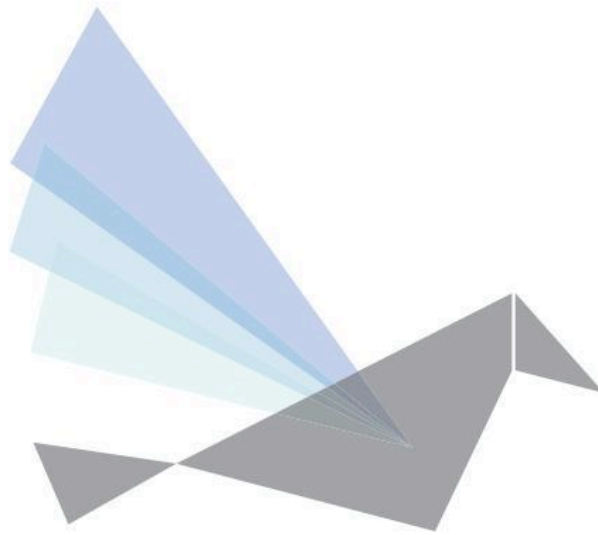


# Department of Peace & Security



HOPE  
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## National Model United Nations Sheraton Venue

April 1 – April 5, 2012



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- The NMUN Secretariat

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3. Only documents adopted in committee are presented.

# Conference on the Arms Trade Treaty

## Committee Staff

Director	Mark Edwards
Assistant Director	Nyla Langford
Chair	Michael Oleaga
Rapporteur	Claire Mazzini
Rapporteur	Jonathan Cowan

## Agenda

1. Scope
2. Parameters and Criteria
3. International Cooperation and Assistance
4. Victims' Assistance
5. Implementation
6. Verification
7. Final Provisions

## Treaty segments adopted by the committee

Document Code	Topic	Vote (Y / N / Abstention/ Non-Voting)
ATT/1	Scope	100 / 21 / 14 / 2
ATT/2	Parameters and Criteria	95 / 22 / 20 / 0
ATT/3	International Cooperation and Assistance	123 / 0 / 14 / 0
ATT/4	Victims' Assistance	60 / 56 / 21 / 0
ATT/5	Implementation	77 / 49 / 11 / 0
ATT/6	Verification	52 / 33 / 51 / 1
ATT/7	Final Provisions	110 / 11 / 8 / 8

Committee: Conference on the Arms Trade Treaty

1 *The States Party to this Treaty,*

2

3 *Recognizing* the legitimate political, security, economic, and commercial interests of states in the  
4 import, export, and transfer of conventional arms and related items;

5

6 *Recognizing* that the absence of commonly agreed international standards for the transfer of  
7 conventional arms and their diversion to the illicit market are contributory factors to armed  
8 conflict, serious violations of international human rights and international humanitarian law,  
9 gender-based violence, the displacement of people, transnational organized crime, terrorism, and  
10 the illicit trade in narcotics, thereby undermining peace, reconciliation, safety, security, stability,  
11 and sustainable social and economic development;

12

13 *Mindful* of the need to prevent the diversion of conventional arms from the legal into the illicit  
14 market;

15

16 *Recognizing* the need to prevent, combat, and eradicate the irresponsible and illicit trade of  
17 conventional arms and related items, and the responsibility of all states to effectively regulate  
18 and control the import, export, and transfer of conventional arms and related items;

19

20 *Recognizing* that existing national, regional, and sub-regional best practices on the import,  
21 export, and transfer of conventional arms can play an important role in furthering the goals and  
22 objectives of an Arms Trade Treaty;

23

24 *Recognizing* the sovereign right of states to determine any regulation of internal transfers of arms  
25 and national ownership exclusively within their territory, including through national  
26 constitutional protections on private ownership;

27

28 *Recognizing* that states may adopt more restrictive measures than those provided in the Arms  
29 Trade Treaty;

30

31 *Guided by* the purposes and principles enshrined in the Charter of the United Nations, and  
32 reaffirming state parties' respect for and commitment to international law;

33

34 *Reaffirming* the inherent right of all states to individual or collective self-defense in accordance  
35 with Article 51 of the United Nations Charter;

36

37 *Recalling* the commitment and right of all states to mutual political independence, sovereign  
38 equality, and territorial integrity, and acknowledging that peace and security, development, and  
39 human rights are the foundations for collective security;

40

41 *Reaffirming* the right of self-determination of all peoples, taking into account the particular  
42 situation of peoples under colonial or other forms of alien domination or foreign occupation, and  
43 recognizing the rights of peoples to take legitimate action in accordance with the Charter of the  
44 United Nations to realize their inalienable right of self-determination;

45  
46 *Acknowledging* the right of all states to manufacture, develop, acquire, import, export, transfer,  
47 and retain conventional arms and related items and capabilities for self-defense and security  
48 needs and in order to participate in peacekeeping operations in accordance with the United  
49 Nations Charter, which does not create any obligation for states to do so and which must be  
50 exercised in accordance with international law;

51  
52 *Reiterating* the general prohibition against the use of force and threat of use of force and the  
53 principles of the peaceful settlement of disputes and non-interference in the internal affairs of  
54 states, as embodied by Article 2 of the United Nations Charter;

55  
56 *Recalling* the obligations of all states to comply with United Nations Security Council decisions,  
57 in particular arms embargoes and sanctions;

58  
59 *Recognizing* that disarmament, non-proliferation, and arms control are essential for the  
60 maintenance of international peace and security;

61  
62 *Recognizing* that the control and regulation of the import, export, and transfer of conventional  
63 arms and related items are without prejudice to the priorities accorded to nuclear disarmament  
64 and weapons of mass destruction and conventional disarmament;

65  
66 *Reaffirming* their rights and obligations under international law, including international human  
67 rights law and international humanitarian law;

68  
69 *Have agreed as follows:*

70  
71 **A. SCOPE**

72  
73 Article 1: Covered Items

74  
75 1. Items covered under the scope of the Arms Trade Treaty shall be divided into two phases to  
76 facilitate proper execution of the ATT. Phase I shall be immediately implemented upon the  
77 ratification of the ATT. Phase II will come into effect at a time deemed appropriate by States  
78 Party to the Treaty upon the completion of Phase I, with respect to state sovereignty. At the  
79 second review conference a timeline will be established in order to make Phase II compulsory  
80 and the timeline may be established at a five year maximum. If there is no time established, then  
81 when the third review conference occurs, the second phase will become compulsory.

82  
83 2. For the purposes of this Treaty, Phase 1 shall include the following conventional arms items  
84 that fall within the following categories, as defined in the United Nations Register of  
85 Conventional Arms (A/RES/46/36L of December 6, 1991):

86  
87 a. Tanks;

88  
89 b. Military vehicles;

90

- 91 c. Artillery systems;  
92  
93 d. Military aircraft (manned or unmanned);  
94  
95 e. Military helicopters (manned or unmanned);  
96  
97 f. Naval vessels (surface and submarine vessels armed or equipped for military use);  
98  
99 g. Missiles and missile systems (guided or unguided);  
100  
101 h. Small arms, which are defined as, weapons designed for individual use. They include,  
102 *inter alia*, revolvers and self-loading pistols, rifles and carbines, sub-machine guns,  
103 assault rifles, and light machine guns, as stated in United Nations General Assembly  
104 Resolution 60/88 of June 2005;  
105  
106 i. Light weapons are defined weapons designed for use by two or three persons serving as a  
107 crew, although some may be carried and used by a single person. They include, *inter alia*,  
108 general purpose or universal machine guns, medium and heavy machine guns, rifle  
109 grenades, under-barrel grenade launchers and mounted grenade launchers, portable anti-  
110 aircraft guns and anti-tank guns, recoilless rifles, man portable launchers of anti-tank  
111 missile and rocket systems, man portable launchers of anti-aircraft missile systems, and  
112 mortars of a caliber of less than 100 millimeters, as stated in the General Assembly  
113 Resolution referenced in sub-clause (h). Hunting and sporting rifles shall be voluntarily  
114 exempted by States Party to the treaty;  
115  
116 j. Parts or components specially and exclusively designed for any of the categories set out  
117 in sub-paragraphs (a - i);  
118  
119 k. Munitions as defined in the Wassenaar Arrangement Munitions List, excluding  
120 ammunition for items (a - i), which shall be covered in Phase II.  
121
- 122 3. Phase II of the treaty entails:  
123  
124 a. Ammunition for items in clause 2 (a - i) in Phase I. Ammunitions are defined by the  
125 Wassenaar Arrangement;  
126  
127 b. Technology and equipment specifically and exclusively designed and used to develop,  
128 manufacture or maintain any of the items in the categories set out in clause 1 (a - j);  
129  
130 c. Member States shall also monitor the following goods classified as dual-use through  
131 national legislation and policies using the system of categorical classification outlined by  
132 Regulation (European Community) 1334/2000 and the Wassenaar Arrangement:  
133  
134 i. Category 1: Materials, chemicals, “microorganisms” and “toxins”;  
135  
136 ii. Category 2: Materials processing;

- 137  
138           iii.    Category 3: Electronics;  
139  
140           iv.    Category 4: Computers;  
141  
142           v.    Category 5: Telecommunications and “information security”;  
143  
144           vi.    Category 6: Sensors and lasers;  
145  
146           vii.   Category 7: Navigation and avionics;  
147  
148           viii.   Category 8: Marine;  
149  
150           ix.    Category 9: Aerospace and Propulsion.

151  
152 Article 2: Activities

153  
154 1. The international transactions and activities covered by this treaty include:

- 155           a. Import, which is defined as the receipt of arms from another state;  
156  
157           b. Export, which is defined is the shipping of weapons, be it through land, sea, or air-  
158           based shipment, to another state;  
159  
160           c. Transfers such as transit, transshipment, re-export, leases, gifts and loans from one  
161           state to another. This includes the following classifications:  
162  
163                i. Transit is the transport of arms;  
164  
165                ii. Transshipment is the inclusion of an intermediary state in transfers from an  
166                exporter to an importer;  
167  
168                iii. Re-export of arms is all subsequent exports of arms, following the initial  
169                export of said arms;  
170  
171                iv. To lease arms is to temporarily lend arms to another state;  
172  
173                v. Gifts are defined as arms that have been exported to a State Party at no  
174                monetary charge;  
175  
176                vi. Brokering is defined as the facilitation by an intermediary who brings together  
177                relevant parties and arranges or facilitates a potential transaction of  
178                conventional arms in return for some benefit, whether financial or otherwise;  
179  
180                vii. No transfer completed intra-state will be monitored out of respect for Article  
181                51 of the United Nations Charter in deference to sovereignty and self-defense.  
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- d. Manufacture under foreign license, whereby a Party or entity in the exporting state grants a person or entity in the importing State the authorization to manufacture conventional arms that involves technology transfer or the use of technology or conventional arms previously supplied by the exporting state;
- e. Technology transfers aimed at developing, maintaining or manufacturing any of the items specified under Article 1, clause 1 (a - j). Technology transfer is the export, by tangible or intangible means, of information that is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification, of conventional arms. This treaty fully endorses the proliferation of technology throughout the global community, and invites States Party to consider establishing a global forum in order to accomplish this goal. It is the responsibility of the State Party to exercise regulatory control in military technology transfers.

**B. PARAMETERS/CRITERIA**

Article 1: International, regional and sub-regional obligations of a State

1. Competent national authorities of each State Party shall assess import and export applications on an objective and non-discriminatory basis, while taking into account information on the nature of the arms to be transferred, the potential risk of the weapons transferred, and the end-user.
2. A State party shall not authorize a transfer of conventional arms to or from territories under its jurisdiction if the transfer would violate any measure adopted by the United Nations Security Council, in particular current or future arms embargoes.
3. A State party shall not authorize a transfer of conventional arms from or to territories under its jurisdiction if the transfer violates any of its other relevant international, regional or sub-regional obligations or commitments regarding the control and regulation of international transfers of conventional arms.
4. The above criteria shall apply to all activities as specified under the Scope of this treaty.

Article 2: Potential consequences of arms transfer on peace and security

1. A State Party shall not authorize a transfer of items as specified under the Scope of this treaty if there is a substantial risk that those items would:
  - a. Be used in a manner that would seriously undermine peace and security or provoke, prolong, or aggravate regional, sub-regional or international instability;
  - b. Be used to commit or facilitate serious violations of international humanitarian law, with particular regards to the Geneva Conventions;



- 229  
230 c. Be used to commit or facilitate serious violations of international criminal law,  
231 including genocide, crimes against humanity, war crimes and ethnic cleansing;  
232  
233 d. Seriously impair poverty reduction and socio-economic development or seriously  
234 hamper the sustainable development of the recipient State with particular regard to the  
235 Millennium Development Goals;  
236  
237 e. Be diverted to unauthorized end-users for use in a manner inconsistent with the  
238 principles, goals, and objectives of the treaty, taking into account the risk of  
239 corruption;  
240  
241 f. Be used in the commission of transnational organized crime as defined in the United  
242 Nations Convention Against Transnational Organized Crime;  
243  
244 g. Be used to support, encourage, or perpetrate terrorist acts, whether be they committed  
245 by state party or non-state actors. Respecting the sovereignty of the State Party to this  
246 treaty, States Party shall take into consideration accountability and transparency when  
247 there is a transfer of arms with non-state actors;  
248  
249 h. Be used to supply non state actors that are not a reliable partner of a State Party with  
250 particular regards to violations of international humanitarian law and the previously  
251 mentioned criteria;  
252  
253 i. Be diverted to territories whose external relations are the internationally  
254 acknowledged responsibility of another state;  
255  
256 j. Be used to support, encourage or perpetrate acts of piracy, as defined in Article 101 of  
257 the United Nation Convention on the Law of the Sea.  
258

### 259 **C. INTERNATIONAL COOPERATION & ASSISTANCE**

#### 260 Article 1: International Cooperation

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263 1. States Party shall cooperate with each other to ensure that peace and security are sustained in  
264 the transfer of arms, as Article 26 of the Charter of the United Nations states that there is a great  
265 need to “promote the establishment and maintenance of international peace and security with the  
266 least diversion for armaments.”  
267  
268 2. States shall facilitate the transfer of knowledge, information and technology necessary for the  
269 successful implementation and development of the applications contained in this treaty, which  
270 requests that this information be provided as often as necessary, but no less than once per year,  
271 because the sharing of information is necessary, pursuant to activities contained within the Scope.  
272  
273 3. All States Party to the treaty shall be encouraged to cooperate with and assist countries that  
274 face difficulties in regulating the arms trade and upholding the principles of the treaty, with the

275 following ideas:

276

277 a. States Party to the treaty shall be able to request legal, technical, and material aid to build  
278 the capacities required to implement the treaty;

279

280 b. In order for recipient states to better communicate their needs and for donor states to  
281 better communicate their abilities, States Party will designate National Points of Contact  
282 (NPOC) as their representatives on matters of arms trade implementation assistance.

