

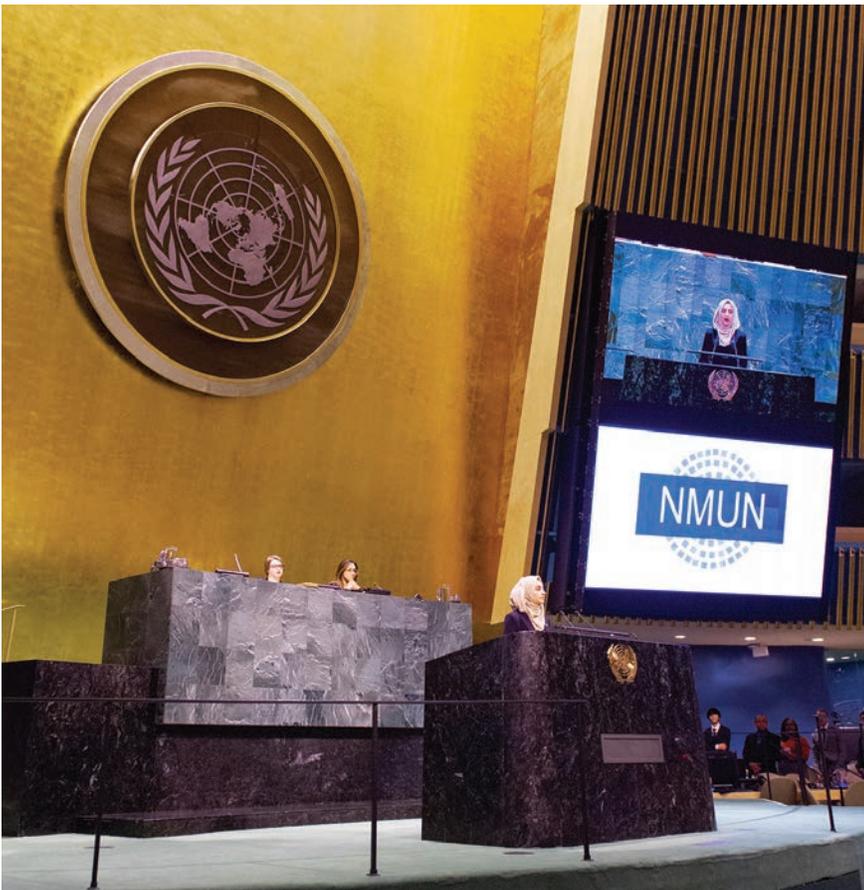


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28 March - 1 April (Conf. A) / 5-9 April (Conf. B)



## General Assembly First Committee Background Guide 2021

Written and updated by: Citlali Mora Catlett and Angelo J. Bechara, Directors  
Aemin Becker and Ashlee Rolheiser, Assistant Directors, with contributions from Martina Paoletti



# NATIONAL MODEL UNITED NATIONS



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Dear Delegates,

Welcome to the 2021 National Model United Nations New York Conference (NMUN•NY)! We are pleased to introduce you to our committee, the General Assembly, First Committee (GA1). This year's staff is: Directors Citlali Francin Mora Catlett (Conference A) and Angelo Bechara (Conference B), and Assistant Directors Aemin Michele Becker (Conference A) and Ashlee Rolheiser (Conference B). Citlali received her Master of Arts in Political Science at the Ludwig-Maximilians-University Munich and has been working as an expert in the area of blockchain technology. Angelo is a Lebanese/American with experience in the U.S. Department of State, and is currently working on independent contracts in the DC Foreign Policy community. Aemin graduated with a Master's in International Security from Sciences Po Paris and currently works as a consultant at Booz Allen Hamilton. Ashlee is completing a Master of International Affairs and Diplomacy from the United Nations Institute for Training and Research.

The topics under discussion for General Assembly First Committee are:

- I. Establishment of a Nuclear Weapon Free Zone in the Region of the Middle East
- II. Advancing Responsible State Behavior in Cyberspace in the Context of International Security
- III. The Illicit Trade in Small Arms and Light Weapons in All Its Aspects

The General Assembly First Committee is one of the six Main Committees of the UN General Assembly. As a primary organ of the United Nations, the General Assembly First Committee serves as the main deliberative, policymaking, and representative body of the organization. Its role is to foster high-level dialogue and negotiations to create solutions and adhere to its mandate of addressing questions relating to disarmament and international security. Utilizing multilateral negotiations, discussion forums, and its ability to make recommendations. The General Assembly First Committee, holds a unique role as a normsetter within the UN system. As such, delegates simulating the committee will have the opportunity to work towards consensus and drafting resolutions on critical issues concerning disarmament and international security.

This Background Guide serves as an introduction to the topics for this committee. However, it is not intended to replace individual research. We encourage you to explore your Member State's policies in depth and use the Annotated Bibliography and Bibliography to further your knowledge on these topics. In preparation for the Conference, each delegation will submit a Position Paper by 11:59 p.m. (Eastern) on 1 March 2021 in accordance with the guidelines in the [Position Paper Guide](#) and the [NMUN•NY Position Papers](#) website.

Two resources, available to download from the [NMUN website](#), that serve as essential instruments in preparing for the Conference and as a reference during committee sessions are the:

1. [NMUN Delegate Preparation Guide](#) - explains each step in the delegate process, from pre-Conference research to the committee debate and resolution drafting processes. Please take note of the information on plagiarism, and the prohibition on pre-written working papers and resolutions. Delegates should not start discussion on the topics with other members of their committee until the first committee session.
2. [NMUN Rules of Procedure](#) - include the long and short form of the rules, as well as an explanatory narrative and example script of the flow of procedure.

In addition, please review the mandatory [NMUN Conduct Expectations](#) on the NMUN website. They include the Conference dress code and other expectations of all attendees. We want to emphasize that any instances of sexual harassment or discrimination based on race, gender, sexual orientation, national origin, religion, age, or disability will not be tolerated. If you have any questions concerning your preparation for the committee or the Conference itself, please contact the Under-Secretaries-General for the General Assembly Department, Collin King (Conference A) and Leah Schmidt (Conference B), at [usg.ga@nmun.org](mailto:usg.ga@nmun.org).

We wish you all the best in your preparations and look forward to seeing you at the Conference!

Sincerely,

**Conference A**

Citlali Mora Catlett, *Director*  
Aemin Becker, *Assistant Director*

**Conference B**

Angelo J. Bechara, *Director*  
Ashlee Rolheiser, *Assistant Director*

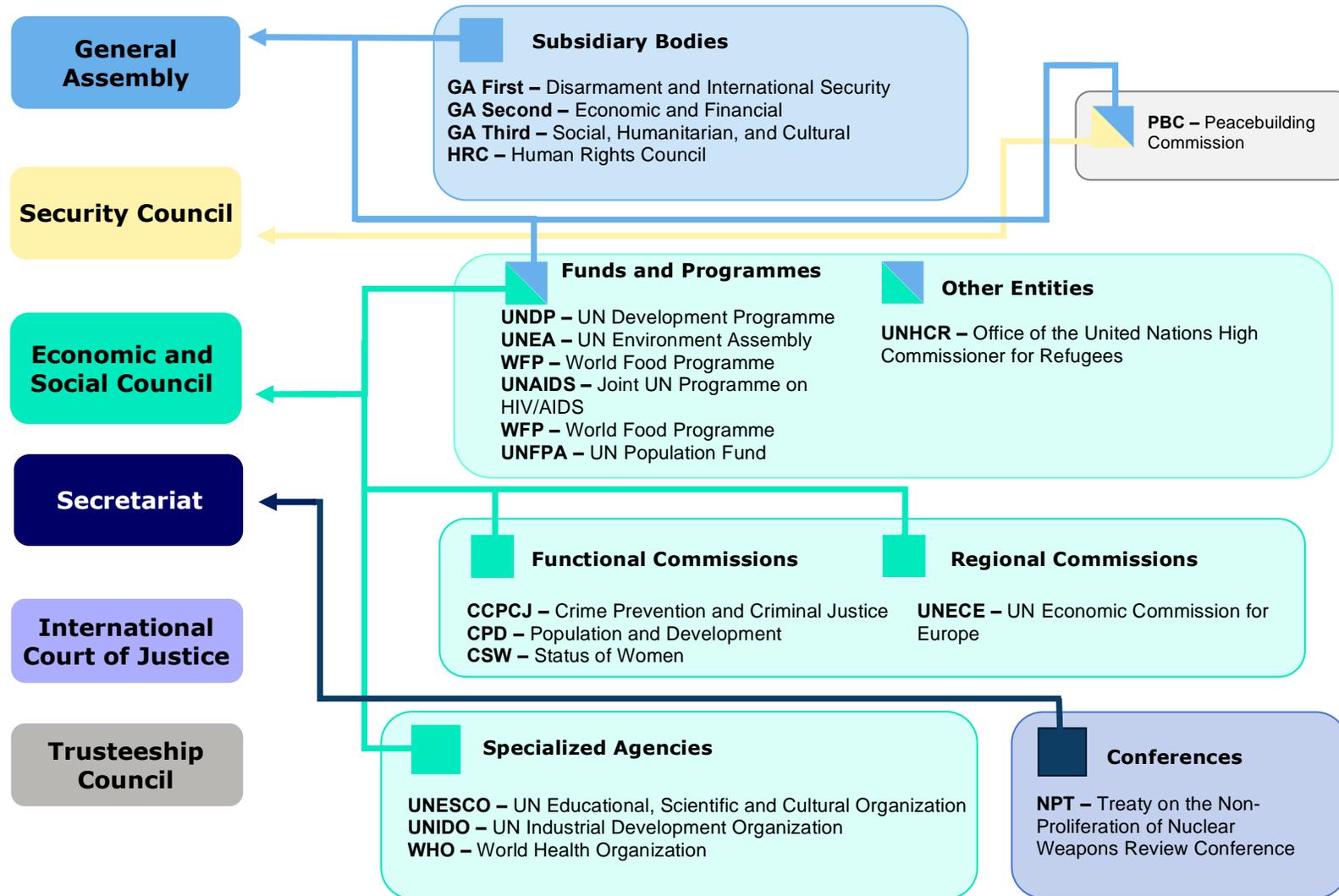


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## United Nations System at NMUN•NY

This diagram illustrates the UN system simulated at NMUN•NY and demonstrates the reportage and relationships between entities. Examine the diagram alongside the Committee Overview to gain a clear picture of the committee's position, purpose, and powers within the UN system.



