the interest of all mankind. Together with other agreements passed during the Cold War, this resolution is one of the cornerstones of outer space law.

United Nations. General Assembly First Committee. 62nd Session. (2007, October 17). *Prevention of an Arms Race in Outer Space (A/RES/62/20)*. Retrieved September 7, 2008, from <http://www.reachingcriticalwill.org/political/1com/1com07/res/L34.pdf>
Every year, the GA First Committee introduces the same resolution on the issue of PAROS. Except for the United States and Israel, all UN Member States have been voting in favor of this resolution. It highlights the need to set-up a legal definition of outer space and to start negotiations on a new treaty on PAROS.

United Nations. General Assembly. 62nd Session. (2007, September 17). *Transparency and confidence-building*

measures in outer space activities - Report of the Secretary-General (A/62/114/Add.1). Retrieved September 7, 2008, from <http://www.reachingcriticalwill.org/legal/paros/114Add1.pdf>

This report by the Secretary-General put forward proposals for transparency and confidence-building measures in terms of outer space activities. Due to U.S. opposition, no decisions can be made in terms of definitions of outer space or the beginning of negotiations on a new treaty on PAROS, transparency and confidence-building measures are currently the best ways to ensure a peaceful use of outer space. States are currently elaborating on how to setup new ways to ensure each other of their peaceful intentions in outer space.

United Nations Office for Outer Space Affairs. (2006). *United Nations Committee on the Peaceful Uses of Outer Space*. Retrieved September 7, 2008, from <http://www.unoosa.org/oosa/COPUOS/copuos.html>

The United Nations Office for Outer Space Affairs (UNOOSA) is the UN office responsible for the promotion of international cooperation on outer space. UNOOSA serves as the secretariat for the General Assembly's Committee on the Peaceful Uses of Outer Space (COPUOS). UNOOSA is also responsible for implementing the Secretary-General's responsibilities under international space law and maintaining the United Nations Register of Objects Launched into outer space .

United States Air Force. (2004, August 2). *Counterspace Operations* . Retrieved September 7, 2008, from http://www.dtic.mil/doctrine/jel/service_pubs/afdd2_2_1.pdf

In this document, the U.S. Air Force highlights the risk of a possible future conflict in outer space. According to them, the U.S. must be prepared to destroy or deceive outer space resources of other spacefaring States. If these ideas were to be carried out, a weaponization of outer space would be the de facto result.

United States and Union of Soviet Socialist Republics. (1972, October 3). *Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems*. Retrieved September 7, 2008, from <http://www.state.gov/www/global/arms/treaties/abm/abm2.html>

During the Cold War the ABM Treaty served as the legal background to prevent an arms race in outer space. It thus constitutes one of the core agreements between the U.S. and the USSR. After the U.S. withdrawal of the ABM Treaty concerns about a possible emergence of a new arms race have increased.

von Kries, K. (1991). *Weltraumforschung [Outer Space Research]* (K.-H. Böckstiegel, Ed.). Cologne, Germany: Carl Heymanns Verlag.

The book provides an interesting perspective on the evolution of outer space law and activities. By referring to the early activities of outer space discussions, a valuable overview is created. The development of a possible future framework for space law knowledge of these activities is indispensable.

Wolter, D. (2006). *Common Security in Outer Space and International Law*. Geneva, Switzerland: United Nations Institute for Disarmament Research.

This book provides a perfect overview about the legal and security aspects of outer space. While analyzing all major events regarding outer space in detail, it also gives a thorough overview of the activities of the Conference on Disarmament and the Committee on Peaceful Use of Outer Space. It serves as a good introduction to the issue of PAROS and contains a variety of recent data and information.

Women's International League for Peace and Freedom. (2007). *The First Committee Monitor - Final Edition 2007*. Retrieved September 7, 2008, from

<http://www.reachingcriticalwill.org/political/1com/FCM07/week4.pdf>

The Monitors is a weekly report produced by the non-governmental organization (NGO) Working Group on the First Committee, a collaborative effort undertaken by NGOs to make the work of the UN General Assembly First Committee on Disarmament and International Security more transparent. The Monitor is compiled, edited, and coordinated by Reaching Critical Will, the disarmament project of the Women's International League for Peace and Freedom. It provides an interesting insight into the work of the GA First Committee.

Women's International League for Peace and Freedom (WILPF). (2008). *Reaching Critical Will*. Retrieved September 7, 2008, from <http://www.reachingcriticalwill.org/>

The Women's International League for Peace and Freedom (WILPF) created the Reaching Critical Will project in 1999, in order to increase the quality and quantity of civil society at international

disarmament fora, such as those that take place at the United Nations. The core idea behind the project is that nuclear disarmament will require coordinated and sustained effort on the part of governments, NGOs and the United Nations. Reaching Critical Will is WILPF's initiative to encourage people to act and contribute to a variety of international arenas. Reaching Critical Will collects, packages, and often translates disarmament related information into terms ordinary people can understand.