283

284 4. The Implementation Support Unit (ISU) shall:

285

286 a. Utilize resources from the United Nations Development Program (UNDP) and regional  
287 organizations that have the available resources to implement the procedures detailed in  
288 this treaty;

289

290 b. Provide the linkages between States Party that require assistance to implement the ATT  
291 to its fullest extent and States Party that are willing to provide assistance;

292

293 c. Aid States Party, if requested, with the monitoring of their arms trade by Non-  
294 Governmental Organizations (NGOs), existing multilateral governmental organizations,  
295 and institutions that effectively work on a regional scale, in order to:

296

297 i. Provide best practices, technologies, and techniques;

298

299 ii. Provide appropriate educational programs to train personnel that handle the  
300 transfer of arms and other activities as stated in the Scope;

301

302 iii. Remain cognizant of the effectiveness of the programs or frameworks that are  
303 proposed by this treaty.

304

305 5. As indicated by A/63/334, States Party in a position to provide assistance should do so upon  
306 request, in order to help ensure accountability of all States Party to the treaty. Lending such  
307 multilateral assistance, both from the United Nations and other States Party, will be instrumental  
308 in implementing the treaty.

309

310 6. To facilitate the implementation of provisions in this treaty and cooperation among States  
311 Party, the United Nations should work in close collaboration with regional organizations across  
312 the international community, such as, but not limited to:

313

314 a. The African Union;

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316 b. The Arab League;

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318 c. The Association of Southeast Asian Nations;

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320 d. The Bolivarian Alliance for the Americas;

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- e. The European Union;
- f. The Organization of American States.

7. Conferences shall be scheduled annually for the first five years immediately following ratification of the ATT, with subsequent conferences held when necessary as scheduled by the NPOCs and the ISU Secretariat to assess the current needs of this treaty and plans of action to meet them.

8. States Party shall encourage the development of bilateral, regional and multilateral agreements to facilitate donor-recipient relations, synchronize arms regulation measures between neighboring states and, successful implementation and verification of this treaty.

#### **D. VICTIMS' ASSISTANCE**

##### Article 1: Victims' Assistance

1. All States Party to the treaty shall be encouraged to uphold their pre-existing obligations under international law as stated in Geneva Convention Additional Protocol I, which is sufficient in offering victims of armed violence reciprocity and effective remedy.

2. The treaty shall encourage States Party to establish national programs to train their forces to effectively respond to victims of armed violence.

3. The purpose of this treaty serves to regulate arms trade and at a later date, if proven necessary, there will be discussions for a separate review committee to address the issue of victims' assistance.

#### **E. IMPLEMENTATION**

##### Article 1: Implementation

1. International implementation and regulation of arms pursuant to this treaty shall abide by established international law within Article 2 and Article 41 of the UN Charter; emphasizing the sovereignty and territorial integrity of each state, in accordance with each state's right to self defense as articulated in Article 51 of the UN Charter.

2. The ratification of this treaty will create The United Nations Office on Arms Trade (UNOAT), under the auspices of the United Nations, which will regulate the implementation and assessment of the treaty.

3. The UNOAT will be structured using two separate administrative branches:

- a. Implementation Support Units (ISUs) that will be under the full administration of the UNOAT;

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- b. The Assessment Office, which will enforce implementation and reporting mechanisms under the specific provisions of the treaty.

4. ISUs should be utilized to assist States Party that do not have the available resources to effectively implement the provisions of this treaty, with the following criteria:

- a. ISUs will fall under the authority of the United Nations Office on Arms Trade;
- b. ISUs implemented through the UNOAT will work in close collaboration with already established regional organizations;
- c. The support and reporting of progress made by States Party utilizing the resources of the UNOAT will fall under the administration of the ISU office of the UNOAT;
- d. UNOAT ISUs will open offices based on regional representation, which will work in collaboration with regional organizations in matters of logistical and administrative implementation. Regional organizations that may be utilized will include, but are not limited to:
  - i. The Organization of American States;
  - ii. The European Union;
  - iii. The Arab League;
  - iv. The African Union;
  - v. Association of South East Asian Nations.

5. Implementation Support Units will be tasked with:

- a. Implementation of treaty mechanisms by:
  - i. Integrating international resources and assistance;
  - ii. Allocating those resources for proper and effective usage for the disadvantaged States Party that need them most;
- b. Technical Assistance:
  - i. Through information sharing between states in the hopes that the most up-to-date technology is implemented, as a standard, by all States Party;
  - ii. At the discretion of the home government, by sending specialized personnel to assist national governments in implementation of treaty mechanisms;

- 413  
414 c. Administrative assistance:  
415  
416 i. Based on recommendations from the UNOAT to establish a standard of best  
417 practices so as to ensure effective processing of all administrative reports and  
418 personnel;  
419  
420 ii. To support the establishment and maintenance of all relevant offices used for  
421 the implementation;  
422  
423 d. Taking the appropriate measures to ensure viable and effective capacity building that  
424 will enable and ensure the implementation of the treaty provisions.  
425
- 426 6. ISU will work using definitions of all items enumerated in the Scope.  
427
- 428 7. The Assessment Office of the UNOAT will gather and centralize information submitted by  
429 States Party to the treaty as an act of compliance with the ATT, and this office will:  
430  
431 a. Produce annual reports that makes publically known all information relevant to the  
432 Scope;  
433  
434 b. Produce emergency assessments on the situation in any given States Party, as  
435 mandated by the United Nations Security Council in special circumstances.  
436
- 437 8. States Party shall designate the proper authority, whether an agency, branch, or independent  
438 organization, to implement and enforce the provisions of this treaty at the national level. These  
439 mechanisms will be implemented at the discretion of the national government, but States Party  
440 are encouraged to:  
441  
442 a. Ensure that the treaty complements national control systems without replacing them;  
443  
444 b. Expedite the process through which said mechanism will become fully functioning  
445 and operational;  
446  
447 c. Operate under an environment of openness with regional neighbors.  
448
- 449 9. States Party shall establish effective national authorization systems to monitor export, re-  
450 export, manufacture under foreign license, and brokering of arms as defined in Scope; Parties to  
451 the treaty will report to the ISU all importing, exporting, shipments, and trans-shipments to the  
452 ISU.  
453
- 454 10. Taking into account the potential overwhelming effect that a simultaneous implementation of  
455 programs that address the trafficking of Small Arms and Light Weapons (SALWs), conventional  
456 weapons, and ammunition may have on developing states, this treaty suggests:  
457

458 a. A step by step implementation of these measures in a timely manner following the  
459 scope of this treaty;

460  
461 b. This step by step process shall be managed and monitored by individual States Party  
462 in collaboration with ISUs and all other relevant bodies.  
463

464 11. Transparency will be encouraged and facilitated by large-scale implementation of a digital  
465 tracking system. Such a system will greatly aid implementation of the goals aspired to by this  
466 treaty, especially in relation to international cooperation and enhanced communication between  
467 governmental bodies, with the following ideas:

468  
469 a. All consenting Parties will be granted access to a comprehensive International  
470 Tracing Instrument (ITI) system monitored by the UNOAT, information will be  
471 available only to States Party who provide all available tracking information,  
472 including ownership and purchasing histories, identification numbers, and  
473 manufacturing information;

474  
475 b. States Party will in turn have access to an ITI database of other participating States  
476 Party, as a SALW-specific extension of the ITI system. This will facilitate trade  
477 regulations and monitoring potential illegal arms trade activity between States which  
478 will provide all possible incidence information of each weapon that will be included  
479 in the ITI system, allowing for states to identify illegal arms trade activity on both  
480 national and international scales.  
481

482 12. The implementation of a monitoring system for SALWs is crucial in assuring the  
483 effectiveness of this treaty, especially among impoverished or warring states. To facilitate  
484 management of SALWs, a system of ITIs will be adopted by participating States:

485  
486 a. Each States Party will maintain a database of SALWs that have passed through  
487 government possession;

488  
489 b. ITIs will be managed by physically marking each SALW with a permanent (e.g.  
490 branded) and unique identification code. These codes will be recorded along with  
491 ownership information and trading history into an ITI database so that:

492  
493 i. All seized illicit SALWs will be marked, and SALWs that have already been  
494 marked will be identified by referring to the ITI database;

495  
496 ii. Trading, purchasing or selling of SALWs will be appropriately monitored and  
497 recorded into the ITI database, assuring that each SALW is marked and under  
498 legal surveillance;

499  
500 c. ITI database information will be incorporated into the UNOAT system to increase  
501 international communication and trust, as well as to track the illicit trade of SALWs  
502 across neighboring states;  
503

504 d. The ITI database will be implemented and maintained at the global and regional level  
505 using regional organizations, who will then report this information to the United  
506 Nations, where an annual report will be presented; this annual report will be presented  
507 at global regional summits to both relevant Parties and Non-Governmental  
508 organizations to discuss coordinate and improve arms trade policy.  
509

510 13. States Party should adopt legislation that standardizes assessment procedures within their  
511 own national government based on the parameters and criteria of this treaty before authorizing  
512 arms transactions between states.  
513

514 14. All Member States that wish to participate in this treaty are encouraged to consider the  
515 signature and ratification of United Nations Resolution 55/255, titled the “Protocol against the  
516 Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and  
517 Ammunition, supplementing the United Nations Convention against Transnational Organized  
518 Crime”, in all its parts, as a precursor to the implementation of the provisions within this treaty,  
519 so as to facilitate viable implementation of the treaties aforementioned provisions.  
520

521 15. The implementation of this treaty will use a system that works to:  
522

523 a. Identify national concerns, such as:  
524

525 i. Obstacles that may hinder the process of implementation at the national level;  
526

527 ii. Already existing resources that could be used to implement the provisions of  
528 this treaty;  
529

530 b. Regionalize efforts to fully implement the provisions of this treaty by:  
531

532 i. Promoting regional cooperation with neighboring states regarding importing  
533 and exporting of arms, so as to attempt to control;  
534

535 ii. Assisting in implementation of the provisions of this treaty as well as  
536 alleviating the burden placed upon the UNOAT;  
537

538 c. Communicate with the greater international community in order to foster  
539 transparency and full implementation of the provisions of this treaty, to ensure:  
540

541 i. That Signatories of this treaty facilitate an environment of openness and  
542 transparenance in a way that allows the viable implementations of treaty  
543 mechanism;  
544

545 ii. An environment of good faith, to keep a clear line of communication between  
546 regional organizations and the United Nations.  
547

548 16. This treaty will implement national licensing controls for all activities listed under the treaty  
549 Scope. The items detailed in said scope should rest on a principle of prohibition as it applies to

550 each sovereign state's legal framework while also utilizing end-user certificates to certify to  
551 national authorities the final intended recipients of the materials or items.

552

553 17. States Party are encouraged to create a supervisory body to prevent the potential corruption  
554 of those administrative organizations that represent the government abroad, as criminalized by  
555 respective national legislatures, particularly in the context of international trade transactions, as  
556 defined within the scope of this treaty and monitored by previously existing instruments.

557

558 18. States Party are encouraged to combat the bribery of public officials as criminalized by their  
559 respective national legislatures, particularly in the context of international trade transactions, as  
560 defined within the scope of this treaty and monitored by previously existing instruments.

561

## 562 **F. VERIFICATION**

563

### 564 Article 1: State Sovereignty

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566 1. In line with the principles of the United Nations, state sovereignty must be protected to the  
567 greatest extent in the verification of this treaty. Individual States Party will have the sovereign  
568 right to oversee the international arms trade within the confines of the treaty; however, States  
569 Party shall report to the regional focal points, which will collect and account for all national arms  
570 reports and records.

571

### 572 Article 2: Verification

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574 1. Verification will be administered by the Implementation Support Unit (ISU), as outlined in the  
575 Implementation section with the cooperation of the states for record-keeping, certification,  
576 reporting, and ensuring a reasonable amount of transparency. The ISU will adhere to the  
577 following ideas:

578

579 a. The ISU shall administer verification reports with the cooperation of the United  
580 Nations Register for Conventional Arms;

581

582 b. The ISUs shall function on a regional and national level to better accommodate the  
583 concerns and issues of Member States. The regional configuration shall be pursuant to  
584 established regional bodies as recognized by States Party upon ratification. For  
585 example it could include, but is not limited to:

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587 i. The African Union;

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589 ii. The Arab League;

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591 iii. The Association of Southeast Asian Nations;

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593 iv. The Bolivian Alliance for the Americas;

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595 v. The European Union;



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vi. The Organization of American States;

- c. States that ratify this treaty are encouraged to act with reasonable transparency regarding the imports and exports of arms within and across their borders;
- d. It is the responsibility of the Member States to keep active national records of arms trade within their borders as stated in the scope of this treaty;
- e. States will be encouraged to participate in this system through access to an information sharing system once their own information has been included. The regional bodies will collect the data and distribute the information to complying Member States.

2. The regional and national focal points will report to the ISU, which will collect and account for all regional arms reports and records. The reports to the ISU will be submitted annually; it is suggested that States Party account for international transparency through compliance to their regional and national focal points:

- a. Regional records will be kept on file for a minimum duration of twenty (20) years;
- b. If coordinating assistance is needed by the States, the regional and national contact points will assist where possible and only upon request from the Member States. The ISU may also assist upon request if the regional and national focal points cannot help the Member States.

3. All standards formed by the regional organizations and the ISUs must uphold objectivity and encourage Member State sovereignty.

Article 3: Local Record

1. For the first two years, assessments will take place biannually and then on an annual basis for the subsequent four years. Following this the ISU will meet to reassess the frequency on which monitoring should take place. Each State’s national contact points will oversee the realization of the various measures in the Arms Trade Treaty and report to the regional and national focal points, objectives similar to the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa. Regional and national summits will convene bi-annually to encourage diplomatic dialogue.

Article 4: Transparency

1. Since transparent policy is crucial to the success of the treaty, consensus-based decisions verifying national action are going to be the cornerstones of international reliability. The national and regional contact points will improve transparency in the international arms trade.