## Committee Overview

*“We cannot create a safer world through uncoordinated action. Disarmament works best when we work together: governments, experts, civil society and individuals.”<sup>1</sup>*

### Introduction

With universal membership, the General Assembly is the main deliberative and policy-making body of the United Nations (UN) and one of the six principal organs established by the Charter of the United Nations (1945).<sup>2</sup> The work of the General Assembly is undertaken in subsidiary committees, each of which debate and adopt draft resolutions on their particular topics and allocated agenda items.<sup>3</sup> The General Assembly First Committee considers matters related to disarmament and international peace and security as outlined in the Charter of the United Nations.<sup>4</sup>

Along with nuclear disarmament, the First Committee discusses other issue areas connected to international peace and security.<sup>5</sup> Agenda items addressing other types of weapons, as well as disarmament in outer space are part of the First Committee’s work area.<sup>6</sup> Additionally, agenda items such as state behavior in cyberspace, developments in the field of information and telecommunications in the context of international security, and the illicit trade and curbing the illicit traffic in small arms and light weapons are considered.<sup>7</sup>

After the 74<sup>th</sup> session of the General Assembly was delayed over concerns regarding travel restrictions impacting delegations attending, the COVID-19 pandemic has impacted the proceedings and work of the committee.<sup>8</sup> Since the beginning of the pandemic, the General Assembly adapted its workflow by using a silent procedure, adopted under General Assembly decision 75/544, to consider decisions and draft resolutions.<sup>9</sup> Among other events, the Seventh Biennial meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all Its Aspects and the scheduled session of the Disarmament Commission were postponed due to the COVID-19 pandemic.<sup>10</sup> Two resolutions of the General Assembly have addressed the COVID-19 pandemic and highlighted the need for international cooperation to mitigate and defeat the pandemic.<sup>11</sup> Due to the pandemic, the 75<sup>th</sup> session of the First Committee, which took place from 5 October to 5 November 2020, had to be operationally flexible.<sup>12</sup>

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<sup>1</sup> United Nations, Office of the Secretary-General, *Remarks at the University of Geneva on the Launch of the Disarmament Agenda*, 2018.

<sup>2</sup> *Charter of the United Nations*, 1945.

<sup>3</sup> Switzerland, *The GA Handbook: A Practical Guide to the United Nations General Assembly*, 2017, p. 68.

<sup>4</sup> *Charter of the United Nations*, 1945, Chapter IV, Article 11.

<sup>5</sup> Switzerland, *The GA Handbook: A Practical Guide to the United Nations General Assembly*, 2017, pp. 4-5.

<sup>6</sup> *Ibid.*

<sup>7</sup> UN General Assembly, *Allocation of agenda items to the First Committee (A/C.1/74/1)*, 2019.

<sup>8</sup> Reaching Critical Will, *First Committee Briefing Book / 2020*, 2020, p. 4.

<sup>9</sup> UN DGC. *Amid COVID-19 Pandemic, General Assembly, in Silence Procedure, Adopts 7 Resolutions, 13 Decisions between 27 March and 14 May*, 2020.

<sup>10</sup> *Ibid.*

<sup>11</sup> UN, Department of Global Communications (14 May 2020). *Amid COVID-19 Pandemic, General Assembly, in Silence Procedure, Adopts 7 Resolutions, 13 Decisions between 27 March and 14 May*; UN General Assembly, *Global solidarity to fight the coronavirus disease 2019 (COVID-19) (A/RES/74/27)*, 2020; UN General Assembly, *International cooperation to ensure global access to medicines, vaccines and medical equipment to face COVID-19 (A/RES/74/274)*, 2020.

<sup>12</sup> Reaching Critical Will, *UN General Assembly First Committee 2020*, 2020.

## **Governance, Structure, and Membership**

The General Assembly is comprised of all 193 UN Member States.<sup>13</sup> Observer status can be granted to intergovernmental organizations and states without full UN membership.<sup>14</sup> During the 74<sup>th</sup> session of the General Assembly, 107 intergovernmental organizations, and two non-Member States, the Holy See and the State of Palestine, were granted observer status.<sup>15</sup>

In the General Assembly, each Member State has one equal vote.<sup>16</sup> Decisions on important matters require a two-thirds majority vote.<sup>17</sup> Such matters include the maintenance of international peace and security, budgetary questions, as well as the admission, suspension, and expulsion of Member States.<sup>18</sup> All other matters require a simple majority.<sup>19</sup> An example of a resolution touching upon the maintenance of international peace and security is the General Assembly resolution on “Strengthening and developing the system of arms control, disarmament and non-proliferation treaties and agreements.”<sup>20</sup> It is important to note that a vast majority of resolutions adopted by the General Assembly are adopted by consensus without a recorded vote.<sup>21</sup> In 2020, around 85% of resolutions were adopted without a vote, illustrating the consensus-based nature of the General Assembly.<sup>22</sup> Resolutions from the First Committee are non-binding.<sup>23</sup> Still, they are typically adopted by the General Assembly following the recommendation of the committee.<sup>24</sup> Even though they are non-binding, General Assembly resolutions are often adopted as customary international law and serve as international policy norms.<sup>25</sup>

Each session of the First Committee has a Bureau comprised of one Chairperson, three Vice-Chairs, and one Rapporteur. For its 75<sup>th</sup> session, Augustin Santos Maraver from Spain serves as the Chairperson, as well as Ariel Penaranda from the Philippines and Corrina-Cristina Lefter from Romania as Vice-Chairs, and Maria del Rosario Estrada Giron from Guatemala as Rapporteur.<sup>26</sup> Moreover, the First Committee also has a Secretariat to assist with organizational matters.

The First Committee receives substantive and organizational support from three entities: the General Committee, the United Nations Office for Disarmament Affairs (UNODA), and the Department for General Assembly and Conference Management (DGACM).<sup>27</sup> The General Committee is comprised of the President of the General Assembly, the 21 Vice-Presidents, and the Chairpersons of all six General Assembly Main Committees. All positions are elected each session on a non-renewable basis.<sup>28</sup> The General Committee’s main duty is to determine the agenda of the General Assembly Plenary and the six main committees, and make recommendations on organizational issues.<sup>29</sup> The president of the General Assembly is selected based on geographic rotation and elected by the General Assembly Plenary.<sup>30</sup>

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<sup>13</sup> *Charter of the United Nations*, 1945, Ch. IV.

<sup>14</sup> UN DGC, *About Permanent Observers*; UN Department of Global Communications, *Non-Member States*.

<sup>15</sup> UN General Assembly, *List of non-Member States, Entities and Organizations Having Received a Standing Invitation to Participate as Observers in the Sessions and Work of the General Assembly: Note by the Secretariat (A/INF/74/3)*, 2019.

<sup>16</sup> *Charter of the United Nations*, 1945, Chapter IV, Article 18.

<sup>17</sup> Switzerland, *The GA Handbook: A Practical Guide to the United Nations General Assembly*, 2017, p. 54.

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> UN General Assembly, *Strengthening and developing the system of arms control, disarmament and non-proliferation treaties and agreements (A/RES/74/66)*, 2019.

<sup>21</sup> Switzerland, *The GA Handbook: A Practical Guide to the United Nations General Assembly*, 2017, p. 68.

<sup>22</sup> UN Digital Library, *Voting Records*.

<sup>23</sup> Switzerland, *The GA Handbook: A Practical Guide to the United Nations General Assembly*, 2017, p. 52.

<sup>24</sup> *Ibid.*, p. 68.

<sup>25</sup> *Ibid.*, p. 13.

<sup>26</sup> UN General Assembly, *Bureau of the 75th Session*.

<sup>27</sup> UN General Assembly, *Disarmament and International Security (First Committee)*.

<sup>28</sup> Switzerland, *The GA Handbook: A Practical Guide to the United Nations General Assembly*, 2017, pp. 15-16.

<sup>29</sup> *Ibid.*, pp. 17-18.

<sup>30</sup> *Ibid.*, pp. 15-16.

Volkan Bozkır of Turkey was elected as President for the 75<sup>th</sup> session of the General Assembly on 17 June 2020.<sup>31</sup>

Within the Secretariat, UNODA provides “objective, impartial and up-to-date information on multilateral disarmament issues,” substantive and organizational support, and promotes the implementation of measures for a general and complete disarmament, especially in post-conflict settings.<sup>32</sup> While nuclear weapons remain a primary work area, disarmament and non-proliferation of conventional weapons also are addressed by UNODA.<sup>33</sup> It further encourages norm-setting across the General Assembly, CD, and the United Nations Disarmament Commission (UNDC).<sup>34</sup>

The First Committee works in close cooperation with the CD and UNDC.<sup>35</sup> The CD is an independent entity with a crucial role in addressing disarmament issues, as it is the only recognized “multilateral disarmament negotiating forum of the international community.”<sup>36</sup> Unlike the CD, UNDC is a subsidiary organ of the First Committee and is composed of all 193 Member States.<sup>37</sup> It is mandated to provide recommendations on disarmament issues to the First Committee and to follow-up on the implementation of decisions.<sup>38</sup> Both CD and UNDC report at least annually, though sometimes more frequently, to the First Committee.<sup>39</sup> Several other disarmament-related entities and organizations also report to the General Assembly through the First Committee, such as the regional centers on disarmament and the Comprehensive Nuclear-Test-Ban Treaty Organization.<sup>40</sup>

In addition, the General Assembly and its First Committee can make recommendations to Member States and the Security Council regarding cooperation in the maintenance of international peace and security, and can point out situations to the Security Council endangering peace and security.<sup>41</sup> Further, it discusses questions of international peace and security brought forward by the Security Council.<sup>42</sup>

Civil society organizations have an important relationship with the General Assembly First Committee, as they provide alternative research and perspectives on disarmament issues. They are often invited to participate in committee sessions through granting them observer status.<sup>43</sup>

### ***Mandate, Function, and Powers***

Article 11 of the Charter of the United Nations states that the General Assembly may consider matters relating to international peace and security, including disarmament.<sup>44</sup> Thus, Article 11 is the basis for the First Committee’s mandate.<sup>45</sup> The First Committee is mandated to act as a forum for dialogue and cooperation to provide recommendations and norms to guide the international community when addressing disarmament issues and other threats to international peace and security.<sup>46</sup> Therefore, it focuses on general policy recommendations, but does not carry out operative tasks; The implementation of General Assembly decisions is conducted by Member States, the UN Secretariat, and its subsidiary

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<sup>31</sup> UN General Assembly, *Election of the 75<sup>th</sup> President of the General Assembly*, 2020.

<sup>32</sup> UN Office for Disarmament Affairs, *About Us*; UN General Assembly, *General and Complete Disarmament (A/RES/1378 (XIV))*,

<sup>33</sup> UN Office for Disarmament Affairs, *About Us*.

<sup>34</sup> *Ibid.*

<sup>35</sup> UN General Assembly, *Disarmament and International Security (First Committee)*.

<sup>36</sup> UN Office at Geneva, *An Introduction to the Conference*.

<sup>37</sup> UN Office for Disarmament Affairs, *United Nations Disarmament Commission*.