Additional References

- Bodansky, D., Brunnée, J., & Hey, E. (Eds.). (2007). Atmosphere and Outer Space. In *The Oxford Handbook of International Environmental Law* (pp. 316-336). Oxford: Oxford University Press.
This book contains a detailed analysis about the specific developments of outer space law. For any delegate who has a background in legal affairs, or who is specifically interested in outer space law, it will be a good source of information. Due to the lack of agreement on PAROS, unfortunately, key areas remain undefined and subject to interpretation, such as where exactly outer space begins and what constitutes an outer space weapon.
- Bourbonnière, M., & Lee, R. (2007). Legality of the Deployment of Conventional Weapons in Earth Orbit: Balancing Space Law and the Law of Armed Conflict. *European Journal of International Law*, 18(5), 873-901.
This journal elaborates on the legality of deploying weapons in the earth's orbit. As the article rightfully demonstrates, outer space has a key significance for current and future armament. Thus, in order to avoid legal ambiguity, it is high time to fix common standards to prevent or regulate the militarization of outer space.
- Gill, B., & Kleiber, M. (2007, May/June). China's Space Odyssey. *Foreign Affairs*, 2-6.
This article was published after the Chinese ASAT test in January 2007. The authors analyze the Chinese decision-making progress prior to the test and come to the conclusion that the Chinese leadership itself was not entirely informed about the test. As a consequence, the authors question the reliability of China as a future stakeholder on the global scene. While the article represents one particular point of view, it is true that different opinions exist about the motivations behind the Chinese ASAT test and the Chinese outer space activities as a whole. While some claim that China is simply pursuing its path of internal economic development, others claim that it is trying to improve its military standing vis-à-vis the U.S. to be prepared for a possible conflict over Taiwan. The truth probably lies somewhere in between.
- Hitchens, T., & Valasek, T. (2006). *European Military Space Capabilities: A Prime*. Washington D.C.: The World Security Institute's Center for Defense Information.
This book provides an interesting insight in the European capabilities in terms of outer space operations. It becomes clear that the lines between civil and military research are blurred when it comes to outer space and that this is one of the main difficulties when it comes to negotiating a new PAROS treaty. The book acknowledges that there is no common EU Space Policy, however it clearly states that the EU as a whole is becoming more concerned and more active in the sphere of outer space activities and thus it can be expected to play a major role when it comes to future negotiations on outer space law.
- Kaufman, M., & Linzer, D. (2007, January 19). China Criticized for Anti-Satellite Missile Test. *The Washington Post*. Retrieved August 18, 2008, from http://www.washingtonpost.com/wp-dyn/content/article/2007/01/18/AR2007011801029_pf.html
Following the Chinese ASAT test in January 2008 the international community reacted with great concern. Next to fears about a new arms race in outer space, the issue of space debris emerged as an issue of controversy. Overall, the Chinese ASAT test can be seen as a new climax of the failed discussions about preventing an arms race in outer space.
- Krepon, M. (2008, February/March). China's Military Space Strategy: An Exchange. *Survival*, 50(1), 157-198.
This article contains the opinion of a number of scholars of the earlier published article "China's Military Space Strategy" by Ashley Tellis. Tellis claimed that the Chinese ASAT test proves that China is interested in offsetting the U.S. military power and is preparing for a long-term confrontation. Krepon and other scholars debate about whether or not this is actually the case. Overall this is a very interesting article which provides interesting insights into the Chinese-U.S. outer space relations.

Missile Defence and European Security. (2007). Brussels: European Parliament. Retrieved September 8, 2008, from <http://www.europarl.europa.eu/activities/committees/studies/download.do?file=18359>

This study examines the consequences of stationing components of the U.S. missile defense system in Poland and the Czech Republic, and analyzes the possible implications for Europe. It makes an assessment of the degree to which the system might enhance European security and sets out the parameters of a European approach towards missile defense. The study concludes that there is no logical, military, or moral reason why Europe should accept vulnerability against ballistic missile attack. If a well-functioning cost-effective missile defense system could be operational, Europe's political leaders need to consider the option seriously. The study states that any decision should only be executed after a widespread and transparent public debate, for which the European Parliament would be a good forum.

Sankar, U. (2007). *The Economics of India's Space Programme*. Oxford: Oxford University Press.