641 2. The ISU will collect and assess information provided by regional and national databases. The  
642 ISU will also produce a report to comprehensively assess the functionality of transparency  
643 systems implemented by the treaty. This report will in turn be submitted to the General  
644 Assembly First Committee for further review and recommendations. Recommendations given to  
645 the General Assembly First Committee will then be supplied to the relevant Member State(s):  
646

647 a. ISUs will also assess the impact of the treaty within regional and States Party to  
648 monitor participation and success of implementation;  
649

650 b. After this period has expired, the purpose and future of the ISU shall be reviewed by  
651 the United Nations Office for Disarmament Affairs (UNODA), and the States Party to  
652 that particular ISU.  
653

## 654 **F. FINAL PROVISIONS**

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### 656 Article 1: Depository

657

658 1. In Accordance with the treaty section of the United Nations Office for Legal Affairs, the  
659 depository for the Arms Trade Treaty will be the Office of the Secretary-General of the United  
660 Nations.  
661

661

### 662 Article 2: Ratification

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664 1. Member States can become parties to the treaty by signature, ratification, or accession.  
665 Forty-five member states must ratify the Arms Trade Treaty before it will enter into force.  
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### 667 Article 3: Entry into Force

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669 1. Once ratified, this treaty will enter into force on the first day of the month after the ratification  
670 threshold has been reached. For states domestically ratifying the treaty after it has already  
671 entered into force, the treaty will take effect thirty days after domestic ratification.  
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### 673 Article 4: Withdrawal

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675 1. If a State Party wishes to withdraw from the treaty, a written notification must be submitted by  
676 the withdrawing state to the Secretary-General. Upon receiving the intent to withdraw, the  
677 Secretary-General and the State Party have ninety days to negotiate a cancellation of said  
678 withdrawal from the Arms Trade Treaty. If the State Party still wishes to withdraw from the  
679 treaty after the negotiation time period, they will be released from the terms of the treaty after  
680 another ninety days.  
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### 682 Article 5: Amendments

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684 1. At any time after the entry into force of this treaty, a State Party may propose an amendment  
685 to the treaty. Any proposed amendment shall be submitted in writing to the depository, which  
686 will then circulate the proposal to all States Party. Amendments shall be decided upon at the next

687 scheduled Review Conference.

688

689 Article 6: Review Conference

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691 1. In order to review the operation of this treaty, a Review Conference shall be convened every  
692 five years after the entry into force of the treaty. The Review Conference, chaired by the  
693 Secretary-General or his or her designate, shall analyze the implementation of the treaty and  
694 make recommendations to improve the treaty in its operation.

# International Criminal Court

## Committee Staff

Director                      Lauren Randle  
Registrar                     Joe Gideon

### Judges before the Court:

Judge Siebert (Kenya)  
Judge Reed (Belgium)  
Judge Humburg (Bolivia)  
Judge Proaño (Japan)  
Judge Venditti (France)  
Judge Anderson (United Kingdom)  
Judge Titola (Costa Rica)

### Counsel:

Gabriel M. Lentner, Naziha Kibria, Megan Reed, Daniela Ring, Sarah Menard April, Alexis Calderón

## Agenda

1. The Prosecutor vs. Saif Al-Islam Gaddafi and Abdullah Al Senussi of the Libyan Arab Jamahiriya
2. The Prosecutor vs. Thomas Lubanga Dyilo of the Democratic Republic of Congo

## Verdicts for the Accused

<b>Defendant</b>	<b>Charge</b>	<b>Vote</b>
Saif Al-Islam Gaddafi	Murder	Guilty (6 to 1)
Saif Al-Islam Gaddafi	Persecution	Guilty (6 to 1)
Saif Al-Islam Gaddafi	Rape	Not Guilty (Unanimous)
Abdullah Al Senussi	Murder	Guilty (6 to 1)
Abdullah Al Senussi	Persecution	Guilty (6 to 1)
Abdullah Al Senussi	Rape	Not Guilty (Unanimous)
Thomas Lubanga Dyilo	Enlistment of Child Soldiers in an internaional conflict	Not Guilty (6 to 1)
Thomas Lubanga Dyilo	Enlistment of Child Soldiers in a non-international armed conflict	Guilty (5 to 2)

## Summary Report

The International Criminal Court (ICC) convened in April 2011 to prosecute the following cases before the court: The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi of the Libyan Arab Jamahiriya and the Prosecutor Thomas Lubanga Dyilo of the Democratic Republic of Congo.

On the first evening of the trial, Judges from Belgium, Bolivia, Costa Rica, France, Japan, Kenya, and the United Kingdom were sworn in and the court was brought to order by the Presiding Judge. Subsequently, the Court set the docket and decided to first prosecute the defendants, Saif Al-Islam Gaddafi and Abdullah Al-Senussi for murder and persecution as crimes against humanity. This case was followed by the prosecution of Thomas Lubanga Dyilo for the recruitment and enlistment of child soldiers in an international and/or non-international conflict.

Before proceeding with the case against Gaddafi and Al-Senussi, the court held a pre-trial chamber to address the request to add additional charges of rape as crimes against humanity. The Judges confirmed the additional charges in the pre-trial chamber and the court proceeded with the party's opening statements.

On Monday morning, the court reconvened the issues discussed where jurisdiction, widespread versus systematic policy, individual criminal responsibility, and the requested reparations by the victims. The prosecution argued that the ICC had jurisdiction, because the United Nations Security Council referred the case to the ICC. The defense argued that Libya had both the ability and will to try the accused domestically. The victim's council agreed with the prosecution that the ICC had jurisdiction.

Monday afternoon the prosecution argued that the attacks were both widespread and systematic but that they only needed to prove one or the other. The defense argued that at least one of these elements had to be proven but parts of both had to also be proven. The victims fortified the prosecution's argument.

Tuesday morning the prosecutor argued that the accused were directly involved in policy designed to target opposition groups. The defense argued that the accused disagreed with Mohammed Gaddafi because they were only figureheads or were fired. The victim's council agreed with the prosecution.

Tuesday afternoon, the court asked questions of counsel to clarify their positions and wrote decisions. The court found that they did have jurisdiction to hear the case. The court found both defendants guilty of murder and persecution. The court found the accused not guilty of rape.

Wednesday, the court heard the case of Thomas Lubanga Dyilo and the prosecution argued that the conflict was both international and domestic in nature. The defense argued that the conflict was domestic only. The victim's council argued that the nature of the conflict was a moot point. The prosecution argued that Thomas Lubanga Dyilo knew about and participated in the enlistment of child soldiers. The defense argued that Thomas Lubanga Dyilo was not the leader of the military branch and did not know about or use child soldiers. The victim's council laid out a plan for reparations for victims. The prosecution argued that Mr. Lubanga not only did know about child soldiers but he also has a legal obligation to know about it. The defense argued that Thomas Lubanga Dyilo. The victim's council agreed with the prosecution.

The court decided that Thomas Lubanga Dyilo was guilty on the charge of domestic use of child soldiers and not guilty for international use of child soldiers.

## **Trial Chamber**

**Before Judges: Siebert (Kenya), Reed (Belgium), Humburg (Bolivia),  
Proaño (Japan), Venditti (France), Anderson (United Kingdom),  
Titola (Costa Rica).**

**Judgment of: The International Criminal Court**

## **THE PROSECUTOR**

**V.**

**Saif Al- Islam Gaddafi and Abdullah Al-Senussi**

***ICC-01/11-01/11***

## **JUDGMENT**

**Counsel for the Prosecution: Gabriel M. Lentner, Naziha Kibria**

**Counsel for the Accused: Megan Reed, Daniela Ring**

**Counsel for the Victims: Sarah Menard April, Alexis Calderón**

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## **Chapter I: Introduction**

During February 2011, the accused, Saif Al-Islam Gaddafi and Abdullah Al-Senussi, allegedly participated in planning and implementing the intentional killing and persecution of Libyan civilians peacefully protesting the regime. On February 26, 2011, the United Nations Security Council (UNSC), in Resolution 1970, referred the situation to the Office of the Prosecutor (OP) of the International Criminal Court (ICC). On February 27, 2011, the OP issued arrest warrants for the accused. In response to UNSC resolution 1973, the North Atlantic Treaty Organization launched an aerial campaign to assist in the removal of the Gaddafi regime.

On April 1, 2012, Trial Chamber I began hearing opening arguments of all counselors.



## Chapter II: Findings of the Chamber

1. The Court is satisfied that it shall have jurisdiction for this case as defined in Article 7(1)(a), Article 7(1)(g), Article 7(1)(h) of the Rome Statute. Under Article 13(b) of the Statute, any situation may be referred to the Court by the United Nations Security Council (UNSC) for investigation. Any criminal charges brought forth to the Court as a result of the investigation are at the sole discretion of the Office of the Prosecutor and the Court. Additionally, the UNSC specified in S/RES/1970 (2011) that the Office of the Prosecutor should investigate all matters occurring after 15 February 2011. Therefore the Court has legitimate jurisdiction in any charges brought forth in this case.

As the Defense Council mentioned in their arguments, the current Libyan Government does not have the ability to hold a fair and impartial trial for the defendants. In Article 17(a), the Statute specifies that in cases where State parties are unable to properly carry out the investigation and fair trial, the Court shall have jurisdiction pursuant to Article 19(1). Any delay would violate the due process rights of the defendants in accordance with the principles of international law.

2. The Defense Council suggested that this court could only consider crimes against humanity in the time period before February 24. The court determines that this argument is invalid. For a long time there was even a nexus requirement between crimes against humanity and armed conflict. This nexus requirement has been reinterpreted by the ICTY in the Tadic case. This reinterpretation no longer requires the existence of an armed conflict in order to consider charges of crimes against humanity. As a consequence, crimes against humanity can occur both during conflict periods and peaceful periods.

3. Both the defendants, Saif Al-Islam Gaddafi and Abdullah Al-Senussi, hold individual criminal responsibility under Article 25 (3)(a) of the Rome Statute. This article refers to liability in situations when the crime is committed individually or jointly with another or through a person, regardless of whether that other person is criminally responsible." Based on the evidence provided by the Prosecutor, this Court finds that the two defendants are liable for punishment under this Article 25 (3)(a) and not under Article 28 given that this is a situation of co-perpetration and not concerning the responsibility of commanders and other superiors. The Office of the Prosecution has proven, beyond reasonable doubt, the existence of a policy formulated and implemented by the accused resulted in the commission of criminal offenses. Due to the positions held by both defendants in the Libyan Government, the Court establishes that both Gaddafi and Al-Senussi possessed enough authority to both enact the policies in question or to prevent the violence committed by subordinate government officials. Both defendants retained their authoritative positions during the civil unrest, particularly between

the dates of February 15 until February 24, 2011. Evidence 4 provided by the Defense Council states that Al-Senussi was allegedly removed from his position on March 2, 2011. However, the policy was already implemented that resulted in the commission of the crimes in question by this date. In regards to the other defendant, Saif Al-Islam, he was acting as *de facto* Prime Minister of Libya during the time in question and assumed considerable power within the regime. This power was used, beyond reasonable doubt, to form policy to carry out attacks against the opposition. Article 31(1)(c) excludes criminal liability for acts committed in reasonable defense of self, other persons or goods essential to their survival or that of others, or essential for carrying out a military mission in proportion to the degree of danger incurred. This argument presented by the Defense is not applicable in this case given the severity of the crime of murder committed by the defendants. In Resolution 1970 formulated by the United Nations Security Council, there was a grave concern of the situation in Libya condemning the violence and form against civilians, which can be proved with Evidence 7, paragraph 7 describing indiscriminate actions by government forces. These include repeated attacks with mortars and GRAD rockets, which confirms, beyond reasonable doubt, that the use of force was not proportionate. Therefore Article 31(1)(c) is not applicable for this case.

4. The Court confirms the charge of murder for both defendants. Article 7(1)(a) of the Rome Statute defines murder as a crime against humanity when it is knowingly committed as a widespread or systematic attacks against a civilian population. An attack is characterized as "widespread" when it consists of a large number of victims. Evidence 2 confirms the widespread element of Article 7(1)(a) by establishing that an estimated range of 10,000 to 15,000 people were killed. The *Tadic* case of the ICTY said that a systematic attack requires common "behavior that tends to a methodical plan." Evidence 7 states that on February 25, 2011, the United Nations Human Rights Council condemned the "gross and systematic" violations of Libya and called for the creation of a commission of inquiry, resulting in UN Security Council Resolution 1970. In addition, Evidence 6 contains thoughts revealed in an interview with Saif Al-Islam about the revolution. He is quoted as saying, "we get rid of them," referring to the opposition groups. In regards to Al-Senussi, he acted as Colonel of the Libyan Armed Forces and Head of Military Intelligence. The Prosecution proved sufficiently that Al-Senussi, acting within his role, gave orders to carry out military operations that resulted in these murders. As head of the armed forces in Libya, Al-Senussi assumed a role within the state that lead to the pursuance of policy to suppress any opposition groups. The conviction of this charge for murder as a crime against humanity complies with all provisions of the International Criminal Court's Elements of Crimes expressed in Article (7)(1)(a). This Article states three elements. The first requires that the perpetrator or co-perpetrators in this case, killed one or more persons, which has been already proved with Evidence 2 mentioned above. The second element requiring a widespread or systematic attack has also been proved. The last element deals with *mens rea*. This requirement is also accomplished in the evidence stated above. For these reasons the Court submits, beyond reasonable doubt, that both defendants are guilty of the charge of murder as a crime against humanity.

5. The defense argued that for the count of persecution as a crime against humanity under Article 7 (1) (h) to be applicable, the civilian protests must be considered an identifiable group or collectivity. The Court considers members of the civilian protest to be an identifiable collectivity not only during the armed conflict, but also during the peaceful protests that occurred before. The Court finds that there was always an existence of a common political aim - to oust the Gaddafi regime.

In Evidence 2, the Human Rights Council reports numerous instances during which the Gaddafi regime severely deprived the fundamental rights of individual citizens as defined by international law. Citizens were targeted because of their perceived affiliation with the political dissident group.

Persecution occurred in the form of arbitrary detention (“government forces have arbitrarily detained a significant number of people in many cities and towns across the country.”), deprivation of access to medical care (“In such actions, there have been clear violations of the right to an adequate standard of health, as well as other serious violations involved in the particular actions taken against medical personnel or patients.”) and excessive force that resulted in injury (“There is sufficient evidence to suggest that Government forces used excessive force against demonstrators, at least in the early days of the protests, leading to significant deaths and injuries.”). These instances establish a quantitative pattern that constitutes a widespread attack. The nature of the attacks also indicates a systematic element that required a certain level of organization and hierarchical involvement.

6. The Court finds that instances of rape did not occur in a widespread or systematic manner. According to Evidence 7, only 10 confirmed cases of rape occurred. The Court finds that this does not meet the criteria to substantiate a widespread attack as described in Article 7 (1).

### Chapter III: Verdict

For the foregoing reasons, the Court finds Saif Al-Islam Gaddafi and Abdullah Al-Senussi of the Libyan Arab Jamahiriya

With a vote of 6 to 1 on the charge of murder as a crime against humanity **Guilty**

With a vote of 6 to 1 on the charge of persecution as a crime against humanity **Guilty**

With a unanimous decision on the charge of rape as a crime against humanity **Not Guilty**

## Chapter IV: Sentence

The Court has found the accused guilty of crimes against humanity, particularly murder and persecution. Following Article 77 (1)(b) of the Rome Statute, a term of life imprisonment will be applied for Saif Al-Islam Gaddafi and Abdullah Al-Senussi concurrently due to the extreme gravity of the crimes and the individual circumstances of the convicted. The Court finds no mitigating factors to deplete the penalty.