<sup>38</sup> *Ibid.*

<sup>39</sup> UN General Assembly, *Disarmament and International Security (First Committee)*.

<sup>40</sup> Switzerland, *The GA Handbook: A Practical Guide to the United Nations General Assembly*, 2017, p. 63.

<sup>41</sup> *Charter of the United Nations* 1945, Chapter IV, Article 11.

<sup>42</sup> *Ibid.*

<sup>43</sup> Switzerland, *The GA Handbook: A Practical Guide to the United Nations General Assembly*, 2017, p. 31.

<sup>44</sup> *Charter of the United Nations*, 1945, Chapter IV, Article 11.

<sup>45</sup> *Ibid.*

<sup>46</sup> Nuclear Threat Initiative, *United Nations First Committee*, 2019.

bodies.<sup>47</sup> In addition, the General Assembly and its subsidiary committees are not permitted to make decisions on current situations and conflicts under consideration by the Security Council.<sup>48</sup>

At the outset of the UN, the First Committee addressed more traditional questions on disarmament and international peace and security. Currently, disarmament is organized into seven clusters: nuclear weapons, other weapons of mass destruction, disarmament aspects in outer space, conventional weapons, regional disarmament and security, the disarmament machinery, and other disarmament measures and security.<sup>49</sup> Thus, the First Committee has been addressing thematic areas like outer space and cybersecurity, as was the case during the 74<sup>th</sup> session, in which the prevention of an arms race in outer space was an agenda item.<sup>50</sup> The General Assembly adopted a resolution on “Advancing responsible State behavior in cyberspace in the context of international security” in 2019.<sup>51</sup>

Matters under consideration by the First Committee do not only include disarmament and international security in the scope of the Charter, but also the development of norms and principles in disarmament and arms control, measures for increased stability with low-level SALW armament, and the promotion of cooperation in international peace and security.<sup>52</sup> Alongside the agenda items on disarmament and the maintenance of international peace and security, the First Committee also addresses efforts in regard to the ongoing reform agenda of the General Assembly.<sup>53</sup> The aim is to arrange the agenda items so that organizational aspects and workflows in the UN system are improved.<sup>54</sup> Guiding its work is the General Assembly resolution on the “Revitalization of the work of the General Assembly” from 1994.<sup>55</sup>

The customary workflow for each item of the First Committee consists of a General Debate. The debate is followed by an interactive dialogue between experts, UN organizations, and Member States assisting by submitting reports and answering questions.<sup>56</sup> An example of such an expert is the Director General of the Organization for the Prohibition of Chemical Weapons (OPCW) or the High Representative for Disarmament Affairs.<sup>57</sup> Based on the input given by experts and other UN entities, draft resolutions are developed and later voted upon; the First Committee adopts on average 50 to 70 resolutions and decisions per session.<sup>58</sup> Once adopted, they are presented to the General Assembly Plenary.<sup>59</sup> The implementation of decisions is conducted by other organs, programs, and entities.

### **Recent Sessions and Current Priorities**

Prior to the start of the 74<sup>th</sup> session, the Secretary-General, the CD, and the UNDC submitted reports and recommendations to the First Committee which aided in drafting of the preliminary agenda for the session.<sup>60</sup> The agenda for the 74<sup>th</sup> session of the General Assembly First Committee included topics on weapon free zones in various regions, transparency in armaments, responsible state behavior in cyberspace, the illicit trade in small arms and light weapons, conventional arms control, and the

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<sup>47</sup> Switzerland, *The GA Handbook: A Practical Guide to the United Nations General Assembly*, 2017, p. 52.

<sup>48</sup> *Ibid.*, pp. 13-63.

<sup>49</sup> *Ibid.*, p. 63.

<sup>50</sup> UN General Assembly, *Allocation of agenda items to the First Committee (A/C.1/74/1)*, 2019.

<sup>51</sup> UN General Assembly, *Advancing responsible State behavior in cyberspace in the context of international security (A/RES/74/28)*, 2019.

<sup>52</sup> UN General Assembly, *Disarmament and International Security (First Committee)*.

<sup>53</sup> UN General Assembly, *Revitalization of the work of the General Assembly*.

<sup>54</sup> UN General Assembly, *Revitalization of the work of the General Assembly (A/C.1/74/INF/4)*.

<sup>55</sup> UN General Assembly, *Revitalization of the work of the General Assembly (A/C.1/74/INF/4)*.

<sup>56</sup> Switzerland, *The GA Handbook: A Practical Guide to the United Nations General Assembly*, 2017, pp. 69-71.

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*, p. 70.

<sup>59</sup> *Ibid.*, p. 68.

<sup>60</sup> UN General Assembly, *Status of Documentation for the First Committee (A/C.1/74/INF/1\*)*, 2019.

relationship between disarmament and development.<sup>61</sup> Reports by the CD and UNDC were presented.<sup>62</sup> At the conclusion of the 74<sup>th</sup> session, the First Committee had adopted 59 drafts of which 56 were adopted by the General Assembly Plenary in December 2019.<sup>63</sup> Among the 59 resolutions, one resolution was adopted on “Advancing responsible State behaviour in cyberspace in the context of international security,” as well as two on the illicit trade and traffic of SALWs, and one on the “Establishment of a nuclear-weapon-free zone in the region of the Middle East.”<sup>64</sup>

While all thematic priorities were discussed during the 74<sup>th</sup> session, the General Assembly adopted 19 resolutions on nuclear issues, one of them a resolution on the report of the First Committee on the “Establishment of a nuclear-weapon-free zone in the region of the Middle East.”<sup>65</sup> In it the role of the International Atomic Energy Agency was highlighted.<sup>66</sup> Furthermore, a call to establish a weapon free zone was voiced and the Secretary-General tasked with presenting a report on the resolution’s implementation at the 75<sup>th</sup> session.<sup>67</sup> For this reason, the agenda item “Establishment of a nuclear-weapon-free zone in the region of the Middle East” was also included by the resolution into the 75<sup>th</sup> session’s agenda.<sup>68</sup> Disarmament was further debated by the First Committee in regard to the illicit trade in small arms and light weapons in all its aspects during the 74<sup>th</sup> session, as can be seen in General Assembly resolution 74/60.<sup>69</sup> Additionally, the General Assembly adopted further resolutions addressing the illicit traffic in small arms and light weapons in October 2019.<sup>70</sup> Another important and very recent topic on the General Assembly’s agenda has been cyberspace and the challenges it can pose to international security.<sup>71</sup> On the recommendation of the First Committee, a resolution on “Advancing responsible State behaviour in cyberspace in the context of international security” was adopted in 2019.<sup>72</sup> Among others, the resolution highlights the work of the Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security.

During its 27<sup>th</sup> meeting at the 74<sup>th</sup> session, the First Committee considered a draft decision to relocate to Geneva or Vienna in 2020 as more Member States were faced potential visa difficulties.<sup>73</sup> The draft was rejected by the committee. Additionally, the General Assembly and First Committee have had to adjust to the ongoing COVID-19 pandemic. For example, the President of the General Assembly submitted a draft decision in May 2020 regarding election procedures by secret ballot during the June 2020 elections, and a silence procedure was introduced for the General Assembly to continue being able to adopt draft resolutions during the pandemic.<sup>74</sup> The COVID-19 pandemic has impacted the First Committee’s work

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<sup>61</sup> UN General Assembly, *Resolutions of the 74th Session*, 2020; UN Department of Public Information, *Meetings Coverage and Press Releases: General Assembly*, (2020).

<sup>62</sup> UN General Assembly, *Allocation of agenda items to the First Committee (A/C.1/74/1)*, 2019.

<sup>63</sup> UN General Assembly, *List of Draft Proposals for the 74th Session*, 2019.

<sup>64</sup> UN General Assembly, *Advancing responsible State behaviour in cyberspace in the context of international security (A/RES/74/28)*, 2019; UN General Assembly, *The illicit trade in small arms and light weapons in all its aspects (A/RES/74/60)*, 2019; UN General Assembly, *Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them (A/RES/74/51)*, 2019; UN General Assembly, *Establishment of a nuclear-weapon-free zone in the region of the Middle East (A/RES/74/30)*, 2019.

<sup>65</sup> UN General Assembly, *Establishment of a nuclear-weapon-free zone in the region of the Middle East (A/RES/74/30)*, 2019; Nuclear Threat Initiative, *United Nations First Committee*, 2020.

<sup>66</sup> *Ibid.*

<sup>67</sup> UN General Assembly, *Establishment of a nuclear-weapon-free zone in the region of the Middle East (A/RES/74/30)*, 2019.

<sup>68</sup> *Ibid.*

<sup>69</sup> UN General Assembly, *The illicit trade in small arms and light weapons in all its aspects (A/RES/74/60)*, 2019.

<sup>70</sup> UN General Assembly, *Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them (A/RES/74/51)*, 2019.

<sup>71</sup> UN General Assembly, *List of Draft Proposals for the 74th session (as of November 2019)*, 2019, p. 5.

<sup>72</sup> UN General Assembly, *Advancing responsible State behaviour in cyberspace in the context of international security (A/RES/74/28)*, 2019.

<sup>73</sup> UN Department of Global Communications, *First Committee Votes to Reject Draft Decision on Relocating Overseas, Unanimously Approving 2020 Work Programme as Session Concludes*, 2019.

<sup>74</sup> UN General Assembly, *Procedure for holding elections by secret ballot without a plenary meeting during the coronavirus disease (COVID-19) pandemic (A/74/L.67)*, 2020; UN DGC, *Amid COVID-19 Pandemic*,

area. The Arms Trade Treaty process was delayed by for example the Sixth Conference of States Parties (CSP6) being canceled, which was scheduled for April 2020.<sup>75</sup> The Nuclear Non-Proliferation Treaty Review Conference, scheduled for June 2020, was also postponed until 2021.<sup>76</sup> In addition, the pandemic has demonstrated the importance of information and communication technologies while at the same time cybercrime against individuals and critical infrastructure have reportedly increased.<sup>77</sup>

The Group of Governmental Experts (GGE) and Open-Ended Working Group (OEWG) on information and communications technologies, both established by the First Committee, will be meeting throughout 2020 and 2021.<sup>78</sup> The OEWG has previously held only two sessions, in September 2019 and February 2020.<sup>79</sup> Its third session, scheduled for July 2020, will likely take place in March 2021.<sup>80</sup> Furthermore, the GGE will most probably submit its final report in 2021.<sup>81</sup>

The 75<sup>th</sup> session of the General Assembly First Committee is scheduled for October to November 2020.<sup>82</sup> The provisional agenda for the 75<sup>th</sup> session of the First Committee includes the presentation of several reports on the maintenance of international peace and security, such as by the Security Council and the Peacebuilding Commission, and topics such as the situation in the Middle East, the elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion, developments in the field of information and telecommunication, the establishment of nuclear-weapon free zones in the Middle East and Central Asia, and measures to tackle illicit arms trade.<sup>83</sup> During the session, the high-level plenary meeting for the International Day for the Total Elimination of Nuclear Weapons will take place on 2 October 2020.<sup>84</sup> The Secretary-General will present reports on the “Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction,” illicit trade in small arms and light weapons, and developments in the field of information and telecommunications in the context of international security that required a deadline extension for opinion submissions by Member States due to the ongoing pandemic.<sup>85</sup>

## Conclusion

Since the establishment of the UN, the First Committee has acted as a global forum to foster dialogue and cooperation to achieve disarmament.<sup>86</sup> The issues of regional nuclear disarmament in the Middle East, advancing responsible state behavior in cyberspace, and addressing the illicit trade in small arms and light weapons in all its aspects are areas in which the First Committee acts as a universal forum promoting cooperation between Member States and providing recommendations to the entire UN system.<sup>87</sup> It is imperative that these issues are addressed with the objective of achieving consensus on how to promote global cooperation. Therefore, the First Committee will continue to play an important role

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*General Assembly, in Silence Procedure, Adopts 7 Resolutions, 13 Decisions between 27 March and 14 May.*

<sup>75</sup> Reaching Critical Will, *First Committee Briefing Book / 2020*, 2020, p. 38.