This book elaborates on India's outer space program. It becomes clear that India already has a fairly advanced system of outer space capabilities, such as satellite launch capacities, and has a wide network of communication assets in outer space. This book demonstrates that for a country to advance technologically, it needs intelligence gained from outer space, e.g. for natural resource management, forecasting of crop yields, urban planning, pollution monitoring etc. As more and more countries are reaching higher levels of development, the competition in outer space will increase and the need for joint projects increases.

Solomone, S. (2006, May). China's Space Program: the great leap upward. *Journal of Contemporary China*, 15(47), 311-327.

This article elaborates on the technological advancements made by China in terms of its space program. It is obvious that over the course of the last decade China has made enormous progress in terms of satellite and space surveillance. Certainly, this advancement also has an impact on China's military capabilities, which, when taking the Taiwan issue into account, creates concerns in some parts of the world that a new arms race is about to start.

United Nations Institute for Disarmament Research (UNIDIR). (2007). *Celebrating the Space Age - 50 Years of Space Technology, 40 Years of the Outer Space Treaty - Conference Report 2-3 April 2007*. New York and Geneva: United Nations.

This book provides an excellent overview about the current issues related to outer space armament. A number of key diplomats and UN officials elaborate on their viewpoint on current affairs. This book serves as a perfect introduction for delegates who are keen on learning more about the issue of PAROS and the history of outer space armament.

van de Wouwer, J., & Lambert, F. (2008). *European Trajectories in Space Law*. Luxembourg: European Commission.

This book elaborates on three different periods of outer space law: the times before 1960, the years between 1960-2000, and after 2000. A good overview of the overall development of outer space law is provided. The book concludes that outer space has become a key factor of European foreign policy. Yet, this does not mean that the EU is interested in a militarization of outer space, rather that it will seek to prevent this from happening in order to maximize its security. The European States would best achieve their goal if they were able to maintain a common, unified position.

Workshop Summary: Space Policy and the European Security and Defence Policy - Held on Thursday 14 February 2008. (2008). Brussels: European Parliament. Retrieved September 8, 2008, from <http://www.europarl.europa.eu/document/activities/cont/200805/20080513ATT28783/20080513ATT28783EN.pdf>

This workshop at the European Parliament served as an opportunity for EU politicians, businessmen, and scholars to have an exchange of views on the European perspectives in the field of European outer space policies. It became apparent that current European Security and Defense Policy (ESDP) missions can solely rely on intelligence gained from commercial satellites. The general viewpoint was that Europe needs to step up its efforts in terms of outer space assets if it wants to live up to its own expectations and be able to lead and set up effective peacekeeping missions.

Rules of Procedure

General Assembly Disarmament and International Security Committee (GA1st)

Introduction

1. These rules shall be the only rules which apply to the General Assembly Disarmament and International Security Committee (hereinafter referred to as “the Assembly”) and shall be considered adopted by the Assembly 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 Assembly.

I. SESSIONS

Rule 1 - *Dates of convening and adjournment*

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

Rule 2 - *Place of sessions*

The Assembly 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 United Nations 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 Assembly 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. 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 Assembly.
2. The Secretary-General shall provide and direct the staff required by the Assembly 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 Assembly, and shall distribute documents of the Assembly to the Members of the United Nations, and generally perform all other work which the Assembly 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 Assembly 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 Assembly for the duration of the session, unless otherwise decided by the Secretary-General. The Assembly shall have twenty-one Vice-Presidents, based on the same apportionment as the Vice-Presidents recognized in the Assembly.

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 Assembly.

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

Any representative wishing to address any United Nations organ 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 Assembly are present. The presence of representatives of a majority of the members of the Assembly shall be required for any decision to be taken.

For purposes of this rule, “members of the Assembly” 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 Assembly, 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 Assembly 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 Assembly 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 Assembly" 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 Assembly.

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 Assembly 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 Assembly, and the President may call a speaker to order if her/his remarks are not relevant to the subject under discussion.
3. The Assembly 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 Assembly 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 Assembly, 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 Assembly.

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 Assembly. A motion to close the speakers list is within the purview of the Assembly 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 Assembly 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 Assembly shall reconvene at its next regularly scheduled meeting time.

As this motion, if successful, would end the meeting until the Assembly'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 Assembly.

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 Assembly favors the closure of debate, the Assembly 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 Assembly who would like the Assembly 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 Assembly 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 Assembly 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 Assembly 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 Assembly. These draft resolutions are the collective property of the Assembly 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 Assembly, 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 Assembly 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 Assembly for decision shall be voted upon if any member so requests. Where no member requests a vote, the Assembly 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 role call for the meeting during which the substantive voting occurs, must cast an affirmative or negative vote, and cannot abstain.