## **Annex I: Decision on Reparation**

Counselors have pointed out the necessity for reparations for the victims consisted of monetary reparations and socio-economic reform facilitated by the Court. The Court would like to express that it does not have jurisdiction over the reformation of the Libyan judicial system and that this request is formally denied. In regards to monetary reparations, the Court proposes that these compensations be provided by the Trust Fund under Article 79 of the Rome Statute. The Trust Fund is established by the decision of the Assembly of States Parties. The monetary reparations will address funeral costs for victims, mental and physical rehabilitation as well as providing support for orphans due to the atrocities in Libya. Due to the ambiguity of the number of victims and victims' families, a monetary value cannot be established by the Court at this time, but we leave this decision to the discretion of the Assembly of States Parties under Article 79 of the Statute. The implementation of the reparations must be carried out upon this conviction.

## Annex II: Dissenting/Separate Opinion of Judge Anderson

1. I agree with the final decision of the Trial Chamber regarding the jurisdiction of the Chamber. I also agree with the final verdict on the count of crimes against humanity for rape. However, I do not agree with the guilty verdict for both defendants on the count of crimes against humanity for murder and persecution. I have a separate and dissenting opinion on one particular aspect of the Judgment. I hereby explain the reasons for my dissent.

### **A. Individual criminal liability pursuant to Article 25(3)(a)**

2. I respectfully disagree with the conclusions of the Majority of the Chamber. I do not believe that the Prosecution satisfied the objective elements required to prove beyond a reasonable doubt that the defendants were individually criminally liable as co-perpetrators.
3. The Majority of the Trial Chamber is failing to address one key element: the essential coordinated contribution by each co-perpetrator resulting in the realization of the objective elements of the crime.<sup>1</sup> Additionally, I believe that it is important to evaluate this element, which the Majority of the trial has failed to address.
4. In the Decision on the confirmation of charges for *Prosecutor v. Thomas Lubanga Dyilo*, Pre-Trial Chamber I held that the interpretation envisaged by the drafters of the Rome Statute most closely parallels the interpretation of joint criminal enterprise, established by the International Criminal Tribunal for the former Yugoslavia. Pre-Trial Chamber I decided that co-perpetration coheres with a level of control that each defendant held in implementing the common plan to commission a crime. Pre-Trial Chamber I continues to establish two objective elements that the Prosecution must satisfy beyond a reasonable doubt in order for the defendant(s) to be held individually criminally liable for a crime within the Statute, including the:
  - i. existence of a common plan between two or more persons and,
  - ii. coordinated essential contribution by each co-perpetrator resulting in the realization of the objective elements of the crime.<sup>2</sup>
5. Furthermore, Pre-Trial Chamber I holds,  
Only those to whom essential tasks have been assigned and whom, consequently, have power to frustrate the commission of the crime

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<sup>1</sup> ICC-01/04-01/06, Decision on the confirmation of charges for *Prosecution v. Thomas Lubanga Dyilo*, pg. 116-117.

<sup>2</sup> *Ibid.*

by not performing their tasks can be said to have joint control over the crime.<sup>3</sup>

6. International customary law provides that all elements of a crime must be satisfied in order for the Trial Chamber to issue a guilty verdict. It is of my opinion that the evidence produced by the Prosecution does not satisfy the second objective element required to prove the defendants were each criminally liable as co-perpetrators of the crimes of murder or persecution pursuant to Article 7(1)(a) and (h) of the Statute.
7. The Prosecution produced Evidence #2 to show defendant Al-Senussi's key role within the Gaddafi regime and therefore, had the power to enact a plan to murder and target civilians. However, the evidence does not provide any information regarding what kind of specific roles and responsibilities al-Senussi had within the regime, nor his control over subordinates. It is my opinion that this evidence is not sufficient to satisfy the second objective element.
8. The Prosecution produced Evidence #3 to show that each defendant held all the power within the Libyan Arab Jamahairya and therefore, must have been the individual to create and implement a plan to target innocent civilians in the due course of events. It is my opinion that Evidence #3 does not prove that each defendant had an essential role in the implementation of the plan to kill and persecute civilians.
9. The Prosecution produced Evidence #2 to portray the character of the two defendants based on past actions. The Prosecution attempted to show that based on past alleged actions while holding the same governmental and military positions, it is logical that the defendants acted in the same manner to commission the crimes against humanity. It is my opinion that without any further evidence showing the specific actions or inactions of the defendants pertaining to this case, the Majority Judgment only referred to past actions taken by the defendants to infer action in this case, which, in my opinion, prejudicial.

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<sup>3</sup> Ibid, para. 347.



## **Trial Chamber**

**Before Judges:** Siebert (Kenya), Reed (Belgium), Humburg (Bolivia), Proano (Japan),  
Venditti (France), Anderson (United Kingdom), Titola (Costa Rica)

**Judgment of:** The International Criminal Court

## **THE PROSECUTOR**

**V.**

**Thomas Lubanga Dyilo**

***ICC-01/04-01/06***

## **JUDGMENT**

**Counsel for the Prosecution: Megan Reed, Daniela Ring**

**Counsel for the Accused: Sarah Menard April, Alexis Calderon**

**Counsel for the Victims: Gabriel M. Lentner, Naziha Kibia**

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## Chapter I: Introduction

The M. Lubanga case concerns the accusation against Thomas Lubanga Dyilo (herein after: the defendant), the alleged founder and former President of *Union des Patriotes Congolais* (UPS) and the alleged former Commander-in-Chief of *the Forces Patriotiques our la liberation du Congo* (FPLC), for alleged criminal responsibility, as a co-perpetrator, of war crimes. The defendants alleged war crimes consist of enlisting and conscripting children under age 15 years into the FPLC and having them in active participation in hostile areas of international armed conflict from September 2002 until 2 June 2003 as well as from 2 June 2003 to 13 August 2003 in which is punishable under articles 8(2)(b)(xxvi) and 8(2)(e)(vii) of the Rome Statute respectively.

A warrant was issued for the defendant on 10 February 2006 and he was arrested on 17 March 2006. The warrant for his arrest was issued on the grounds of two specific war crimes. The charges both involved his active participation in enlisting and conscripting minors into the FPLC minors are not allowed to participate actively in the armed forces under the age of 15 by the International Criminal Court.

The charges are broken into two, for the time period from early September of 2002 to 13 August 2003. They are split at the date of 2 June 2003 because that is when the defendant actively used the minors under the age of 15 in hostile activity in an armed conflict.

## Chapter II: Findings of the Chamber

The Court finds that there were children enlisted into the UPC/FPLC who were under the age of fifteen as described in Article 8(2)(e)(xxvii). There are several pieces of evidence that confirm this finding beyond any reasonable doubt: Evidence 4 states that “ [s]ome recruits in the Union of Congolese Patriots training camps were just five years old”, according to a witness who claimed to be a recruiter for the militia group. The same witness “saw children being trained at the Bunia headquarters of the UPC, where Lubanga had his offices.” Additionally, in Evidence 5 former child soldiers described being enlisted while they were under the age of fifteen during their testimony before the ICC. Evidence 7 describes the large-scale recruitment of youth both voluntary and forcible with particular intensity in September 2002 to August 13, 2003. The Court has found that the five Elements of Crimes are satisfied, the first two having already been proven. In the Kunarac case the ICTY stated that “it is therefore sufficient that the crimes were closely related to the hostilities occurring in the other parts of the territories controlled by the parties to the conflict”, which proves that the fourth element was accomplished. Regarding the element that deals with mens rea, this Court believes that Evidence 4 proves beyond reasonable doubt that the fifth and third requirements were accomplished.

The defendant was found individual criminal responsible pursuant to article 25 (3) (a) of the Rome Statute, which refers to the crimes committed by a person individually, jointly with another or through another person, regardless of whether that other person is criminally responsible. The Prosecutor has proven beyond reasonable doubt that Lubanga was a co-perpetrator of the crimes confirmed in this indictment. The involvement of other leaders was important for this case, according to Evidence 4 Richard Lonemas was President of the UPC when Lubanga was away from Ituri, and Chief Kahwa Mandro was acting as a UPC leader, but the Prosecutor has proved that the actions committed by Lubanga was fundamental for the commission of the crime. As President of UPC and former chief of FPLC (Forces Patriotiques Pour la Liberation du Congo), Lubanga had an active role in the decision made inside both organizations.

The Court finds that there is not enough evidence that supports the international characterization of the conflict between September 2002 and June 2003, which is why the defendant is not guilty of the crime of enlisting and conscripting children under 15 years of age in an international armed conflict.

### Chapter III: Verdict

For the foregoing reasons, the Court finds Thomas Lubango Dyilo;

With a vote of 4-3 on the charge of conscripting, enlisting and using child soldiers in a non-international armed conflict **GUILTY**

With a unanimous decision on the charge of conscripting, enlisting and using child soldiers in a international armed conflict **NOT GUILTY**

## **Chapter IV: Sentence**

The Court has found the accused guilty of war crimes for the enlistment of child soldiers in a non-international armed conflict. Following Article 77 (1)(b) of the Rome Statute, a term of life imprisonment will be applied for Thomas Lubanga Dyilo due to the extreme gravity of the crimes and the individual circumstances of the convicted. The Court finds no mitigating factors to deplete the penalty.

## **Annex I: Decision on Reparation**

Based on time restrictions, the judges were unable to determine appropriate reparations for the victims from the guilty verdict of the enlistment of child soldiers in a non-international armed conflict. The court leaves the issue of reparations to the discretion of the Assembly of States.

## Annex II: Dissenting/Separate Opinion of Judges Anderson, Venditti, and Siebert

1. We the judges respectfully disagree with the final decision of the Trial Chamber regarding the guilty verdict on the counts of conscripting, enlisting and using child soldiers under the age of fifteen during a non-international armed conflict. We have a separate and dissenting opinion on two particular aspects of the Judgment. We hereby explain the reasons for our dissent.
2. Individual criminal liability pursuant to Article 25(3)(a)
  - a. We respectfully disagree with the conclusions of the Majority of the Chamber. We do not believe that the Prosecution satisfied the elements required to prove beyond a reasonable doubt that the defendant was individually criminally liable.
  - b. Pre-Trial Chamber I, in the Decision on the confirmation of charges for *Prosecutor v. Thomas Lubanga Dyilo*, held that the drafters of the Rome Statute utilized the interpretation of joint criminal enterprise, established by the International Criminal Tribunal for the former Yugoslavia when establishing the concept of co-perpetration.
  - c. Pre-Trial Chamber I decided that co-perpetration relates to a level of control that the defendant held in enacting the common plan to commission a crime. Pre-Trial Chamber I continues to establish the elements that the Prosecution must satisfy beyond a reasonable doubt in order for the defendant to be held individually criminally liable for a crime within the Statute, including the:
    - iii. plurality of persons,
    - iv. existence of a common plan between two or more persons and,
    - v. coordinated essential contribution by each co-perpetrator resulting in the realization of the objective elements of the crime.<sup>4</sup>
  - d. International customary law provides that all elements of a crime must be satisfied in order for the Trial Chamber to issue a guilty verdict. It is of our opinion that the evidence produced by the Prosecution does not satisfy the elements required to prove the defendant was criminally liable as a co-perpetrator of the crime of conscription, enlistment or utilization of children under the age of fifteen to participate in armed conflict in accordance with Article 8(2)(e)(vii).
  - e. The Prosecution did not produce sufficient evidence to prove beyond a reasonable doubt that the defendant was acting as a co-perpetrator with other persons in pursuance of a common plan to conscript or enlist children under the

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<sup>4</sup> Ibid.



age of fifteen into the FPLC or use them in active hostilities in the Ituri region. The Prosecution only produced Evidence #4 to show that Richard Loema was also a co-perpetrator but did not elaborate into what his relationship was to the defendant nor how or when a common plan was established. The Prosecution also only mentioned name of Bosco Ntaganda. Just mentioning the name does not provide sufficient evidence to prove there was a concrete relationship.

3. Article 8(2)(e)(vii) regarding the conscription or enlistment of children under the age of fifteen.
  - a. The Prosecution submitted evidence implying that the defendant was a co-perpetrator in the conscription, enlistment and use of child soldiers under the age of fifteen in the FPLC during armed conflicts. The Prosecution inferred that the stature of the alleged children at training camps was indicative of their age. This was shown in Evidence #3 submitted by the Prosecution. We do not believe the physical appearance can prove beyond a reasonable doubt that these alleged children were indeed under the age of fifteen.
  - b. We believe that Evidence #4 submitted by the Prosecution was submitted under the pretense that some children were recruited at the age of five. However, we hold this evidence to be hearsay as established by Pre-Trial Chamber I.
  - c. Additionally, the prosecution did not provide adequate documentation to prove beyond a reasonable doubt that the alleged children were under the age of fifteen. Coupled with the lack of further evidence and dependence on assumptions of the Prosecution, we are not convinced beyond a reasonable doubt that the defendant is guilty of the crimes.

# Peacebuilding Commission

## Committee Staff

Director                      Juliane Bade  
Assistant Director       Dominika Ziemczonek  
Chair                         Jonathan Lukas  
Rapporteur                 Derrick Vinson

## Agenda

1. Ensuring Political and Institutional Transition after South Sudan's Independence
2. Improving Transitional Justice Systems in Post-Conflict Situations
3. The Role of Civil Society in Peacebuilding

## Draft report segments adopted by the committee

<b>Document Code</b>	<b>Topic</b>	<b>Vote (Y/ N/ Abstention/ Non-Voting)</b>
PBC/DRS/1/3	South Sudan	Acclamation
PBC/DRS/1/4	South Sudan	Acclamation

## Summary Report

The PBC held its annual session to consider the following agenda items: 1) Ensuring Political and Institutional Transition after South Sudan's Independence; 2) The Role of Civil Society in Peacebuilding; 3) Improving Transitional Justice Systems in Post-Conflict Situations. Representatives of thirty Member States attended the session.

After opening statements had been made on the adoption of the agenda, the PBC set the agenda order at 1, 3, 2. Working groups were formed over the next few commission meetings, and on Monday evening, one working paper was submitted at the end of the session.

The next day, five working papers were submitted on this topic, offering a multitude of goals and recommendations on the issue. One working paper began merging into another, but the remaining four papers remained separate to maintain the integrity of topical divisions. After deciding on some of the more general ideas, delegates engaged in a debate over which groups should be given amnesty and what the criteria for receiving amnesty should include and exclude.

The delegates eventually reached a tacit consensus and continued to make the working papers more detailed and comprehensive. The final segments focused on: stabilization through capacity building and disarmament; political stability; reintegrating militia groups and securing the border between South Sudan and Sudan; and promoting economic and social development.

On Wednesday, the body entered voting bloc and passed two of the five draft segments, both by acclamation. The draft segments adopted by the body were Draft Report Segments 1/3 and 1/4, so they became Report Segments 1/1 and 1/2. The first one focused on truth, reconciliation, and justice, as well as governmental transparency. The second focused on the importance of non-violent, effective and gradual disarmament of militias as the primary step towards a secure and peaceful environment in the Republic of South Sudan and its neighboring countries.