<sup>76</sup> *Ibid.* p. 35.

<sup>77</sup> *Ibid.*, pp. 44-45.

<sup>78</sup> *Ibid.*, p. 44.

<sup>79</sup> *Ibid.*, p. 45.

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*

<sup>82</sup> Reaching Critical Will, *UN General Assembly First Committee 2020*, 2020.

<sup>83</sup> UN General Assembly, *Provisional agenda of the seventy-fifth regular session of the General Assembly (A/75/150)*, 2020.

<sup>84</sup> UN General Assembly, *High-Level Meetings of the 75th Session*, 2020.

<sup>85</sup> UN General Assembly, *Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction: Report of the Secretary-General (A/75/63)*, 2020; UN General Assembly, *Developments in the field of information and telecommunications in the context of international security: Report of the Secretary-General (A/75/123)*, 2020; UN General Assembly, *The illicit trade in small arms and light weapons in all its aspects and assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them: Report of the Secretary-General (1/75/78)*. 2020.

<sup>86</sup> *Charter of the United Nations*, 1945.

<sup>87</sup> UN General Assembly, *Allocation of agenda items to the First Committee (A/C.1/74/1)*, 2019.

in settings standards and norms, as well as promoting treaties to advance disarmament and maintain international peace and security.<sup>88</sup>

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<sup>88</sup> Reaching Critical Will, *UN General Assembly First Committee*, 2014.



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## I. Establishment of a Nuclear-Weapon-Free Zone in the Region of the Middle East

### **Introduction**

Nuclear-Weapon-Free Zones (NWFZ) are defined by the United Nations (UN) as “regional approaches to establishing disarmament norms and consolidating international efforts towards peace and security.”<sup>89</sup> NWFZs support international nonproliferation and strengthen regional stability by decreasing the likelihood that a state will seek nuclear weapons to counterbalance a threatening neighbor.<sup>90</sup> According to Article VII of the *Treaty on the Non-Proliferation of Nuclear Weapons* (NPT) (1968), the key framework document on global non-proliferation, any Member State has the right to adopt regional treaties that move towards the total absence of nuclear weapons in their regions.<sup>91</sup> Latin America and the Caribbean was the first region to adopt a NWFZ, established by the 1967 *Treaty of Tlatelolco*, which entered into force in 1969.<sup>92</sup> Other NWFZs have been established since, including in the South Pacific as a result of the *Treaty of Rarotonga* (1985); in Southeast Asia as a result of the *Treaty of Bangkok* (1995); and in Africa as a result of the *Treaty of Pelindaba* (1996).<sup>93</sup> The UN also differentiates between “disarmament” and “non-proliferation,” noting that while disarmament refers to the full eradication of nuclear weapons in the world system, non-proliferation simply aims to limit their spread.<sup>94</sup>

Instituting a NWFZ in the Middle East Region continues to be a challenge for Member States as they struggle to navigate the historical and political differences between Middle East and North African (MENA) countries and the influences from states outside the region.<sup>95</sup> In the case of the ‘Middle East,’ the region contains states that are located in both the Asian and African continents, and there continues to be disagreement on which countries officially belong to this uniquely positioned and strategic region.<sup>96</sup> The vast diversity of ethnicities and religions in the Middle East also present challenges to the international community when proposing a region-specific policy.<sup>97</sup> Additionally, existing regional political challenges, such as on-going conflicts in West Iran, Iraq, Yemen, and Syria, present additional challenges to the sustainable establishment of a NWFZ in the Middle East.<sup>98</sup> The current state of global nuclear disarmament therefore depends on the political will of various Member States to work together and decrease their nuclear arsenals through multilateralism and consensus.<sup>99</sup>

### **International and Regional Framework**

Since 1945, the international community has been acting to limit the impact of nuclear weapons and to achieve total global disarmament.<sup>100</sup> In 1968, the *Treaty on the Non-Proliferation of Nuclear Weapons* (NPT) became the foundation of global nuclear non-proliferation efforts.<sup>101</sup> The goal of the NPT is to strengthen global denuclearization undertakings and to cease the production and flow of nuclear weapons.<sup>102</sup> The NPT aims to achieve such tasks through non-proliferation, disarmament, and peaceful

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<sup>89</sup> UNODA, *Nuclear-Weapon-Free Zones*, 2019.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> UN General Assembly, *Treaty on the Non-Proliferation of Nuclear Weapons*, 1968.

<sup>95</sup> Aboul-Enein et al., *Towards a Verified Nuclear Weapon Free Zone in the Middle East*, 2010.

<sup>96</sup> Khalidi, *The “Middle East” as a Framework of Analysis: Re-mapping A Region in the Era of Globalization, Comparative Studies of South Asia, Africa, and the Middle East*, 1998.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

<sup>99</sup> UN General Assembly, *Treaty on the Non-Proliferation of Nuclear Weapons*, 1968.

<sup>100</sup> UN DGC, *Addressing Security Council, Secretary-General Calls for Recommitment to Eradicating Weapons of Mass Destruction ‘Once and for All’ (SG/SM/17996-SC/12486-DC/3647)*, 2016.

<sup>101</sup> UN General Assembly, *Treaty on the Non-Proliferation of Nuclear Weapons*, 1968.

<sup>102</sup> Ibid.

use of nuclear energy.<sup>103</sup> It is expected for all states who are signatories to the treaty to fully comply with the NPT in order to promote greater trust and collaboration among actors in the world system.<sup>104</sup>

According to Article VIII of the NPT, States parties must meet every five years at the NPT Review Conferences to set the strategies for nuclear non-proliferation and disarmament as well as to review the current progress of the treaty's implementation.<sup>105</sup> The 1995 Review Conference was the review meeting where the NPT was extended indefinitely, given the adoption of several decisions that reaffirmed the principles of the treaty, as well as strengthening its review process.<sup>106</sup> The 1995 Review Conference of the NPT also called for "the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems."<sup>107</sup> The 2015 Review Conference of the NPT was the most recent conference where States parties reviewed the implementation of the NPT over the previous five years.<sup>108</sup> Despite extensive negotiations, the conference was not able to reach a substantive agreement on the outcome document.<sup>109</sup> However the 2015 review Conference also underscored the importance of the implementation of a NWFZ in the Middle East, although the Conference noted there was not any concrete progress on the matter.<sup>110</sup>

During the Cold War, the United States and the Soviet Union agreed on limiting nuclear proliferation through the Strategic Arms Limitation Talks (SALT), including SALT I in 1969 and SALT II in 1979.<sup>111</sup> These talks set the stage for future nuclear negotiations on a multilateral level, as the SALTs remained bilateral.<sup>112</sup> Both SALT I and SALT II and the agreements that followed led to the United Nations Office for Disarmament Affairs' (UNODA) creation of regional Nuclear-Weapon-Free Zones.<sup>113</sup> Additionally, the international community adopted the *Antarctic Treaty*, agreeing to keep Antarctica nuclear-free, and setting a strong precedent for future global nuclear disarmament initiatives.<sup>114</sup>

Lastly, the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction convened for its first session on 18 November 2019, adopting a final report and political declaration.<sup>115</sup> The final declaration included optimistic language towards elaborating on a legally binding treaty establishing a NWFZ in the Middle East in the second session.<sup>116</sup> The second session of the conference is planned to take place on 16 November 2020 in New York.<sup>117</sup>

### ***Role of the International System***

The General Assembly First Committee serves as the international community's primary forum for discussing high-level disarmament efforts through mediating talks, facilitating agreements, establishing subsidiary bodies, and engaging Member States.<sup>118</sup> The First Committee also works to bring together various key actors, such as specialized UN Agencies, non-government organizations (NGOs), and Civil

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<sup>103</sup> Ibid.

<sup>104</sup> Ibid.

<sup>105</sup> Nuclear Threat Initiative, *Treaty on the Non-proliferation of Nuclear Weapons (NPT)*, 2020.

<sup>106</sup> Aboul-Enein et al., *Towards a Verified Nuclear Weapon Free Zone in the Middle East*, 2010.

<sup>107</sup> Arms Control Association, *WMD-Free Middle East Proposal at a Glance*, 2019.

<sup>108</sup> UN Non-Proliferation Treaty Review Conference, *2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)*, 2015.

<sup>109</sup> Ibid.

<sup>110</sup> UN Non-Proliferation Treaty Review Conference, *2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)*, 2015.

<sup>111</sup> Nuclear Threat Initiative, *Strategic Arms Limitation Talks (SALT I)*, 2011.

<sup>112</sup> Ibid.

<sup>113</sup> UNODA, *Nuclear-Weapon-Free Zones*, 2014.

<sup>114</sup> UNODA, *Antarctic Treaty*, 1959.

<sup>115</sup> UNODA, *Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction*, 2019.

<sup>116</sup> Ibid.

<sup>117</sup> Ibid.

<sup>118</sup> UN General Assembly, *General Assembly First Committee*, 2019.