Rule 33 - Ommitted

Rule 34 - Method of voting

1. The Assembly 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 Assembly 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 Assembly 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 35 - 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 36 - 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 37 - 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 38 - 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 39 - 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 40 - Order of voting on proposals

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

Rule 41 - 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 42 - Submission of 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 43 - Credentials Committee

A Credentials Committee, consisting of nine members, shall be appointed by the Secretary-General at the beginning of each session. It shall examine the credentials of representatives and report without delay. The Main Committees shall be bound by the actions of the Plenary in all matters relating to credentials and shall take no action regarding the credentials of any Member State.

Rule 44 - Provisional admission to a session

Any representative to whose admission a member has made objection shall be seated provisionally with the same rights as other representatives until the Credentials Committee has reported and the Assembly has given its decision.

VIII. GENERAL COMMITTEE

Rule 45 - Composition

The General Committee shall comprise the President of the Assembly, who shall preside, the twenty-one Vice Presidents and the Chairpersons of the six Main Committees.

Rule 46 - Functions

In considering matters relating to the agenda of the Assembly, the General Committee shall not discuss the substance of any item except in so far as this bears upon the question whether the General Committee should recommend the inclusion of the item in the agenda and what priority should be accorded to an item the inclusion of which has been recommended.

Rule 47

The General Committee shall assist the President and the Assembly in drawing up the agenda for each plenary meeting, in determining the priority of its items, and in coordinating the proceedings of all committees of the Assembly. It shall assist the President in the general conduct of the work of the General Assembly which falls within the competence of the President. It shall not, however, decide any political question.

Rule 48 - Participation by members requesting the inclusion of items in the agenda

A member of the Assembly which has no representative on the General Committee and which has requested the inclusion of an item in the agenda shall be entitled to attend any meeting of the General Committee at which its request is discussed and may participate, without a vote, in the discussion of that item.

IX. MINUTE OF SILENT PRAYER OR MEDITATION

Rule 49 - Invitation to silent prayer or meditation

Immediately after the opening of the first plenary meeting of the Assembly, representatives may request to observe one minute of silence dedicated to prayer or meditation. This is the only time this motion will be entertained and its approval is at the discretion of the Secretariat.

X. COMMITTEES

Rule 50 - Establishment of committees

The Assembly may establish such committees as it deems necessary for the performance of its functions.

Rule 51 - Categories of subjects

Items relating to the same category of subjects shall be referred to the committee or committees dealing with that category of subjects. Committees shall not introduce new items on their own initiative.

Rule 52 - Main Committees

The Main Committees of the Assembly are the following:

- a) Political and Security Committee (First Committee)
- b) Economic and Financial Committee (Second Committee)
- c) Social, Humanitarian and Cultural Committee (Third Committee)
- d) Special Political and Decolonization Committee (Fourth Committee)
- e) Administrative and Budgetary Committee (Fifth Committee)
- f) Legal Committee (Sixth Committee)

Rule 53 - Organization of work

Each committee, taking into account the closing date of the session, shall adopt its own priorities and meet as may be necessary to complete consideration of the items referred to it.

Rule 54 - Discussion of reports of Main Committees

Discussion of a report of a Main Committee in a plenary meeting of the Assembly shall take place if at least one third of the members present and voting at the plenary meeting consider such a discussion to be necessary. Any proposal to this effect shall not be debated but shall be immediately put to a vote.

XI. ADMISSION OF NEW MEMBERS

Rule 55 - Applications

Any State which desires to become a Member of the United Nations shall submit an application to the Secretary-General. Such application shall contain a declaration, made in formal instrument that the State in question accepts the obligations contained in the Charter.

Rule 56 - Notification of applications

The Secretary-General shall, for information, send a copy of the application to the General Assembly, or to the Members of the United Nations if the Assembly is not in session.

Rule 57 - Consideration of applications and decisions thereon

If the Security Council recommends the applicant State for membership, the Assembly shall consider whether the applicant is a peace-loving State and is able and willing to carry out the obligations contained in the Charter and shall decide, by a two-thirds majority of the members present and voting, upon its application for membership.

Rule 58

If the Security Council does not recommend the applicant State for membership or postpones the consideration of the application, the General Assembly may, after full consideration of a special report of the Security Council, send the application back to the Council, together with a full record of the discussion in the Assembly, for further consideration and recommendation or report.

Rule 59 - Notification of decision and effective date of membership

The Secretary-General shall inform the applicant State of the decision of the Assembly. If the applicant is

approved, membership shall become effective on the date on which the Assembly takes its decision on the application.