Code: PBC/1

Committee: Peacebuilding Commission

Subject: Ensuring Political and Institutional Transition after South Sudan's Independence

## **I. Introduction**

### **A. POLITICAL STABILITY**

1. The Peacebuilding Commission (PBC) was established in 2005 to bring together relevant actors, including international donors, international financial institutions, national governments, troop contributing countries; to marshal resources and advise on; and to propose integrated strategies for post-conflict peacebuilding and recovery and where appropriate, highlight any gaps that threaten to undermine peace.
2. On June 13, 2011 the PBC and the Economic and Social Council embarked on an informal joint event themed, "Promoting durable peace and sustainable development in the Sudan and South Sudan". Taking place before the official declaration of independence of South Sudan, this event focused on State-building measures that promote political stability. The All-African Parliamentary Group has consistently partnered with members of the African Union to increase the capacity of the South Sudanese legal and political institutions. Members of South Sudan's parliament have benefited immensely from projects such as this as they complete the formation of their constitution.

### **B. DEVELOPING SECURITY IN THE REPUBLIC OF SOUTH SUDAN THROUGH EFFECTIVE DISARMAMENT AND CAPACITY-BUILDING.**

3. The Peacebuilding Commission (PBC) was created in 2005 in accordance with General Assembly Resolution 60/180 and the Security Council resolution 1645 to encourage peace, stability, and development in areas suffering from conflict.

## **II. Mandate**

### **A. POLITICAL STABILITY**

#### **General Background**

4. The Security Council has indicated that South Sudan faces severe challenges in the area of rule of law (*S/2011/678*). Assisting the government in building effective rule of law institutions is a priority for the United Nations Mission in South Sudan (UNMISS). Improving access to humanitarian aid remains a top priority for the Security Council in South Sudan (*S/2011/678*).
5. The Peacebuilding Commission believes in the utmost importance of South Sudan's capacity to lead itself through its transitional period. The PBC has supported efforts to include the South Sudanese government on different UN committees dealing with development. In addition we support any efforts within the Secretariat to invite South Sudan to observe

43 additional committees into which it has not gained membership. This invitation is strictly for  
44 the purpose of educating the South Sudanese Government on the UN body and agency's  
45 histories, purposes, missions, and goals.

- 46
- 47 6. In the *Roadmap of Actions in 2012*, the PBC affirmed its support of national ownership while  
48 carrying out its capacity-building tasks. The *Roadmap of Actions in 2012* further encourages a  
49 regional approach to peacebuilding. Such approaches harmonize regional initiatives and  
50 strategies because regional actors have vested interests in successful peacebuilding. These are  
51 also more effective in defining peacebuilding benchmarks and goals that reflect authentic  
52 regional interests than non-regional actors.
- 53
- 54 7. The PBC's Ad Hoc Working Group on Non-Governmental Organizations (NGOs) has been a  
55 consistent provider of assistance to NGOs and Civil Society Organizations (CSOs) wishing to  
56 increase their political involvement since 2007. With the publication of documents such as the  
57 Provisional Guidelines for Participation of Civil Society in Meetings of the Peacebuilding  
58 Commission, the PBC has created a framework for increased civilian participation. This  
59 framework includes the creation of transparent decision-making processes, increased  
60 coordination between CSOs and NGOs with decision-making processes, and the creation of  
61 organizational committees to increase productivity.
- 62
- 63 8. In 2008, the Peacebuilding Commission worked with the UN in Sierra Leone and  
64 recommended a provision for support initiatives in Sierra Leone by better integrating relevant  
65 UN programs. The PBC's 2010 Progress Report highlighted an increase that had occurred  
66 during the reporting period in collaboration with international and regional partners such as  
67 the International Anti-Corruption Academy and the Economic Community of West African  
68 States. The PBC's lessons in Sierra Leone could be drawn upon for work in South Sudan. In  
69 addition, the recent agreement between the Peacebuilding Fund (PBF) and the African  
70 Development Bank can help to marshal resources needed in South Sudan.

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## 72 **B. ENFORCING SECURITY IN THE REPUBLIC OF SOUTH SUDAN THROUGH**

## 73 **EFFECTIVE DISARMAMENT AND CAPACITY-BUILDING.**

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### 75 **General Background**

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- 77 9. The PBC acknowledges the work of the United Nations Mission in South Sudan (UNMISS)  
78 established by S/RES/1996 and recalls the role the Commission has had in Sierra Leone  
79 (PBC/2/SLE/1) in recent years, in particular regarding disarmament and capacity-building  
80 affairs in the security sector. The PBC can play a crucial role in bringing all relevant actors to  
81 work in a coordinated and efficient manner towards a more effective, peaceful, and durable  
82 stability. In doing so, the Peacebuilding Commission emphasizes the importance of  
83 implementing a viable Disarmament, Demobilization and Reintegration program as well as  
84 putting in place a strong capacity-building strategy in the Republic of South Sudan.
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## 86 **III. Conclusions and Recommendations**

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### 88 **A. POLITICAL STABILITY**

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10. The PBC is committed to the creation of a Country Specific Configuration for South Sudan. The PBC recommends that the General Assembly encourage South Sudan to invite the PBC for a field visit. Doing this would give the PBC the ability to obtain first-hand information and assess the challenges ahead in reference to political stability in the region. Furthermore, the PBC would be able to communicate its main principles and objectives as described within the Working Group on Lessons Learned as they apply to South Sudan to explain to the government the benefits of requesting PBC involvement. To further incentivize the creation of a CSC in South Sudan, the PBC highlights the PBC chair's note during the informal meeting of the organization committee on March 30, 2011 which states that motivations for a country to request a CSC include increased funding from the PBF and a higher political profile internationally.
11. In order to promote and facilitate a dialogue between the governments of Sudan and South Sudan the PBC encourages states and multinational organizations to coordinate meetings between the two governments. Among others, particularly effective actors for this would be the African Union Peace and Security Council, individual states wishing to foster diplomacy, or the European Union African Peace Facility.
12. The PBC recognizes the importance of the UNMISS. UNMISS has helped to reintegrate former militia members into the Sudanese military and is integral for a number of development objectives not the least of which is controlling ethnic violence and protecting women's rights. Therefore, the PBC invites the Security Council to consider the extension of the mandate of the mission beyond 2012 so that the peacekeeping and peacebuilding process will continue.
13. The PBC suggests that the Secretariat recommend the East African Community (EAC) to establish relations with, or include in membership, both Sudan and South Sudan with the aim of helping facilitate travel between the two countries, issues of citizenship, and the safe return of refugees to their respective countries. The matter of citizenship is highly contentious and multifaceted. Thus, the EAC should keep in mind that extensive dialogue will likely be required to form a solution. The PBC will extend its assistance in co-ordinating meetings with the EAC, Sudan, and South Sudan.
14. The PBC eagerly awaits the results of the national constitutional review commission which was established by the President of South Sudan in January 2012, and is due to report by January 2013. While always remaining respectful of South Sudan's autonomy in drafting its constitution, the PBC is willing to organize actors and marshal resources to support the constitutional review commission.
15. Article 24 of the Transitional Constitution of South Sudan ensures government accountability through enhanced civilian involvement in oversight and reporting of government proceedings. The PBC encourages the General Assembly to support initiatives that promote such goals such as the UK's Commission for Africa to support the South Sudan Anti-Corruption Commission Act.

- 135 16. The PBC, with South Sudan’s consent, encourages the Secretariat to coordinate with  
136 international bodies, such as the United Nations Commission on Crime Prevention and  
137 Criminal Justice to provide legal assistance to South Sudan. First, training should be  
138 provided to South Sudanese judges. The training should be directed to help judges  
139 understand international legal standards while respecting local legal customs. Second, the  
140 PBC highly recommends that hybrid courts be established. In these courts, judges from other  
141 courts—regional and intercontinental—will work directly with South Sudanese judges to  
142 reduce judicial corruption and provide the South Sudanese judges with mentors. The PBC  
143 asserts that domestic cases should be strictly limited to the purview of South Sudanese judges  
144 as being sentenced by an international judge on a domestic issue may breed animosity against  
145 the international work in South Sudan. However, the PBC identifies no risk in international  
146 judges serving as mentors for South Sudanese judges on domestic cases.  
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- 148 17. The PBC suggests the creation of an unfettered channel of communication to address public  
149 concerns through the establishment of a truth forum organized by Civil Society  
150 Organizations and Non-Governmental Organizations. The truth forum would give South  
151 Sudanese civilians an outlet to express concerns about the legal and judicial system in their  
152 community. Upon their creation, truth forums would be encouraged to publish reports so that  
153 UN organizations can better address legal concerns in South Sudan. The truth forums are  
154 intended to provide a platform for citizens seeking advice or consultation regarding perceived  
155 injustices. The forum should be equally accessible for all South Sudanese, including women.  
156 While not acting as a judiciary body *per se*, the forums will provide a place to publicly  
157 express grievances.  
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- 159 18. The PBC draws on the success of “Your Local Representative” in Ukraine to recommend  
160 that the UN Country Team or UNMISS establishes a program to broadcast information on  
161 the work of South Sudanese elected officials. The PBC identifies radio and social media as  
162 mediums that would be practical to broadcast in rural parts of South Sudan and would engage  
163 youth. The programs should strive to objectively report on policy work by elected  
164 representatives and broadcast in a way that the constituents of an elected official—even if he  
165 or she represents a small locality—are aware of their respective official’s work. This would  
166 give the people of South Sudan access to information regarding their elected officials and  
167 lead to more responsible governance. These programs should also consider broadcasting  
168 national political news. Transparency will need to be consistent in order to reinstate a climate  
169 of trust. The transitional period will pass successfully because civil society will be inclined to  
170 invest energy and funds in the reconstruction.  
171
- 172 19. The PBC wishes to draw upon its history in supporting programs such as Rwanda’s Mobile  
173 School of Governance (MSG), to derive applicable lessons in peacebuilding for South Sudan.  
174 This tier of programming has been responsible for trainings and workshops for local  
175 governments. Rwanda has expressed its interest in sharing lessons from the MSG with the  
176 PBC so that they can be applied to similar work in South Sudan. This MSG was funded and  
177 implemented by the Ministry of Internal Affairs in Rwanda. Thus, the lessons offered by  
178 Rwanda would be most applicable to a South Sudanese MSG if the government likewise  
179 implements that MSG. The PBC calls upon ECOSOC to co-coordinate donor meetings in  
180 which donors could be recruited to provide South Sudan with funding to implement MSGs.

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**B. ENFORCING SECURITY IN THE REPUBLIC OF SOUTH SUDAN THROUGH EFFECTIVE DISARMAMENT AND CAPACITY-BUILDING.**

20. The PBC recognizes non-violent, effective and gradual disarmament of militias as the primary step towards a secure and peaceful environment in the Republic of South Sudan and its neighboring countries. The PBC acknowledges the challenges faced by all actors involved in the disarmament process. The Commission believes that a UN-led multi-agency approach can help foster better disarmament practices. UNMISS and the United Nations Development Programme (UNDP) are already involved in the process. However the Commission is also in favor of the United Nations Children’s Fund (UNICEF) coordinating DDR programs for children as done in Liberia. The Commission encourages local NGOs to get involved in the process. Thanks to experiences recorded and analyzed by the Working Group on Lessons Learned, the PBC feels that it has the necessary expertise to help South Sudanese authorities and UNMISS improve the different disarmament processes in a positive and effective way.
21. The PBC recognizes the work in disarmament that has been done by the Sudan’s People Liberation Movement (SPLM). The Commission understands that a sudden influx of small arms can cause tremendous difficulties for the South Sudanese government in asserting its authority and sovereignty over its own territory. The Commission feels that the Republic of South Sudan can coordinate with fellow UN agencies to foster improved rules of governance over disarmament programs. The PBC recommends that the South Sudanese government maintains its amiable working relationships with UN bodies in regards to the disarmament of militias so that progress with this initiative can continue to be made.
22. In particular, the Commission highlights the work undertaken by multiple UN agencies such as UNMISS, UNDP, UNICEF, the World Food Program (WFP) in creating an efficient and sustainable DDR (Disarmament, Demobilization, and Reintegration) program in Sierra Leone. The current DDR program in the Republic of South Sudan has gained crucial lessons from the DDR program in Sierra Leone. The PBC feels that the DDR program is tremendously important and can be improved even further. The PBC can serve as a forum that may bring all relevant actors involved in DDR programs together in order to develop best practices. Of particular importance is the Working Group on Lessons Learned thanks to its expertise gained by its experience with the PBC in Sierra Leone, Burundi, and Liberia.
23. In order to ensure lasting disarmament of militias, the PBC deems it necessary to create opportunities for former militias to be integrated into a professional life, whether it be civilian or military.
24. In the foreseeable future, the PBC invites all relevant UN and nongovernmental actors to provide peace dividends to militia who accept to decommission their weapons. Those peace dividends are aimed at providing immediate incentives for those individuals to disarm. Peace dividends usually take the form of money but may include, though are not limited to, material dividends such as: grain, rice, and cattle. As the Press Statement of the Peacebuilding Commission (PBC/53) points out, the Commission understands that peace dividends are not lasting solutions to the economic motives behind violent mobilization, but



227 they are a first step in getting the disarmament process started.  
228

229 25. The Peacebuilding Commission recognizes the importance for the South Sudanese  
230 government to uphold President Salva Kiir's past declaration to grant a public amnesty for all  
231 militia groups as it was reported to the Security Council in the Secretary General report on  
232 South Sudan (S/2011/678). Crimes of genocide, crimes against humanity, and war crimes, by  
233 any actor of any type remain subject to international law and international humanitarian law,  
234 which are founded in the United Nations Charter and the Geneva Convention.  
235

236 26. In the long term, former militias need to be given professional opportunities that provide  
237 alternatives to cattle raiding and reintegrate them into society. Militias resort to violence in  
238 order to gain economic benefits. Removing their weapons does not address the root causes of  
239 the problem, as those individuals will remain unemployed and unable to make a living.  
240 Addressing the massive unemployment of the South Sudanese youth is therefore crucial for  
241 achieving disarmament in the country.  
242

243 27. The Peacebuilding Commission emphasizes that the reintegration of former armed militia  
244 into the South Sudanese army is an effective way of providing jobs to some of these  
245 individuals, but is at the same time concerned by the destabilizing potential of an overly  
246 powerful and assertive army. As it has been illustrated in several contemporary post-conflict  
247 situations, hasty reintegration can have negative consequences on peace and stability.  
248 Therefore, support by international actors and capacity-enhancers should be given whenever  
249 it can, so that the reintegration process can be executed in a responsible way. The PBC  
250 recommends that the army of the Republic of South Sudan should be a flexible and well-  
251 trained force that defends the rights and lives of the country's population.  
252