Society Organizations (CSOs) in the international community to undertake the challenge of global nuclear disarmament.<sup>119</sup> In December of 1974, the First Committee endorsed calls for the establishment of a NWFZ in the MENA region following a proposal by Iran and Egypt.<sup>120</sup> This proposal led to adoption of UN General Assembly resolution (1974) on the “Establishment of Nuclear-Weapon-Free-Zone in the region of the Middle East.”<sup>121</sup> In 2017, the General Assembly adopted another resolution on the “Establishment of Nuclear-Weapon-Free Zone in the region of the Middle East,” with its first operative clause emphasizing the need for Member States in the region to adhere to the NPT.<sup>122</sup>

The next NPT Review Conference was scheduled to be held at the UN Headquarters in New York in 2020, but was postponed due to COVID-19.<sup>123</sup> The UN Secretariat has placed a tentative hold on the dates of 4 to 29 of January 2021 for the NPT Review Conference, with confirmation to come from the Secretariat as soon as the COVID-19 situation allows.<sup>124</sup> The High Representative for Disarmament Affairs also confirmed that the United Nations Office of Disarmament Affairs (UNODA) will co-organize a virtual informal workshop on lessons learned and good practices from existing NWFZs.<sup>125</sup>

UNODA is a key subsidiary body that reports directly to the General Assembly First Committee with the goal of promoting nuclear disarmament and non-proliferation, as well as strengthening disarmament regimes such as those for landmines and small arms and light weapons, in addition to supporting efforts to ban weapons of mass destruction.<sup>126</sup> UNODA also tackles issues related to limiting small arms and light weapons, banning landmines, and the limitation of other weapons in conventional warfare.<sup>127</sup> Furthermore, UNODA works closely with the First Committee to ensure transparent and collaborative work among Member States throughout non-proliferation procedures.<sup>128</sup> While the UNODA has noted the continued conversation on NWFZs and the Middle East, without a concrete commitment to establishment from members, UNODA does not have the capacity to report or monitor the progress of a hypothetical NWFZ.<sup>129</sup>

The NPT established the International Atomic Energy Agency (IAEA) as a UN specialized agency serving primarily as a mediator on nuclear related issues.<sup>130</sup> Acting in its role as a semi-independent body to manage on-the-ground support to Member States on disarmament, the IAEA deploys inspectors to states in order to evaluate the degree of nuclear capability each state possesses and to report back to the General Assembly on the status of those technologies.<sup>131</sup> The IAEA also mediates nuclear negotiations by verifying claims of nuclear misuse, providing valuable information, and inspecting Member States’ nuclear facilities.<sup>132</sup> The IAEA has repeatedly adopted resolutions over the past two decades calling for the application of full-scope safeguards on all nuclear facilities in the region as a crucial step towards establishing a NWFZ in the Middle East.<sup>133</sup> From 1991 onwards, the IAEA General Conference

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<sup>119</sup> Ibid.

<sup>120</sup> Arms Control Association, *WMD-Free Middle East Proposal at a Glance*, 2019.

<sup>121</sup> UN General Assembly, *Establishment of Nuclear-Weapon-Free-Zone in the region of the Middle East (A/RES/3263/24)*, 1974.

<sup>122</sup> UN General Assembly, *Establishment of Nuclear-Weapon-Free-Zone in the Middle East (A/RES/72/24)*, 2017.

<sup>123</sup> UN General Assembly, *2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its Preparatory Committee (A/RES/70/28)*, 2015.

<sup>124</sup> UNODA, *The UN Office for Disarmament Affairs continues to fulfill its mandates and support Member States- Latest message on how Covid-19 is impacting multilateral disarmament and arms control*, 2020.

<sup>125</sup> Ibid.

<sup>126</sup> UNODA, *About Us*, 2019.

<sup>127</sup> Ibid.

<sup>128</sup> Ibid.

<sup>129</sup> UNODA, *Nuclear-Weapon-Free Zones*, 2019.

<sup>130</sup> UN General Assembly, *Treaty on the Non-Proliferation of Nuclear Weapons*, 1968.

<sup>131</sup> Cochran et al., *Encyclopedia Britannica: Nuclear Weapon*, *Encyclopedia Britannica*, 2018.

<sup>132</sup> Ibid.

<sup>133</sup> Arms Control Association, *WMD-Free Middle East Proposal at a Glance*, 2019.

unanimously adopted a resolution calling for the application of full-scope safeguards on all nuclear facilities in the MENA region as a necessary step for the establishment of the NWFZ.<sup>134</sup>

The most recent IAEA inspection was that of the Iranian nuclear facilities by orders of the signatories of the Joint Comprehensive Plan of Action (JCPOA).<sup>135</sup> The JCPOA is a landmark agreement that successfully led to the relative disarmament of a potential nuclear state.<sup>136</sup> Prior to the agreement, there were claims that Iran was aiming to cultivate highly enriched uranium in an effort to create a nuclear weapon.<sup>137</sup> The drafters of the agreement advocated for greater transparency pertaining to nuclear energy, such as enabling IAEA inspectors to enter Iran and assess the relevant facilities to determine adherence to the established norms.<sup>138</sup> In order to successfully invite Iran to the negotiating table, key actors in the global system such as the United States, Russia, France, the United Kingdom, China, Germany, and the European Union offered to broker a deal towards Iran's nuclear non-proliferation by offering to dismantle existing economic sanctions.<sup>139</sup> It allowed the international community to serve as a mediator, while Member States negotiated and produced the main components of the deal that decreased nuclear weaponry in the region, maintaining Iran's right to national security.<sup>140</sup> However, differing viewpoints and perspectives presented significant challenges in reaching an agreement.<sup>141</sup> The drafters of the agreement advocated for greater transparency pertaining to nuclear energy, such as enabling IAEA inspectors to enter Iran and assess the relevant facilities to determine adherence to the established norms.<sup>142</sup> In contrast, Iran saw national self-determination as a key component of its position to obtain a nuclear weapon, and did not want to follow these measures.<sup>143</sup> The resulting *Joint Comprehensive Plan of Action (2015)* was agreed upon through taking into account the economic and security concerns of both sides.<sup>144</sup> The key actors of the agreement agreed to lift economic sanctions on Iran, if the latter agreed to abide by international norms on nuclear energy.<sup>145</sup>

Civil society organizations (CSOs) also play a key role in moving the global community towards nuclear non-proliferation.<sup>146</sup> For instance, the Arms Control Association (ACA) is a non-partisan, United States-based organization whose goals are to encourage the global reduction of arms trade and production, including nuclear arms.<sup>147</sup> The ACA publishes reports and factbooks that keep the international community updated and accountable on the status of global arms control initiatives.<sup>148</sup> Specifically on the topic of nuclear weapons, the Nuclear Threat Initiative (NTI) was established in 2001 as a non-profit CSO that informs the international community of various nuclear activities and their levels of development through publications and reports.<sup>149</sup> CSOs such as ACA and NTI help policymakers develop talking points and strategies for anti-proliferation advocates, as well as hold international organizations accountable for their commitments.<sup>150</sup> During the 2010 NPT Review Conference, a group of international CSOs, including Green Peace International, The Daisy Alliance, and The World Council of Churches, delivered a set of

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<sup>134</sup> Ibid.

<sup>135</sup> United Nations Security Council, *Letter dated 16 July 2015 from the Permanent Representative to the United States of America to the United Nations addressed to the President of the Security Council*, 2015.

<sup>136</sup> Ibid.

<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

<sup>143</sup> Ibid.

<sup>144</sup> Ibid.

<sup>145</sup> Ibid.

<sup>146</sup> International Campaign to Abolish Nuclear Weapons, *Campaign Overview*, 2019.

<sup>147</sup> Arms Control Association, *Arms Control Association*, 2019.

<sup>148</sup> Ibid.

<sup>149</sup> International Campaign to Abolish Nuclear Weapons, *Campaign Overview*, 2019.

<sup>150</sup> Ibid.

recommendations along with their collective support for establishing a NWFZ in the Middle East.<sup>151</sup> This group of CSOs' recommendations included encouraging MENA region states to consider a 'Middle East No First Use of WMD' agreement, and also emphasized the necessity for peace talks among Member States in the region to move in parallel with WMD disarmament talks, as a means to ensure disarmament measures could be fully successful.<sup>152</sup> At this conference, the CSOs also urged all Member States in the region to adhere to NPT measures and standards as well as other WMD-related treaties moving forward.<sup>153</sup>

### ***Building Political Will: Israel, Iran, the Arab World, and the NPT***

During the 1995 Review Conference of the NPT, the *Resolution on the Middle East* was adopted along with the indefinite extension of the NPT, which reaffirmed the importance of creating a MENA region free of nuclear weapons.<sup>154</sup> However the complex dynamics between neighboring states across the MENA region often presents obstacles for diplomats and lawmakers in enacting security solutions in this critical area.<sup>155</sup> According to UNODA, establishing a NWFZ in the Middle East has not been a key priority for certain Arab states and for Israel, as it has been for other Member States outside the MENA region, creating a conflict between the UN Disarmament Commission's set of principles and guidelines for the establishment of a NWFZ.<sup>156</sup> Additionally, the differing perceptions of threat and security in the region between Israel and the Arab states have been an obstacle towards fruitful dialogue amid parties in the MENA region.<sup>157</sup> According to the ACA, Israel believes that there must be peace and dialogue first in order for the region to successfully establish a NWFZ, while the Arab states think that the process of negotiating an established NWFZ would contribute to the peace building process among states in the region.<sup>158</sup> The 1995 Review Conference also called on Israel to join the treaty, at the time, as a non-nuclear state.<sup>159</sup> Presently, Israel is known to possess a nuclear arsenal and is not a member of the NPT, even though other major states in the region are parties to the treaty including Iran.<sup>160</sup>

Relationships between states in the Middle East region have a lengthy and complicated history, but the issue of NWFZ deals also feeds directly into the complicated Israeli-Iranian relationship.<sup>161</sup> This relation transformed from one of direct communication to backdoor cooperation during the period following the 1967 Arab-Israeli War and the 1970 Islamic Revolution in Iran until the 1990s.<sup>162</sup> Following the 1970 Islamic Revolution, the Islamic Republic of Iran still saw the strategic benefits of quietly cooperating with Israel as Iran faced Iraqi Baathists threats.<sup>163</sup> However from the 1990s onward the relationship between the two countries publicly diminished.<sup>164</sup> Most recently in the 2019 74<sup>th</sup> General Debate of the UN General Assembly, the Foreign Minister of Israel, Yisrael Katz, named Iran the "biggest threat to security and stability in the Middle East," calling on the international community to prevent Iran from developing nuclear weapons, clearly demonstrating continued tensions between these two states.<sup>165</sup> In their exercise of a right to reply, the President of Iran, Hassan Rouhani, expressed that the Israeli Foreign Minister made "baseless claims," reemphasizing that Iran is following international guidelines and supervision with

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<sup>151</sup> Lindamood, Middle East Nuclear Weapon Free Zone, *Civil Society Presentations—2010 NPT Review Conference—Middle East NWFZ*, 2010.

<sup>152</sup> *Ibid.*

<sup>153</sup> *Ibid.*

<sup>154</sup> Aboul-Enein et al., *Towards a Verified Nuclear Weapon Free Zone in the Middle East*, 2010.