253 28. In answering the need for more inclusive Disarmament, Demobilization, and Reintegration  
254 (DDR) programs, especially the Republic of South Sudan Disarmament Demobilization and  
255 Reintegration Commission (RSSDDRC), the PBC recommends the Security Council takes up  
256 this issue and expand the mandate of the United Nations Institute for Disarmament Research  
257 (UNIDIR) which institutes programs that reduce the amount of access individuals have to  
258 small arms.  
259

260 29. The Peacebuilding Commission has determined that in order to enhance the stability of both  
261 the political institutions and security situation, it is crucial to recognize the necessity for  
262 capable and accountable security forces. The PBC recognizes security forces as all actors  
263 authorized by the South Sudanese Government. Such a process is crucial for political  
264 transition, democracy, and long lasting peace. According to the logic outlined by the Security  
265 Council - SC/8958 (2007), such reforms will not only allow for the enhanced protection of  
266 South Sudanese civilians but will also increase the state's legitimacy in the eyes of its own  
267 people. Having been ravished by decades of brutal civil wars, it is crucial to grow and  
268 maintain a climate of trust and to bridge the gap between South Sudanese civilians and the  
269 security forces.  
270

271 30. Recalling the need to put an end to violent social disputes based on ethnic, tribal and  
272 religious differences, the PBC recommends that UNMISS advises the Sudan's People

273 Liberation Army on the implementation of a framework aimed at guaranteeing a proportional  
274 ethnic, tribal and religious representation at all levels of the military establishment.  
275 Considering the concerning security situation in the Republic of South Sudan, the PBC  
276 stresses the importance of transforming the Sudan People's Liberation Army from a quasi-  
277 organized force into an accountable, professional and operational force.  
278

279 31. South Sudanese security forces, whether South Sudan Police Services (SSPS) or Sudan  
280 People's Liberation Army (SPLA) should have the fundamental knowledge and the  
281 necessary skill sets to maintain long term operational capability. Therefore, the PBC supports  
282 the implementation of further training programs based on the DPKO's efforts and the  
283 provision of technical assistance and equipment in order to increase the capabilities of the  
284 South Sudanese security forces. The training of South Sudanese security forces follows the  
285 logic of local ownership. While the presence of UNMISS troops is crucial at this point, the  
286 people of South Sudan and the government need to have ownership of the peace stability and  
287 security in the long term. In doing so, the PBC recommends that more international military  
288 advisors and civilian observers, be on the ground. As instability in South Sudan has the  
289 potential to affect the whole region, this concern must be addressed at both national and  
290 regional levels. The PBC recommends that advisors from the African Union and the East  
291 African Intergovernmental Authority on Development (IGAD) offer their support to the  
292 Sudanese security forces.  
293

294 32. Considering that South Sudan must develop its own capacity to create and maintain a  
295 national infrastructure, the PBC recommends that UNMISS works with the South Sudanese  
296 military to create a strong but accountable military corps of engineers. This would provide  
297 South Sudan with the knowledge and skill sets required for sustainable development of the  
298 national infrastructure.  
299

300 33. Regarding the implementation of effective security institutions, the PBC supports the  
301 implementation of an accountable military and police academy, in which to train South  
302 Sudanese citizens and further develop South Sudan's Ministry of Defense and Veteran  
303 Affairs. Considering past failures in other post-conflict societies, the PBC recommends that  
304 the head of the Ministry remain under civilian control. As of now, the SPLA has very little  
305 civilian oversight, and in the longer term this issue should be addressed by the South  
306 Sudanese government and other actors as decided upon by the South Sudanese government.  
307

308 34. In order to implement a climate of trust and ensure the implementation of policies  
309 representative of international legal norms and subsequent programs within the South  
310 Sudanese security forces, it is crucial to bridge the gap between civilians and security forces  
311 and guarantee civilian oversight and accountability over security actors. Recognizing the  
312 success of the *Independent Police Complaints Review Board* in Sierra Leone (PBC/2/SLE/1;  
313 25 (i)), the PBC suggests the South Sudanese Government implement of a similar review  
314 board for the Republic of South Sudan in order to foster dialogue between security and non-  
315 security actors.

# Security Council A

## Committee Staff

Director                      Michael Büchl  
Chair                             Andrew Smith

## Agenda

1. Nuclear Disarmament and Non –Proliferation
2. Enhancing Efficiency and Credibility of UN Sanctions
3. Managing Peace, Security, and Prosperity in the South China Sea

## Resolutions adopted by the committee

<b>Document Code</b>	<b>Topic</b>	<b>Vote</b>
SCA/RES/1/1	Nuclear Disarmament and Non-Proliferation	14/0/0
SCA/RES/1/2	Nuclear Disarmament and Non-Proliferation	12/0/2
SCA/RES/1/3	Nuclear Disarmament and Non-Proliferation	13/0/1

\*Please note that Security Council A did not adopt a resolution or presidential statement on the crisis topic.

Code: SC/1/1  
Committee: Security Council  
Subject: Nuclear Disarmament and Non-Proliferation

1 *Recalling* the commitments made in its resolution 1540 (2004) on the importance of preventing  
2 the transfer of nuclear weapons materials to non-state actors,

3  
4 *Further recalling* its resolutions 1673 (2006), 1810 (2008), 1887 (2009) and 1977 (2011),

5  
6 *Affirming* that proliferation of nuclear weapons, as well as their delivery systems, poses a great  
7 threat to international peace, security and stability,

8  
9 *Affirming* the success of the UK-Norway Nuclear Disarmament Verification Program in  
10 facilitating in the creation of successful nuclear disarmament frameworks,

11  
12 *Deeply concerned* by the potential for nuclear weapons materials and technology to be acquired  
13 by terrorist and non-state actors,

14  
15 *Recognizing* the importance of ensuring that prevention of nuclear weapons proliferation should  
16 not impede on a State's sovereign right to develop nuclear technology for peaceful purposes, as  
17 indicated in Article 4 of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT),

18  
19 *Drawing attention to* the need for multilateral cooperation between national, sub-regional,  
20 regional and international bodies, to ensure a united global response to this grave threat to  
21 international peace and security,

22  
23 *Welcoming* the ratification and entry into force treaty between the Russian Federation and the  
24 United States of America for the Further Reduction of Strategic Arms (new START),

25  
26 *Looking forward* to the possibility of a world free of nuclear weapons,

27  
28 *Cognizant* of the serious threat nuclear weapons pose to international peace and security,

29  
30 *Acting* under Chapter VII of the Charter of the United Nations,

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32 *The Security Council,*

- 33  
34 1) *Recognizes* that some States may require assistance in implementing the provisions of  
35 resolution 1540 (2004) within their states;  
36  
37 2) *Encourages* States to further prepare, on a voluntary basis, national implementation action  
38 plans mapping out their priorities and plans for implementing the provisions of resolution  
39 1540 (2004),  
40  
41 3) *Calls for* States to share best practices regarding their implementation of resolution 1540  
42 (2004) in their specific regions;  
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- 44 4) *Recommends* that nuclear weapon States and non-nuclear weapon States work together to  
45 create effective safeguard frameworks, such as those established by the UK’s Office of  
46 Civil and Nuclear Security or any other appropriate models as deemed by the state, to  
47 ensure the necessary protection of nuclear materials, technology, information, and  
48 intelligence such as:  
49
- 50 a) Ensuring the effective management of nuclear weapons stockpiles and information  
51 within the auspices of the NPT for the purpose of identifying potential shortcomings  
52 in the general security of nuclear material transfers,  
53
  - 54 b) Increasing efforts to identify assistance needs through dialogues and other venues and  
55 encouraging States to request assistance when needed,  
56
  - 57 c) Encouraging international and regional organizations as well as other entities, to assist  
58 member States by facilitating the exchange of experiences and lessons as stated in its  
59 resolution 1540 (2004);  
60
- 61 5) *Urges* State governments to adopt national policies that aid and promote the  
62 implementation of the Additional Protocol of the International Atomic Energy Agency  
63 (IAEA) as a means to advance the safety of nuclear materials, technology and  
64 information, and intelligence;  
65
- 66 6) *Calls* for domestic regulatory agencies to increase the frequency of their security and  
67 safety reviews of safeguard mechanisms that are in place to ensure that there is no  
68 oversight in protocol to protect the security nuclear materials” to read “to protect the  
69 security of nuclear materials, technology and information, and intelligence and to further  
70 work in coordination with the IAEA to monitor the use of nuclear facilities ;  
71
- 72 7) *Calls Upon* Member States to work towards global non-proliferation and disarmament  
73 through the full realization of its resolutions 1540 (2004) and 1810 (2008);  
74
- 75 8) *Decides* that all Member States involved in nuclear disarmament, including those in  
76 possession of nuclear weapons, shall provide annual reports to the Security Council  
77 Committee established pursuant to resolution 1540 (hereinafter “the Committee”)  
78 regarding that states progress in disarmament affairs for that year, if any has been made,  
79 insofar that the public dissemination of this information does not pose a threat to  
80 international peace and security or would otherwise be contrary to the purposes and  
81 principles of the United Nations;  
82
- 83 9) *Suggests* that States enact the principles of the Proliferation Security Initiative for the  
84 reduction of stockpiles of nuclear weapons and related materials that can be utilized for  
85 non-peaceful purposes present in that State;  
86
- 87 10) *Recommends* that Member States evaluate domestic policies to ensure that they do not  
88 hinder disarmament efforts, as demonstrated by the UK Nuclear Policy Unit, and take into  
89 consideration the reports of other Member States that are submitted to the Committee in  
90 accordance with the present resolution, and urges states to take any steps necessary to

91 resolve conflicts between domestic policy and international agreements concerning  
92 disarmament;

93  
94 11) *Directs* the Chairperson of the Committee to annually brief the Council on reports  
95 submitted to the Committee by Member States, and on potential conflicts between  
96 policies being implemented by different Member States, and provide special briefings as  
97 requested by the security council;

98  
99 12) *Decides* that these briefings shall be held at public meeting of the Security Council unless  
100 otherwise requested by the chairperson of the Committee when the public dissemination  
101 of the contents of the briefing would pose a threat to international peace and security or  
102 would otherwise be contrary to the purposes and principles of the United Nations;

103  
104 13) *Decides* to remain seized of the matter.

Code: SC/1/2  
Committee: Security Council  
Subject: Nuclear Disarmament and Non-Proliferation

1 *Aware* of the danger that the misuse of nuclear technology poses to the existence of the  
2 humankind,  
3  
4 *Reaffirming* that the proliferation of nuclear weapons, as well as their means of delivery,  
5 constitutes a threat to international peace and security,  
6  
7 *Reaffirming* the need for all Member States to comply fully with their obligations and fulfill their  
8 commitments under the NPT and the IAEA safeguard agreements,  
9  
10 *Reaffirming* that prevention of proliferation of nuclear weapons should not hamper the  
11 international cooperation concerning materials, equipment and technology for peaceful purposes,  
12  
13 *Emphasizing* the importance of the Nuclear Non-Proliferation Treaty (NPT) for the security of the  
14 world and its importance for mutual trust among the Member States,  
15  
16 *Recognizing* that the NPT is a foundation for nuclear non-proliferation and welcoming the  
17 Member States who have signed, ratified and fully implemented the Treaty,  
18  
19 *Stressing* the need for all Member States to comply fully with the obligations under the NPT,  
20  
21 *Welcoming* the commitment and efforts made by Member States, who have signed and ratified  
22 the Comprehensive Nuclear-Test-Ban Treaty (CTBT), towards faster disarmament and firm non-  
23 proliferation,  
24  
25 *Emphasizing* the necessity for the creation of a treaty that prohibits the new production of fissile  
26 material used in the creation of nuclear weapons, and *considering* the Fissile Material Cut-Off  
27 Treaty (FMCT) to be the appropriate future document for this purpose,  
28  
29 *Recalling* Article 2, Section 4 of the UN Charter that bans the use or threat of force in resolving  
30 international disputes, including nuclear related disputes,  
31  
32 *Recalling* Conference on Disarmament resolution 1864 (CD/1864) which established a Working  
33 Group tasked with negotiating a treaty banning the production of fissile material for nuclear  
34 weapons or other nuclear explosives;  
35  
36 *Keeping in mind* that the NPT, CTBT and FMCT should not jeopardize States sovereignty,  
37  
38 *Acting* under Chapter VII of the United Nations Charter,  
39  
40 *The Security Council*,  
41  
42 1) *Encourages* all States who have not signed the NPT to do so without further, undue  
43 delays;

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72
- 2) *Emphasizes* the importance of close cooperation between Member States and the International Atomic Energy Agency (IAEA);
  - 3) *Further Emphasizes* the necessity of rapid entry into force of the CTBT;
  - 4) *Welcomes* the commitment and efforts made towards faster disarmament and firm non-proliferation by Member States that have signed and ratified the CTBT;
  - 5) *Endorses* the work of Preparatory Committee of Comprehensive Nuclear-Test-Ban Organization (CTBTO) in building the capacity for implementation of the Treaty through the creation of a verification system that consists of the International Monitoring System, International Data Center and On-Site Inspections;
  - 6) *Urges* the Member States listed in Annex II of the CTBT, who have not signed and ratified it, to do so rapidly and without preconditions to facilitate the process of entering the Treaty into force;
  - 7) *Underlines* the need to establish a moratorium for all States on production of highly-enriched nuclear fuel, used exclusively for military purposes, as defined by the IAEA;
  - 8) *Strongly urges* the Conference on Disarmament (CD) to prioritize its commitment to the development of a Fissile Material Cut-Off Treaty as guided by the CD Resolution 1864 (2009);
  - 9) *Requests* the Secretary-General to submit the annual report on the progress that is being made in the CD for consideration in the Security Council;
  - 10) *Decides* to remain seized of the matter.