<sup>155</sup> *Ibid.*

<sup>156</sup> UNODA, *Nuclear-Weapon-Free Zones*, 2019.

<sup>157</sup> Arms Control Association, *WMD-Free Middle East Proposal at a Glance*, 2019.

<sup>158</sup> *Ibid.*

<sup>159</sup> Aboul-Enein et al., *Towards a Verified Nuclear Weapon Free Zone in the Middle East*, 2010.

<sup>160</sup> *Ibid.*

<sup>161</sup> Kaye, *Israel and Iran: A Dangerous Rivalry*, RAND Corporation, 2011.

<sup>162</sup> *Ibid.*

<sup>163</sup> *Ibid.*

<sup>164</sup> *Ibid.*

<sup>165</sup> UN DGC, *Iran Cannot be Allowed to Develop Nuclear Weapons: Israeli Foreign Minister*, 2019.

their peaceful nuclear energy program.<sup>166</sup> This tension is an example of the larger lack of cooperation among Israel and Iran, which hinders the possibility of establishing a NWFZ in the region and must be addressed in order to make progress on the issue.<sup>167</sup>

Following the 2015 IAEA investigation of Iran's nuclear program prompted by the JCPOA, IAEA investigators concluded that there were no developments of nuclear weapons taking place.<sup>168</sup> The Iranian-Israeli relationship needs to be addressed primarily to stabilize the security apparatus between the two conflicting fronts in the region, in order for NWFZ preliminary talks to succeed.<sup>169</sup> Moreover, the lack of universality of the NPT in the MENA region and ensuring IAEA safeguards still remain major concerns for the international community.<sup>170</sup>

Finally, there are also additional complications in the inconsistency of regional definitions used.<sup>171</sup> The IAEA and the draft final document of the 2015 NPT Review Conference define the Middle East as the 21 Member States of the Arab League of Nations in addition to Israel and Iran.<sup>172</sup> While some academic definitions of the Middle East include Turkey, Iran, Afghanistan, and Israel as part of the region, others do not.<sup>173</sup> For example, the IAEA and the draft final document of the NPT 2015 Review Conference do not include Turkey in their definition of the Middle East.<sup>174</sup> However, Turkey shares border with Syria, Iraq, and Iran, and is to some extent involved in the MENA region's geopolitics.<sup>175</sup> The lack of a unified definition complicates the establishment of a NWFZ in the Middle East.<sup>176</sup> Ensuring regional consistency in the boundaries of the NWFZ would be a key part of negotiating the possible zone and ensuring political will in the region.<sup>177</sup> With complex geo-political elements at play in the definition, the UN General Assembly First Committee has the potential to act as the appropriate forum to discuss and mediate the complex process of definition determination.<sup>178</sup>

#### *Recent Developments*

In November of 2019, Member States met for the first time under the auspices of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction.<sup>179</sup> This annual conference on the topic of NWFZ in the Middle East is set to draw from past discussion and successful negotiations on the establishment of NWFZs in the Caribbean and Latin America, and is set to take place on an annual basis until a legally binding treaty is agreed upon for the region.<sup>180</sup> At the Conference, President Rouhani of Iran agreed to the inspection of two undeclared nuclear testing sites, suspected of hosting internationally non-compliant activities, ending a month long standoff between Iran and the IAEA.<sup>181</sup> In the second session on the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction set for 16

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<sup>166</sup> UN General Assembly, *Speech by Iran (Islamic Republic of) His Excellency Hassan Rouhani, President, at the General Assembly 74<sup>th</sup> Session General Debate Iranian Statement on 25 September 2019, in New York City, 2019.*

<sup>167</sup> Kaye, *Israel and Iran: A Dangerous Rivalry*, RAND Corporation, 2011.

<sup>168</sup> Arms Control Association, *Nuclear Weapons: Who Has What at a Glance*, 2019.

<sup>169</sup> International Atomic Energy Agency, *IAEA and Nuclear-Weapons-Free-Zones (NWFZ)*, 2011.

<sup>170</sup> *Ibid.*

<sup>171</sup> Aboul-Enein et al., *Towards a Verified Nuclear Weapon Free Zone in the Middle East*, 2010.

<sup>172</sup> Goldschmidt, *A Realistic Approach Toward a Middle East Free of WMD*, 2016.

<sup>173</sup> Khalidi, *The "Middle East" as a Framework of Analysis: Re-mapping A Region in the Era of Globalization, Comparative Studies of South Asia, Africa, and the Middle East*, 1998.

<sup>174</sup> Malley et al., *Israel, Turkey, and Iran in the Changing Arab World, Middle East Policy Council*, 2012.

<sup>175</sup> *Ibid.*

<sup>176</sup> *Ibid.*

<sup>177</sup> *Ibid.*

<sup>178</sup> Aboul-Enein et al., *Towards a Verified Nuclear Weapon Free Zone in the Middle East*, 2010.

<sup>179</sup> UN News, *At UN, Middle East countries discuss steps towards regional nuclear-free zone*, *UN News*, 2019.

<sup>180</sup> *Ibid.*

<sup>181</sup> Hafezi & Murphy, *Iran Relents on IAEA inspections at two sites ending standoff*, *Reuters*, 2020.

November 2020, parties are looking forward to a legally binding treaty towards the establishment of a NWFZ in the Middle East.<sup>182</sup>

### **Conclusion**

While establishing a NWFZ in the Middle East has been an important topic in UN debates over the past two decades, progress on the matter is currently stalled.<sup>183</sup> Past discussions in the UN have not yielded concrete results due to the complexities of the region, creating a challenge for international mediators and policymakers.<sup>184</sup> From the aftermath of the 2003 conflict between the United States and Iraq, the 2011 uprisings in Syria and Iraq, and the increased rates of arms imports to the region from the West; the Middle East has almost a century of instability and ever-changing geopolitical dilemmas to factor into disarmament discussions.<sup>185</sup>

Defining which states a Middle Eastern NWFZ would include would be a significant step forward towards establishing an effective NWFZ in the region, as would be broader peace talks among Member States during negotiations on the elimination of nuclear weapons from the region.<sup>186</sup> Ultimately, the potential to use the Middle Eastern NWFZ negotiations as a regional unifier and as a mechanism to achieve more peace in the Middle East demonstrate the important role that the UN General Assembly has to play in furthering these discussions.<sup>187</sup>

### **Further Research**

Given the current challenges of establishing a NWFZ in the Middle East, global nuclear disarmament, nuclear non-proliferation, and the complex relationships between regional Member States, delegates should consider some key research questions, including: How can the MENA region define terms for a NWFZ given the strained relationship between Member States? How should the international community address the lack of adherence by Member States to international norms and preexisting agreements on nuclear safety? How can Member States build on the JCPOA for future progress towards nuclear responsibility? How should the General Assembly First Committee address the establishment of a NWFZ in the Middle East given the region's diverse ethnic and religious communities? What are some of the methods that the General Assembly First Committee can utilize to foster dialogue for greater international collaboration on nuclear matters? How will differing UN working methods under the current COVID-19 pandemic impact productive discussions?

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*This article outlines the need for a NWFZ in the Middle East and discusses the proposed NWFZ/s relevance to the 2010 NPT Review Conference. The paper highlights relevant history on the negotiation, including as Egypt taking initiative in international forums on MENA NWFZ, and the relationship between Israel and the NPT. Delegates will also find this paper useful as it contains technical information on nuclear technology that exists in the Middle East, the means by which certain Member States use these technologies, and whether these means are aligned with international guidelines.*

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<sup>182</sup> UNODA, *Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction*, 2019.

<sup>183</sup> Aboul-Enein et al., *Towards a Verified Nuclear Weapon Free Zone in the Middle East*, 2010.

<sup>184</sup> Arms Control Association, *WMD-Free Middle East Proposal at a Glance*, 2019.

<sup>185</sup> Cammack & Dunne, *Arab Horizons: Fueling Middle East Conflicts- or Dousing the Flames*, 2018.

<sup>186</sup> Lindamood, *Middle East Nuclear Weapon Free Zone, Civil Society Presentations—2010 NPT Review Conference—Middle East NWFZ*, 2010.

<sup>187</sup> *Ibid.*

Arms Control Association. (2018). *WMD-Free Middle East Proposal at a Glance*. Retrieved 16 July 2020 from: <https://www.armscontrol.org/factsheets/mewmdfz>

*This article contains a description and timeline of the various proposals for a WMD-Free Middle East, as well as NWFZs within the MENA region. It also contains important dates and internal links to more in-depth articles on the subject that will be useful for providing a general overview on the topic for delegate research. Delegates will also benefit greatly from the included fact sheet, as it succinctly breaks down the complex processes, successes, and past failures involved in establishing a NWFZ in the Middle East.*

International Atomic Energy Agency. (2011). *IAEA and Nuclear-Weapons-Free-Zones (NWFZ)*. Retrieved 16 July 2020 from: <https://www.iaea.org/newscenter/focus/nuclear-weapons-free-zones>

*This IAEA page highlights the documents, findings, and resolutions of the Forum for the Creation of a NWFZ in the Middle East. It also demonstrates links to previous IAEA and UNODA work towards establishing NWFZs in other regions. This source is pertinent to delegates' research as it shows the language used by states in these NWFZ discussion forums. This database also compiles all work on the issue of NWFZ which makes it accessible for delegate research on meeting agendas and notes from NWFZ talks other than those on the MENA region, which can help compare and contrast solutions.*

United Nations, General Assembly. (2017). *Establishment of Nuclear-Weapon-Free Zone in the Region of the Middle East (A/RES/72/24)*. Adopted on report of the First Committee (A/72/405). Retrieved 16 July 2020 from: <https://undocs.org/A/RES/72/24>

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United Nations Office for Disarmament Affairs. (2019). *Nuclear-Weapon-Free Zones*. Retrieved 16 July 2020 from: <https://www.un.org/disarmament/wmd/nuclear/nwfz/>

*This UNODA source defines NWFZs and establishes their support stemming from the NPT. This webpage also highlights NWFZs in other regions along with links to the details on their timelines. The guidelines and principles section on this page will be useful for delegates as they work in committee to establish a NWFZ in the Middle East, as well as laying out the guidelines set forth by the NPT, IAEA, and UNODA. Additionally, delegates can use this source to access other treaties that address the denuclearization of non-regional areas, including the Antarctic Treaty (1959), Outer Space Treaty (1966), Moon Agreement (1979), and Seabed Treaty (1971), and to see the different approaches utilized to foster negotiation success.*

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## II. Advancing Responsible State Behavior in Cyberspace in the context of International Security

*“We remain committed to an accessible, open, interoperable, reliable and secure cyberspace. We recognize the enormous benefits for economic growth and prosperity that we and all others derive from cyberspace as an extraordinary tool for economic, social and political development.”<sup>188</sup>*