Code: SC/1/3  
Committee: Security Council  
Subject: Nuclear Disarmament and Nonproliferation

1 *Recalling* Security Council Resolutions 1172 (1998), 1540 (2004), 1673 (2006), 1810  
2 (2008), 1887 (2009), 1977 (2011) and the foundation for nuclear disarmament and  
3 nonproliferation established by these documents,

4  
5 *Reaffirming* the importance of the Review Conference of the Parties to the Treaty on the  
6 Nonproliferation of Nuclear Weapons (NPT) as it is the only body that specifically  
7 assesses the development of the NPT,

8  
9 *Drawing* attention to the disparity between Article 10 of the NPT and Article 56 of the  
10 Vienna Convention on the Law of Treaties as extending the withdrawal period from the  
11 NPT would be a critical factor in the continued maintenance of international peace and  
12 security,

13  
14 *Emphasizing* the importance of international co-operation and compliance with the  
15 Nuclear Nonproliferation Treaty (NPT),

16  
17 *Reaffirming* Article 26 of the United Nations Charter, which tasks the Security Council  
18 with the responsibility of formulating a system for the regulation of armaments,

19  
20 *Noting with Satisfaction* the success of previous nuclear weapon free zones (NWFZ) such  
21 as those established under the Treaty of Pelindaba, the Treaty of Tlatelolco, and the  
22 Treaty of Rarotonga,

23  
24 *Noting* the need for establishing a framework that facilitates the creation of multiple  
25 NWFZs,

26  
27 *Realizing* that without multilateral dialogue, implementation of NWFZs cannot be  
28 achieved,

29  
30 *Bearing in mind* that NWFZs may be complementary to biological and chemical weapons  
31 free zones,

32  
33 *Further Recalling* the 1995 NPT review conference, which stressed that a nuclear  
34 weapons free Middle East is critical for global security,

35  
36 *Concerned by* the lack of dialogue between Member States that has prevented the  
37 implementation of the 1995 NPT revision which called for a NWFZ in the Middle East  
38 from entering into force,

39  
40 *Applauding* the Treaty between the United States of America and the Russian Federation  
41 on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (New

42 START),which seeks to diminish both States’ nuclear weapons stockpile and relevant  
43 delivery systems,

44

45 *Recognizing* the “Additional Protocol” system created by the International Atomic  
46 Energy Agency (IAEA) as a positive step in the regulation of nuclear materials and  
47 technologies,

48

49 *Further recognizing* that steadfast advancements in nuclear weapons technology is an  
50 imminent threat to international peace and security,

51

52 *Stressing* the importance of the safe and controlled production of Low Enriched Uranium  
53 (LEU) through the framework of the Nuclear Fuel Bank (NFB) for the purpose of  
54 peaceful development and distribution of nuclear materials for signatories of the NPT,

55

56 *Noting with deep concern* the rise of non-state actors seeking to acquire nuclear  
57 capabilities for non-peaceful purposes,

58

59 *Deeply Disturbed* by the unwillingness of Member States of the United Nations to  
60 voluntarily ratify the NPT and the IAEA “Additional Protocol”,

61

62 *Recognizing* Article 47 of the United Nations Charter that creates a Military Staff  
63 Committee (MSC) to advise and assist on all matters of armament regulation and possible  
64 disarmament,

65

66 *The Security Council,*

67

68 1) *Calls for* the universal acceptance of the Nuclear Nonproliferation Treaty  
69 (NPT),without undue delay, by all Member States as a foundation for discussions  
70 on nuclear disarmament and subsequent disarmament and nonproliferation efforts  
71 on a global level and in that regard:

72

73 a. Suggests one of the platforms for discussion and implementation of  
74 universalizing the NPT be the Review Conferences of the Parties to the Treaty  
75 on the Nonproliferation of Nuclear Weapons so that Member States with  
76 concerns or questions be given opportunities to share individual concerns;

77

78 b. Recommends the IAEA Board of Governors oversee and discuss improving  
79 and furthering the effectiveness of the NFB previously approved by the IAEA,  
80 with the purpose of providing an international common source of LEU to  
81 Member States interested in pursuing nuclear energy for peaceful purposes  
82 that would act as a direct supply for nuclear power reactors throughout the  
83 world on a non-discriminatory and apolitical basis that allows further  
84 transparency in the arena of nuclear fuel attainment to ensure non-State actors  
85 are not granted nuclear materials;

86

- 87 c. Calls upon the Review Conference to include discussions and possible  
88 amendments to ensure ongoing and long-term efficacy of the NPT such as  
89 extending the treaty's withdrawal period to twelve months;  
90
- 91 2) *Requests* all Member States ratify and adhere to the Additional Protocol  
92 Mechanism adopted by the International Atomic Energy Agency (IAEA);  
93
- 94 3) *Encourages* all Member States to adopt national legislation as a basis for  
95 maintaining their nuclear weapon programs that seeks to implement the  
96 frameworks of the NPT and the Additional Protocol while upholding State  
97 sovereignty;  
98
- 99 4) *Recommends* the MSC be utilized as a body to facilitate negotiations, at the  
100 consensual request of the involved Member States, on activities that involve the  
101 maintenance of international peace and security in matters of nuclear disarmament  
102 and nonproliferation, including but not limited to:  
103
- 104 a. Overseeing discussions regarding the cessation of technological research and  
105 development of nuclear weapons;  
106
- 107 b. Mediating ongoing discussions or regional conferences on the matters of the  
108 NPT and nuclear disarmament;  
109
- 110 c. Consulting with non-signatory NPT states in the implementation of the  
111 provisions of the NPT;  
112
- 113 5) *Calls on* the IAEA in conjunction with the MSC to work on matters involving  
114 implementation of the NPT and the Additional Protocol;  
115
- 116 6) *Further Calls upon* all States in possession of nuclear weapons to abide by and  
117 emulate the model of the Russian Federation and the United States of America's  
118 new START Treaty;  
119
- 120 7) *Recommends* that an annual forum for all Member States be held to increase  
121 global dialogue and negotiation on nuclear disarmament and nonproliferation to  
122 build and maintain mutual trust among actors, whose details will be later  
123 discussed by the body;  
124
- 125 8) *Calls upon* Member States to participate in mediated dialogue in order to foster a  
126 more transparent atmosphere and resume negotiations on NWFZ;  
127
- 128 9) *Urges* the IAEA to create Nuclear Weapons Free Zones by:  
129
- 130 a. Calling upon concerned regional Member States to form a Regional Nuclear  
131 Transparency Committee (RNT) under the auspices of the IAEA to discuss

- 132 the mechanism for the foundation, inclusion and enforcement of specific  
133 regional weapons free zones which:  
134
- 135 i. Shall include advisors from pre-existing successful NWFZs, as well as  
136 relevant non-governmental organizations (NGO's),
  - 137 ii. Shall invite all the permanent members of the Security Council to  
138 participate in an advisory capacity;
  - 139 iii. Will meet bi-annually, on a rotational basis starting in Beirut in 2012;
  - 140 iv. Will be moderated by a Member of a pre-existing NWFZ;
  - 141 v. Shall create a treaty which will govern the NWFZ in question and which  
142 may be based upon previous NWFZ Treaties particularly the 2007 Treaty  
143 of Pelindaba and the Treaty of Tlatelolco;
  - 144 vi. Voting Members shall include only those regional Member States within  
145 the proposed NWFZ;
  - 146 vii. Requires voting Members to state a No First Strike policy during Treaty  
147 negotiations;
  - 148 viii. Requires that all meetings be public and open to international press;
  - 149 ix. Will foster dialogue with the purpose of increasing transparency, trust,  
150 and the signature and ratification of the NPT;
  - 151
- 152 b. Upon the formation of the NWFZ the RNT committee shall become the  
153 enforcing body for the newly established NWFZ advised by the IAEA;  
154
- 155 10) *Calls upon* the IAEA to provide and facilitate any requests for information or  
156 investigation by the RNT committee;  
157
  - 158 11) *Suggests* that a representative of the IAEA be present at all RNT committee  
159 meetings ensuring that regional preferences conform with international standards  
160 on non-proliferation by advising the RNT in any measure requested by the RNT;  
161
  - 162 12) *Confirms* that nations joining NWFZ will be entitled to preferential access to  
163 nuclear materials from fuel banks for peaceful use of nuclear power, provided  
164 they continue to fulfill their obligations under the treaty establishing the NWFZ;  
165
  - 166 13) *Decides* to remain actively seized of the matter.

# Security Council B

## Committee Staff

Director                      Felipe Ante  
Chair                             Annie Charlton

## Agenda

1. Nuclear Disarmament and Non Proliferation
2. Enhancing Efficiency and Credibility of UN Sanctions
3. Managing Peace, Security, and Prosperity in the South China Sea
4. The Situation in Iran

## Resolutions adopted by the committee

<b>Document Code</b>	<b>Topic</b>	<b>Vote</b>
SCB/ 1/1	Nuclear Disarmament and Non-Proliferation	Acclamation
SCB /1/2	Nuclear Disarmament and Non-Proliferation	12 Y 0 N 2 A
SCB /1/3	Nuclear Disarmament and Non-Proliferation	14 Y 0 N 0 A
SCB/4/1	The Situation in Iran	adopted

Code: SCB/1/1  
Committee: Security Council  
Subject: Nuclear Disarmament and Non-Proliferation

1 *Aware of* the dangers imposed on international safety and security by nuclear proliferation,  
2  
3 *Noting* the various reactor technologies currently used to produce nuclear energy and nuclear  
4 fuels as defined by the International Atomic Energy Agency (IAEA), specifically general  
5 information documents provided by the IAEA,  
6  
7 *Recognizing* the importance of the IAEA as the world's central forum for cooperation in the  
8 nuclear field and the importance of the IAEA's Nuclear Security Fund (NSF) for funding nuclear  
9 databases and programs,  
10  
11 *Emphasizing* the utmost importance of the Additional Protocol to the Safeguards Agreements of  
12 the IAEA for the security and control of nuclear materials,  
13  
14 *Seeking* further information concerning nuclear reactors and disseminating relevant safety  
15 information as it pertains to the development and maintenance of nuclear reactors,  
16  
17 *Bearing in mind* the dangerous nature of highly enriched uranium (HEU) as shown by research  
18 conducted by the Nuclear Threat Initiative (NTI), in particular concerning the ease by which  
19 HEU can be weaponized by non-state actors,  
20  
21 *Taking into consideration* the peaceful utility of low-enriched uranium (LEU) in accordance with  
22 sentiments of the NTI,  
23  
24 *Observing* the need for the continuation of civil and peaceful uses of nuclear energy and the  
25 inherent benefits thereof,  
26  
27 *Noting* the relevant authority of the IAEA on matters of nuclear consequence,  
28  
29 *Taking into consideration* the necessity of proper funding to aid in new peaceful nuclear energy  
30 initiatives,  
31  
32 *Recognizing* the importance of the Security Council maintaining proper communication with  
33 IAEA regarding nuclear matters and initiatives the Security Council delegates to the IAEA,  
34  
35 *Firmly believing* that it is only through multilateral cooperation that Member States may achieve  
36 the goals of nuclear disarmament and non-proliferation,  
37  
38 *Deeply convinced* of the importance of the continuation of safety baseline guidelines provided by  
39 the IAEA,  
40  
41 *Affirming* that nuclear terrorism is serious threat to international peace and security,  
42

43 *Recalling* the Convention on the Physical Protection of Nuclear Material of 1980 and the Seoul  
44 Communiqué at 2012 Seoul Nuclear Security Summit due to the work done towards creating  
45 significant solutions for nuclear security problems,

46  
47 *Recognizing* that uncontrolled exportations of nuclear materials constitute a danger for the  
48 international security,

49  
50 *Noting with regret* that due to a lack of human resources, there is no system in which all states are  
51 able to access the latest nuclear technology in order to secure nuclear materials from nuclear  
52 terrorism,

53  
54 *Recalling* the spirit of cooperation set forth of S/RES/1887, which reaffirms the international  
55 community's goal to the global nonproliferation regime based on the Nuclear Nonproliferation  
56 Treaty,

57  
58 *Supporting* the improvement of security for nuclear weapons materials to prevent terrorists from  
59 acquiring materials essential to develop nuclear weapons,

60  
61 *Guided by* the importance of the All In One Surveillance System (ALIS) of the IAEA in creating  
62 adequate monitoring systems,

63  
64 *The Security Council,*

65  
66 1) *Affirms* the continuation of the role of the IAEA in promoting multilateral solutions to  
67 nuclear security and safety on a global scale;

68  
69 2) *Calls for* the IAEA to create a ranking and classification of the different reactors and  
70 different reactor fuels in order to promote safety to:

71  
72 a) Establish a clear list of the advantages and disadvantages of different reactor types  
73 including:

74  
75 i) Boiling Water,

76  
77 ii) Pressurized Water,

78  
79 iii) Liquid-Metal Fast-Breeder;

80  
81 b) Establish a list of the advantages and disadvantages of different reactor fuels  
82 according to the following categories:

83  
84 i) Ease of weaponization,

85  
86 ii) Ease of waste disposal,

87  
88 iii) Possibility of meltdown;

89

- 90 3) *Strongly recommends* the creation of a database in order to provide Member States  
91 relevant safety information on the safe planning, creation and operation of nuclear  
92 reactors as a means of furthering the Safeguards Agreement as well as the Additional  
93 Protocol;  
94
- 95 4) *Asks* Member States to eliminate HEU from their stockpiles of nuclear fuel;  
96
- 97 5) *Calls for* the creation of a International Nuclear Fuel Bank (INFB) which would have the  
98 primary function of maintaining a reserve of nuclear fuel to be used:  
99
- 100 a) As a apolitical and unbiased source of nuclear supply which would allow for the  
101 pursuit of civil nuclear energy programs around the world,  
102
- 103 b) As a means to allow those countries without a civil nuclear enrichment program  
104 access to nuclear fuel so as to promote peaceful use of nuclear energy,  
105
- 106 c) As a pathway for nations who are compliant to the IAEA's guidelines on transparency  
107 to access nuclear material from the INFB for state-run civil research;  
108
- 109 d) To facilitate a database which would provide research and technical information  
110 relating to civil nuclear energy programs, as voluntarily provided by participating  
111 Member States, to countries who are completely compliant with IAEA guidelines on  
112 nuclear power;  
113
- 114 e) As a multilateral approach to promoting peaceful uses of nuclear energy without  
115 hindering the right of Member States in building their own civil nuclear energy  
116 programs in accordance with the guidelines for safe and secure civil nuclear energy  
117 programs as set forth by the IAEA;  
118
- 119 f) In a secure manner through the creation of communication codes to prevent fraudulent  
120 behavior within the INFB.  
121
- 122 6) *Emphasizes* the necessity that the INFB be organized, managed, and controlled through  
123 the oversight of the IAEA, which will be responsible for establishing the administrative  
124 procedures for the INFB, for reasons including, but not limited to:  
125
- 126 a) The role of the IAEA as an independent body far less likely to be impacted by the  
127 political pressures of a single Member State or a small group of Member States,  
128
- 129 b) The ability of the IAEA to manage the INFB in a democratic and integrated manner  
130 utilizing multilateral involvement as further expounded upon in subsequent clause 11  
131 concerning regional cooperation with the IAEA,  
132
- 133 c) The technical knowledge of the IAEA in matters concerning nuclear energy being  
134 greater than those of any other apolitical organization considering its long standing  
135 involvement in nuclear affairs and recognized as an authority on such matters;  
136



- 137 7) *Encourages* the voluntary funding of the INFEB by participating states in addition to IAEA  
138 funding provided by the NSF;  
139
- 140 8) *Suggests* the IAEA to create a program within the INFEB, known as Highly Enriched  
141 Uranium Downgrading Program (HEUDP),  
142
- 143 a) To facilitate the transformation of HEU into LEU by allowing Member States and  
144 non-state actors to give portions of current stockpiles of HEU to the IAEA over time  
145 in return for comparable amounts of LEU blends,  
146
- 147 b) To aid in retrofitting donor states' nuclear facilities for the use of LEU fuel to  
148 eliminate the need of HEU,  
149
- 150 c) As a means to reduce the overall amount of HEU possessed by Member States and  
151 non-state actors worldwide,  
152
- 153 d) To be accomplished by:  
154
- 155 i) Having IAEA appointed coordinators from the INFEB manage the HEUDP in  
156 conjunction with the work of the INFEB,  
157
- 158 ii) Having Member States participating in the HEUDP disclose the state's current  
159 stockpile of HEU to the INFEB coordinators of the HEUDP,  
160
- 161 iii) Having the HEUDP create an individualized timetable for the downgrading of  
162 each state participating in the program's HEU stockpile into LEU as based upon  
163 the technical discretion of the INFEB coordinators of the HEUDP,  
164
- 165 iv) The INFEB being responsible in conjunction with the Member States participating  
166 in the HEUDP for the gradual transfer of a states' stockpile of HEU to the  
167 appropriate regionally based international enrichment center of the INFEB as laid  
168 out by subsequent clause 11 for downgrading into LEU in accordance with the  
169 individually generated state timetables,  
170
- 171 v) The INFEB being responsible in conjunction with the Member States participating  
172 in the HEUDP for the transfer of LEU to those participating Member States in  
173 accordance with the individually generated state timetables,  
174
- 175 vi) Giving the INFEB coordinators the full authority to manage this program in a  
176 responsible manner based on their technical expertise;  
177
- 178 9) *Requests* the IAEA communicate INFEB status updates with the Security Council at annual  
179 meetings, which will communicate the findings to the General Assembly;  
180
- 181 10) *Further requests* the sharing of information among Member States during Nuclear  
182 Security Summit;  
183

- 184 11) *Further recommends* the necessity of the IAEA controlled INFB reserve to be supplied  
185 with nuclear material by regionally based international enrichment centers;  
186  
187 a) The location of which is to be determined by an advisory committee created by the  
188 IAEA specific to this purpose, with careful consideration of the following regional  
189 factors that would pertain to the enrichment center:  
190  
191 i) socioeconomic,  
192  
193 ii) geographic,  
194  
195 iii) political;  
196  
197 b) Allowing for multilateral involvement and cooperation in the production of enriched  
198 reserve material in a manner that:  
199  
200 i) Avoids the potential for a Member State to have its nuclear supply become  
201 dependent on one member nation or small group of member states,  
202  
203 ii) Prevents the commercial abuse of the supply of nuclear material,  
204  
205 iii) Allows the IAEA to work in conjunction with other commercial suppliers of  
206 nuclear fuel and with the governments associated with the regionally based  
207 international enrichment centers to emphasize nuclear assurance programs so as to  
208 reduce the risk of economic exploitation as well as ensure states non-interruption  
209 of enrichment services,  
210  
211 iv) Supported by the multilateral initiatives of the Nuclear Non-Proliferation Treaty  
212 (NPT);  
213
- 214 12) *Strongly suggests* the IAEA and the INFB do not export, store, or import HEU except in  
215 cases where they are using their facilities to degrade HEU to LEU within a reasonable  
216 time, to be determined by the IAEA;  
217
- 218 13) *Demands* the IAEA actively degrade all HEU stockpiles it possesses or may come to  
219 possess as a result of the secure processes of the HEUDP into LEU;  
220
- 221 14) *Further calls* the IAEA to create a framework of guidelines, similar to the Additional  
222 Protocols to the Safeguard Agreements, pertaining to security for the INFB zones,  
223 including but not limited to following areas:  
224  
225 a) All commercial processes related to the handling and logistics of enriched and non-  
226 enriched nuclear material, including tracking the importation and exportation of  
227 materials into a database maintained by the INFB which would include:  
228  
229 i) The names of both the importer and exporter involved in the transportation of  
230 nuclear material,

- 231  
232           ii) The quality and composition of all imports and exports,  
233  
234           iii) Upon arrival, the importing country must notify and verify the originating country  
235               of arriving shipment,  
236  
237           b) The training of all personnel and staff involved in all the activities of the INFB,  
238  
239 15) *Calls upon* the IAEA to ensure adequate human resources for employing the latest  
240       technology concerning nuclear security by:  
241  
242           a) Instructing nuclear specialists in Member States on such implementation by way of  
243               technology diffusion from Member States which have the capacity to develop them;  
244  
245           b) Encouraging the training of nuclear specialists in the case of states which lack such;  
246  
247 16) *Stresses* that all Member States of the United Nations comply with the global  
248       community's precedents set forth by S/RES/1887;  
249  
250 17) *Recommends* to Member States to strengthen their commercial control in borders when  
251       transferring or receiving nuclear materials through implementing the ALIS of the IAEA;  
252  
253 18) *Decides* to remain actively seized of the matter.

Code: SCB/ 1/2  
Committee: Security Council B  
Subject: *Nuclear Disarmament and Non-Proliferation*

1 *Aiming* for a reduction in the number of nuclear weapons towards complete disarmament,  
2

3 *Urging* the members of the Security Council to continue cooperation despite the contentiousness  
4 of the issue and to strive for such an effective cooperation in coming years,  
5

6 *Affirming* that the complete elimination of nuclear weapons is essential for the world's security.  
7

8 *Reaffirming* the 2012 Seoul Communiqué's definition of the role of the IAEA which states that  
9 its role is central in strengthening the international nuclear security framework.  
10

11 *Conscious* of the fact that states without nuclear energy capability should have the right to  
12 acquire it,  
13

14 *Noting with approval* the African Nuclear Weapon-Free Zone Treaty (Pelindaba Treaty) and  
15 commending nations who already have willingly established nuclear-weapon-free zones,  
16

17 *Desiring* that the intended regional divisions have the most democratic function possible in order  
18 to ensure equality among all signatory states of the eventual treaties,  
19

20 *Urging* cooperation among all nuclear and non-nuclear-weapon states in order to move towards a  
21 more peaceful, secure world free of the threat of a nuclear war,  
22

23 *The Security Council B,*  
24

- 25 1. *Calls upon* all nations that possess nuclear weapons to reduce their nuclear materials by  
26 10% over a period of 5 years, from their current stockpiles evaluated in kilograms of  
27 HEU by the technical experts of the IAEA;  
28
- 29 2. *Calls for* the Security Council to reconvene in 5 years, in April 2017, and decide upon a  
30 new percentage of reduction for the following 5 years:
  - 31 a. The Security Council shall meet at the UN Headquarters in 2017,
  - 32 b. The Permanent 5 members of the Security Council's presence is requested;  
33  
34
- 35 3. *Designates* the IAEA as the body which would monitor that states comply with this  
36 resolution; by being physically present for the disarmament of nuclear stockpiles, the  
37 individual who shall be present on location shall be an objective third party designated by  
38 the IAEA for his or her neutrality concerning the disarming state, he or she will turn in a  
39 detailed report to the Security Council upon each disarmament and shall take a binding  
40 oath to truthfully testify on the disarmament;  
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- 42 4. *Demands* the creation of a World Summit that will respond to inquiries of states that are  
43 seeking to develop nuclear energy. This body will:

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- a. Provide comprehensive, unbiased assessment of the arguments of the countries coming forth with the intention of attaining nuclear energy,
  - b. Analyze energy needs and infrastructure capabilities of the forthcoming states,
  - c. Provide training and education in nuclear energy stability through the IAEA to the forthcoming countries,
  - d. Act as an independent and unbiased assessment in which the forthcoming states would defend the legitimacy of their nuclear program; to ensure the unbiased assessment, a panel of five people: two representatives from nuclear-weapon states, two from non-nuclear-weapon states and the fifth person would be from a threshold state,
  - e. Act as an unbiased forum in which states can submit their legitimate security concerns pertaining to nuclear weapons for discussion;
5. *Strongly requests* the creation of treaties to further encourage the creation of nuclear-weapon-free zones:
- a. Divided according to the UN geographical regional groups, the groups are the following: The African Group, the East European Group, the Asian Group, the Latin American and Caribbean Group and the Western European and Others Group,
  - b. These treaties would make reference to the Pelindaba treaty which specifies that its Member States will not seek to attain nuclear weapons in any way or form;
6. *Recommends* that the treaties shall establish regional commissions to ensure compliance with the regional treaties, the provisions of these commissions are the following:
- a. The commissions' goal would be to govern these nuclear-weapon-free zones, the commissions will be free to:
    - i. Choose the location of their headquarters,
    - ii. Choose the frequency at which they will meet;
  - b. The members of the commission are asked to communicate a detailed report of their compliance on a yearly basis during a summit at IAEA headquarters in Vienna, where the heads of each commission will also meet and discuss their progress,
  - c. This commission will consist of representatives from every nation of the UN geographical regional groups;
7. *Suggests* that the structure of these nuclear-weapon-free zone commissions would be as follows:
- a. A rotating president would be elected every year,

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- b. An objective representative from the IAEA would also be assigned in order to monitor the impartiality and neutrality of the presidency in order to avoid the possible conflicts of interests,
  - c. The presidency of the commission shall be determined annually according to the alphabetical order of the names of the signatory states,
  - d. The representative of the IAEA and the President should cooperate in order to ensure equality of treatment and involvement amongst the member states of the regional groups;
8. *Further requests* that the regional committees established by the eventual treaties:
- a. Find ways to provide enough important incentive for all states of said regions to sign and abide by the treaties (details in sub-clause b),
  - b. Incentives may vary according to the region and therefore the responsibility of finding the appropriate incentive would be delegated by the Security Council to the established commission of each region,
  - c. The multi-regional groups would be required to report on their incentive plans to the IAEA upon request in order for the IAEA to monitor progress;
9. *Urges* the eventual signatories of the mentioned treaties concerning regional nuclear-weapon-free zones to abide by their rules and guidelines in order to set an example and encourage disarmament;
10. *Decides* to remain seized of the matter.

Code: SCB/1/3  
Committee: Security Council  
Subject: Nuclear Disarmament and Non-Proliferation

1 *Seized by* the pressing issue of disarmament and nuclear proliferation within the ever-changing  
2 dynamics of the international system,

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4 *Recognizing* the need for nuclear states and nuclear threshold states discuss achievable goals for  
5 nuclear arsenal reductions,

6  
7 *Reaffirming* the principles of Article VI of the Nuclear Non-Proliferation Treaty (NPT) which  
8 states: *Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on*  
9 *effective measures relating to cessation of the nuclear arms race at an early date and to nuclear*  
10 *disarmament,*

11  
12 *Aware* of the right for all states to pursue peaceful uses for nuclear power as outlined under  
13 Article IV Section 1 of the Non-Proliferation Treaty,

14  
15 *Concerned* by the significant quantities of nuclear materials that exist worldwide, paying specific  
16 attention to those materials that pose a high-risk of illicit trafficking, as noted in GOV/2006/46-  
17 GC(50)/13, the IAEA report on Nuclear Security Measures to Protect Against Nuclear  
18 Terrorism,

19  
20 *Fully aware* of the devastating ability of nuclear technology to cause mutually-assured  
21 destruction and the reckless loss of human life,

22  
23 *Recognizing* the considerable body of work that exists on the question of nuclear proliferation and  
24 disarmament, including the Nuclear Proliferation Treaty and the Comprehensive Test Ban Treaty,  
25 that exists on this issue,

26  
27 *Recalling* that the Comprehensive Test Ban Treaty would ban nuclear explosions on earth  
28 whether for military or peaceful purposes,

29  
30 *Understanding* the vested interest of Member States that do not possess nuclear technology and  
31 are willing to pursue nuclear capability,

32  
33 *Commending* the successful efforts of the Treaty of Tlatelolco, the Antarctic Treaty, and the  
34 Treaty of Pelindaba, to create nuclear free zones in Latin American, Antarctica and Africa and  
35 promote nuclear disarmament in those regions,

36  
37 *The Security Council,*

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39 1) *Moves to* convene an annual summit of all nuclear and threshold states run through the  
40 International Atomic Energy Agency, specifically the Department of Nuclear Safety and  
41 Security, for the purpose of setting conditions under which arms reductions could be  
42 achieved by all these states;

43

- 44 2) *Decides* to set the agenda at the summit to consider the following issues, not necessarily  
45 in this order:  
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47 a. Clarifying their nuclear stance,  
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49 b. Conditions for taking steps towards nuclear arsenal reductions or disarmament;  
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51 c. Transparency and evaluation of nuclear facilities,  
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53 d. Re-evaluation and restructuring of existing protocols for the effective monitoring  
54 and safe transportation of nuclear products,  
55  
56 e. Proper disposal protocols for nuclear waste,  
57  
58 f. Technical training and infrastructural support for Member States pursuing peaceful  
59 energy initiatives,  
60  
61 g. Delineating guidelines and principles for ensuring compliance of these measures  
62 by nuclear powers, rogue states and non-state actors;  
63  
64 3) *Invites* one observer Member State from each UN delineated region of the world to  
65 participate in deliberations to represent the views of non-nuclear states:  
66  
67 a. Regional delegates would be selected by their regional bloc, in a similar system as  
68 the rotating Security Council seats work;  
69  
70 4) *Recommends* that the first and second summits be hosted in Latin America and Africa, the  
71 first of which would be held no later than August of 2013:  
72  
73 a. The venue of the summit will be rotated yearly based on the UN designated  
74 regions among the non-nuclear states:  
75  
76 i. The venue will be selected by the consensus of nations attending the  
77 summit;  
78 ii. The location of the summit regionally must be decided at least two years in  
79 advance;  
80 iii. The specific location of the first two summits to be hosted in Latin  
81 America and Africa will be determined in preliminary meetings of the  
82 summit states at a time before August 2013;  
83  
84 b. Chairmanship will be granted to the head of state of the hosting nation or a  
85 representative of their government in order to ensure equitable dialogue and  
86 discussion amongst summit participants;  
87  
88 5) *Decides* to remain actively seized on the matter.



Code: SCB/4/1  
Committee: Security Council B  
Subject: Situation in Iran

1 *Fearing* the great loss of life if the conflict continues between Iran, Israel, and other actors,

2

3 *Reaffirming* the Security Council's mission to maintain peace and security through negotiation  
4 among member states,

5

6 *Recalling* the United Nations Charter and especially Chapter 5, 7, and 34 as an important  
7 instrument in the international arena,

8

9 *The Security Council*

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11 1) *Demands* an immediate cease-fire between Iranian and Israeli forces outside of their own  
12 borders;

13

14 2) *Condemns* all attacks between states and non-state actors in the Middle East Region in  
15 order to prevent the further loss of life;

16

17 3) *Calls* for a mandatory summit between the states of Iran and Israel in Rome, Italy,  
18 April 9, 2012 to discuss maintaining peace and security under the guidelines of the UN  
19 Charter, this summit shall be moderated by the members of United Nations Security  
20 Council;

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22 4) *Decides* to remain seized in the matter.