### Introduction

The International Telecommunication Union (ITU) estimated that by the end of 2019, over 4.1 billion people were using the Internet globally.<sup>189</sup> In an era where the majority of the world depends on this technology, a free, open, and secure cyberspace is a necessary condition to ensuring the full range human rights, both online and offline.<sup>190</sup>

The development of new technologies, such as artificial intelligence (AI), has brought both new opportunities and challenges for responsible state behavior in cyberspace due to the lack of policy precedent.<sup>191</sup> For example, the potential to use AI for both offensive and defensive purposes, such as actors potentially using AI to conduct cyber-attacks, pose new threats to international peace and security.<sup>192</sup> In recent years, the international community has made numerous efforts to standardize norms regulating the behavior of Member States in cyberspace.<sup>193</sup> The General Assembly First Committee is a key forum for the discussion of regulating responsible behavior in cyberspace; it has largely contributed to the development of a set of standards for how Member States are to behave in cyberspace, particularly by the periodical establishment of the Group of Governmental Experts (GGE).<sup>194</sup> The 2015 GGE consensus report elaborates on what norms and principles for responsible state behavior in cyberspace are in saying that these “norms reflect the international community’s expectations, set standards for responsible State behavior and allow the international community to assess the activities and intentions of States.”<sup>195</sup> In particular, this report represents the basis for a globally accepted cyber code of conduct by providing important recommendations regarding the use of information and communication technologies (ICTs) by Member States.<sup>196</sup>

Last year, the Secretary-General warned that “malicious acts in cyberspace are contributing to diminishing trust among Member States,” but the international community is committed to making cyberspace safer.<sup>197</sup> At its Seventy-third session, the General Assembly First Committee established two processes that focus on ICT-related issues in the context of international peace and security: a sixth GGE, and, for the first time, an Open-Ended Working Group on ICTs.<sup>198</sup> The creation of these new bodies

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<sup>188</sup> G7, *G7 Declaration on Responsible States Behavior in Cyberspace*, 2017.

<sup>189</sup> ITU, *Statistics*, 2020.

<sup>190</sup> Kumar & Brown, *UN First Committee Processes on Responsible State Behavior in Cyberspace: An Explainer*, 2019.

<sup>191</sup> OECD, *Artificial Intelligence in Society*, OECD Publishing, 2019.

<sup>192</sup> INFOSEC, *Introduction to AI and Cybersecurity*, 2019; OECD, *Artificial Intelligence in Society*, OECD Publishing, 2019.

<sup>193</sup> Kumar & Brown, *UN First Committee Processes on Responsible State Behavior in Cyberspace: An Explainer*, 2019.

<sup>194</sup> *Ibid.*; CCDCOE, *2015 UN GGE Report: Major Players Recommending Norms of Behavior, Highlighting Aspects of International Law*, 2015.

<sup>195</sup> CCDCOE, *2015 UN GGE Report: Major Players Recommending Norms of Behavior, Highlighting Aspects of International Law*, 2015.

<sup>196</sup> Chernenko, *Increasing International Cooperation in Cybersecurity and Adapting Cyber Norms*, 2018; CCDCOE, *2015 UN GGE Report: Major Players Recommending Norms of Behavior, Highlighting Aspects of International Law*, 2015; CCDCOE, *2015 UN GGE Report: Major Players Recommending Norms of Behavior, Highlighting Aspects of International Law*, 2015.

<sup>197</sup> UNODA, *Securing Our Common Future: An Agenda for Disarmament*, 2018, p. 56; INFOSEC, *Introduction to AI and Cybersecurity*, 2019.

<sup>198</sup> Kavanagh, *The United Nations, Cyberspace and International Peace and Security: Responding to Complexity in the 21<sup>st</sup> Century*, 2017, p. 1.; UN General Assembly, *Developments in the field of information and*

represents a further step for the General Assembly to deal with new cybersecurity-related issues and broaden the scope of discussions, with the aim of reducing potential disagreements among states.<sup>199</sup>

With a quarter of the world's population under lockdown due to the ongoing COVID-19 pandemic, Internet use has increased by 70%.<sup>200</sup> The pandemic has further underscored the fundamental benefits of information and communications technology (ICTs), including communicating essential public safety messages, giving innovative solutions to ensure business continuity, and maintaining social cohesion through virtual means.<sup>201</sup> At the same time, the pandemic has further demonstrated the risks of malicious cyber-activities and the spread of online misinformation, as well as highlighted the necessity to agree on a set of norms regulating the behavior of Member States in cyberspace.<sup>202</sup> The UNODC has advised individuals to gather their information from reliable sources, such as the World Health Organization (WHO) and the United Nations, in order to avoid the transmission of misinformation.<sup>203</sup>

### ***International and Regional Framework***

While the international regulation of cyberspace is still a relatively new topic under international consideration, the General Assembly First Committee's first work on this issue was the adoption of resolution 53/70 on the "Development in the field of information and telecommunications in the context of international security" in 1998.<sup>204</sup> This resolution played a key role in advancing debates about ICTs at the UN by recognizing for the first time both the benefits of ICTs for development, and the threat they can pose to international peace and security.<sup>205</sup> The UN *Convention Against Transnational Organized Crime* (2000), which was established by General Assembly resolution 55/25, is the principal international instrument in the fight against transnational organized crime.<sup>206</sup> In 2018, the Conference of the Parties to the UN Convention Against Transnational Organized Crime established a review mechanism to the Convention, which, among other things, was mandated to discuss the involvement of civil society working on organized crime around several topics, including cybercrime.<sup>207</sup> Additionally, the pivotal *2030 Agenda for Sustainable Development* (2015) recognizes that ICTs are an important pillar for the achievement of all the Sustainable Development Goals (SDGs).<sup>208</sup> SDG 17 ("Peaceful and inclusive societies") reflects the importance of ICTs in achieving the SDGs, in particular targets 17.7, 17.8, and 17.9, the "Technological" targets.<sup>209</sup>

The UN Office for Disarmament Affairs (UNODA) has also organized a series of consultations between the GGE and regional organizations to be held by 2021, including with the African Union (AU), the European Union (EU), the Organization of American States, the Organization for Security and Cooperation in Europe, the Regional Forum of the Association of Southeast Asian Nations and the

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*telecommunications in the context of international security (A/RES/53/70)*, 1999; UN General Assembly, *Developments in the field of information and telecommunications in the context of international security (A/RES/73/27)*, 2018.

<sup>199</sup> Kumar & Brown, *UN First Committee Processes on Responsible State Behavior in Cyberspace: An Explainer*, 2019.

<sup>200</sup> Beech, *Covid-19 Pushes Up Internet Use 70% And Streaming More Than 12%, First Figures Reveal*, *Forbes*, 2020.

<sup>201</sup> Council of Europe, *Cybercrime*, 2020.

<sup>202</sup> *Ibid.*

<sup>203</sup> UNODC, *UN tackles 'infodemic' of misinformation and cybercrime in COVID-19 crisis*, 2020.

<sup>204</sup> Kumar & Brown, *UN First Committee Processes on Responsible State Behavior in Cyberspace: An Explainer*, 2019.

<sup>205</sup> UN General Assembly, *Developments in the Field of Information and Telecommunications in the Context of International Security (A/RES/53/70)*, 1999.

<sup>206</sup> UNODC, *United Nations Convention against Transnational Organized Crime and the Protocols Thereto*, 2000.

<sup>207</sup> Global Initiative Against Transnational Organized Crime, *What to make of the new UNTOC review mechanism?*, 2018.

<sup>208</sup> ITU, *2030 Agenda for Sustainable Development*, 2020.

<sup>209</sup> SDG Compass, *SDG 17: Strengthen the Means of Implementation and Revitalize the Global Partnership for Sustainable Development*, 2015.

League of Arab States.<sup>210</sup> These consultations aim to further promote the work of the GGEs and enrich it with regional perspectives.<sup>211</sup>

Regionally, the *Convention on Cybercrime of the Council of Europe* (2001), known as the Budapest Convention, is the only binding regional mechanism on cybercrime and offers a comprehensive model for further steps in the context of responsible state behavior in cyberspace.<sup>212</sup> Those who have signed this Convention, both members and non-members of the Council of Europe, agree on the necessity to establish a common criminal policy in order to protect society against cybercrime, and therefore are committed to increasing international cooperation and setting appropriate common norms in cyberspace.<sup>213</sup> As a result, the UN considers this Convention as a key consulting tool and a benchmark for the establishment of mutual standards guiding the responsible state behavior in cyberspace.<sup>214</sup> The Budapest Convention is supplemented by the *Protocol Concerning the Criminalization of Acts of a Racist or Xenophobic Nature Committed Through Computer Systems* (2003), which considers how the misuse of ICTs can spread forms of racism and xenophobia, and affirms the necessity for the States parties to adopt legislation to address such issues.<sup>215</sup> In 2016, the European Parliament also adopted the *Directive on security of network and information systems* (NIS directive) with the aim of strengthening the level of cybersecurity in the European Union (EU).<sup>216</sup> Among other things, the Directive has established a cooperation group among EU Member States to promote effective cooperation and information sharing between them, and it has set security and notification requirements to be respected by all those sectors that rely on ICTs.<sup>217</sup> Finally, in 2014 the African Union (AU) adopted the *Convention on Cybersecurity and Personal Data Protection* (Malabo Convention).<sup>218</sup> The main aim of this Convention is setting essential rules in order to establish a safe cyberspace and fill gaps in regulation, including issues related to e-commerce, digital privacy, and cybercrime.<sup>219</sup>

### **Role of the International System**

In 2018, the General Assembly adopted resolution 73/266 on “Advancing responsible state behavior in cyberspace in the context of international security,” which underlines the necessity for cooperation between Member States in order to address the threats emerging in cyberspace.<sup>220</sup> General Assembly resolution 73/27 on the “Developments in the Field of Information and Telecommunications in the Context of International Security,” (2018) underlines the threats to peace and security posed by the misuse of ICTs.<sup>221</sup> With this resolution, the General Assembly First Committee established two processes to discuss the issue of security in cyberspace: a GGE on advancing responsible state behavior in cyberspace in the context of international security, and an OEWG on ICTs.<sup>222</sup> The GGE first met in December 2019, but will

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<sup>210</sup> UN General Assembly, *Regional Consultations series of the Group of Governmental Experts on Advancing Responsible State Behavior in Cyberspace in the Context of International Security*, 2020.

<sup>211</sup> Ibid.

<sup>212</sup> Council of Europe, *Budapest Convention*, 2020.

<sup>213</sup> Ibid.

<sup>214</sup> Pawlak, A Wild Wild Web? Law, Norms, Crime and Politics in Cyberspace, *European Union Institute for Security Studies*, 2017.

<sup>215</sup> Council of Europe, *Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems*, 2003.

<sup>216</sup> European Commission, *The Directive on security of network and information system (NIS Directive)*, 2020.

<sup>217</sup> Ibid.

<sup>218</sup> AU, *African Union Convention on Cyber Security and Personal Data Protection*, 2018.

<sup>219</sup> Ibid.

<sup>220</sup> UN General Assembly, *Advancing Responsible State Behavior in Cyberspace in the Context of International Security (A/RES/73/266)*, 2019.

<sup>221</sup> UN General Assembly, *Developments in the field of information and telecommunications in the context of international security (A/RES/73/27)*, 2018.

<sup>222</sup> Ibid.

not submit a final report to the General Assembly until 2021 as it has mandated for the period of 2019-2021.<sup>223</sup>

The OEWG provides a forum for the discussion on the norms, rules, and principles of responsible state behavior, including ways to implement such norms, since its June 2019 start of operation.<sup>224</sup> The OEWG analyzes the threats that information security poses, and gives suggestions on how to advance confidence building measures and capacity building measures.<sup>225</sup> The OEWG has convened several times between December 2019 and July 2020, both for consultations and informal meetings.<sup>226</sup> Among other things, the OEWG has discussed about existing and potential threats in the sphere of information security and possible cooperative measures to address them; further development of rules, norms and principles of responsible behavior of States; and how international law applies to the use of ICTs by Member States.<sup>227</sup> At the consultations, Member States have underlined how attacks on critical infrastructure and critical information infrastructure pose a threat not only to security, but also to economic development and livelihoods, and the need to further develop cooperative measures between them to address such threats.<sup>228</sup>

Many other UN bodies work on cyberspace-related issues, such as the ITU and the United Nations Institute for Disarmament Research (UNIDIR).<sup>229</sup> As the leading UN agency on ICTs, the ITU has a predominant role in implementing UN resolutions regarding technologies and cyberspace.<sup>230</sup> Among several initiatives, the ITU launched the *Global Cybersecurity Agenda* (GCA) in 2007, which serves as a framework for international cooperation to promote a safer information society.<sup>231</sup> Since its inception, the GCA has facilitated the creation of multi-stakeholder partnerships to promote cybersecurity, and shaped a common understanding of cybersecurity risks among Member States.<sup>232</sup> UNIDIR has also worked to reinforce cyber stability and therefore ensure the advance of a more secure cyberspace.<sup>233</sup> Among other ongoing projects, UNIDIR has organized series of International Security Cyber Issues Workshops, as well as Cyber Stability Conference Series.<sup>234</sup> One of the most recent conferences was held in New York in June 2019 and focused on how to strengthen international commitment in the field of cyberspace.<sup>235</sup> Discussions included the mandates of the GGE and OEWG, and the need to harmonize international practices in the context of cyberspace.<sup>236</sup>

To date, there are also many public-private partnerships (PPPs) that are participating in the advancement of cyberspace security through accords, collective action, and initiatives worldwide; for example, the UNODA noted the technological need for collaboration in the private sector to work towards a safer and more secure digital community, and therefore partnered with the Cybersecurity Tech Accord in 2019 to launch the Apps 4 Digital Peace competition to involve young people in offering technology-based

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<sup>223</sup> Stadnik, *Discussing State Behavior in Cyberspace: What Should we Expect?*, *Diplo*, 2019; Kumar & Brown, *UN First Committee Processes on Responsible State Behavior in Cyberspace: An Explainer*, 2019; Reaching Critical Will, *Group of Governmental Experts on advancing responsible state behavior in cyberspace in the context of international security*, 2020.

<sup>224</sup> GIP Digital Watch, *UN GGE and OEWG*, 2019.

<sup>225</sup> Stadnik, *Discussing State Behavior in Cyberspace: What Should we Expect?*, *Diplo*, 2019; Ruhl et al, *Cyberspace and Geopolitics: Assessing Global Cybersecurity Norm Processes at a Crossroads*, 2020.

<sup>226</sup> GIP Digital Watch, *UN GGE and OEWG*, 2019.

<sup>227</sup> *Ibid.*

<sup>228</sup> UN, *Regional Consultations series of the Group of Governmental Experts on Advancing Responsible State Behavior in Cyberspace in the Context of International Security*, 2020.

<sup>229</sup> ITU, *Cybersecurity Programme*; UNIDIR, *Cyber Stability Conference: Strengthening Global Engagement 2019*, 2019.

<sup>230</sup> Wamala, *The ITU National Cybersecurity Strategy Guide*, 2011, pp. 18-19.

<sup>231</sup> ITU, *Global Cybersecurity Agenda*, 2020.

<sup>232</sup> *Ibid.*

<sup>233</sup> UNIDIR, *Cyber Stability*, 2020.

<sup>234</sup> *Ibid.*

<sup>235</sup> UNIDIR, *Cyber Stability Conference: Strengthening Global Engagement 2019*, 2019.

<sup>236</sup> *Ibid.*

solutions for cybersecurity.<sup>237</sup> The Cybersecurity Tech Accord created an opportunity for global technology companies to defend their users and developers from malicious online threats and security challenges by collaborating with other signatories to enhance technical collaboration for safer global use.<sup>238</sup>

For example, the WHO has acknowledged the significant rise of cyber scammers and hackers who are utilizing the unprecedented events of COVID-19 to exploit sensitive information and undermine digital privacy.<sup>239</sup> As a result, the WHO has created a response team to battle the current ‘infodemic’ who are collaborating with the world’s largest social media platforms, such as Facebook, Google, Twitter, TikTok, and Youtube, to mitigate the amount of rumors and misinformation.<sup>240</sup> COVID-19 has put immense pressure on Member States to collaborate and find solutions to cyberattacks, especially attacks on hospitals, medical research facilities and researchers, and the United Nations news regarding the pandemic.<sup>241</sup>

Among many independent civil society organizations, the Global Commission on the Stability of Cyberspace has also undertaken several initiatives to strengthen awareness between cyberspace communities and support policy norms in the context of cyberspace’s security.<sup>242</sup> These norms represent a clear step to advance a responsible state behavior in cyberspace by referring to what Member States should do to avoid foreign tampering in domestic cyber-products, and to respond to potential offensive cyber operations by non-state actors.<sup>243</sup>

The Shanghai Cooperation Organization (SCO), which has had Observer Status in the General Assembly since 2005, has broadened its agenda to include topics related to cyberspace.<sup>244</sup> The SCO has made efforts to develop a set of norms regulating state behavior in cyberspace by submitting the proposal of the *International Code of Conduct for Information Security* to the General Assembly in 2011, followed by an updated version in 2015.<sup>245</sup> The objective of this Code of Conduct is to recognize the rights and responsibilities of Member States, foster responsible state behavior and cooperation in cyberspace in order to cooperatively address the potential threats and challenges and create a peaceful, secure, and open cyberspace.<sup>246</sup>

### ***Artificial Intelligence: Threats and Opportunities***

The nature of AI is continuously evolving and therefore policy has been required to evolve quickly in order to address the topic.<sup>247</sup> However, the link between AI and cybersecurity is well established as there are many AI-based systems being used by Member States, civil society, and the private sector to defend against cyber-threats.<sup>248</sup> The appeal of utilizing AI is that these systems are able to detect and deter threats automatically, including threats that may have been missed by a human analyst.<sup>249</sup> While AI can be used to defend against cyber-threats, AI systems themselves also pose a threat to Member States as cyber-criminals can use these technologies to launch advanced cyber-attacks.<sup>250</sup> Furthermore, due to the currently underregulated nature of AI technologies, states may also be able to use AI technology for

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<sup>237</sup> UNODA, *UNODA and Cybersecurity Tech Accord announce “Apps 4 Digital Peace!” contest*, 2019.

<sup>238</sup> Cybersecurity Tech Accord, *About the Cybersecurity Tech Accord*, 2020.

<sup>239</sup> WHO, *Beware of criminals pretending to be WHO*, 2020.

<sup>240</sup> UNODC, *UN tackles ‘infodemic’ of misinformation and cybercrime in COVID-19 crisis*, 2020.

<sup>241</sup> Associated Press, *UN Warns Cybercrime on Rise During Pandemic*, VOA News, 2020.

<sup>242</sup> GCSC, *The Commission*.

<sup>243</sup> GCSC, *Norm Package Singapore*, 2018.

<sup>244</sup> Albert, *The Shanghai Cooperation Organization, Council on Foreign Relations*, 2015.

<sup>245</sup> McKune, *An Analysis of the International Code of Conduct for Information Security*, 2015; Albert, *The Shanghai Cooperation Organization, Council on Foreign Relations*, 2015.

<sup>246</sup> McKune, *An Analysis of the International Code of Conduct for Information Security*, 2015.

<sup>247</sup> INFOSEC, *Introduction to AI and cybersecurity*, 2019.

<sup>248</sup> *Ibid.*

<sup>249</sup> *Ibid.*

<sup>250</sup> Etzioni & Etzioni, *Should Artificial Intelligence Be Regulated?*, 2017.

offensive, instead of defensive, purposes to launch cyber-attacks against other states.<sup>251</sup> Therefore, due to the unknown possibilities, potential challenges, and unintended consequences of AI, creating a mechanism to govern and regulate the use of AI technologies is an ongoing challenge in the international community.<sup>252</sup>

The First Committee has been discussing how AI can best be addressed through international policy.<sup>253</sup> Among many other relevant initiatives, UNODA has recently launched the ‘Youth4Disarmament’ Initiative to discuss on the implications of AI for international peace and security.<sup>254</sup> Such implications include the role of AI in modern warfare, its strategic implications, and moral and ethical questions linked to the weaponization of AI technology.<sup>255</sup> During the first Youth4Disarmament dialogue, which took place in August 2019, the panelists highlighted the potential impact of AI on strategic stability and nuclear command-and-control systems, the proliferation risks associated with AI technologies, and the ethical and moral concerns of delegating life-or-death decisions to machines.<sup>256</sup>

With regards to new technologies, the UN Secretary-General has launched the “Strategy on New Technologies” in October 2018.<sup>257</sup> This Strategy defines the way in which the UN system will support the use of new technologies, such as AI, to achieve the SDGs.<sup>258</sup> The Strategy introduces some main guiding principles for UN activities by promoting global standards, supporting the development of partnerships in the use of new technologies, and fostering inclusion and new forms of cooperation in the field of technologies.<sup>259</sup> These principles can further be applied as guidelines for responsible state behavior in cyberspace.<sup>260</sup>

Another important initiative aimed to promote the responsible use of AI in cyberspace was the launching of the Organisation for Economic Co-operation and Development (OECD) *Recommendation of the Council on AI* by the OECD Member States in May 2019, which was the first intergovernmental standard document on AI to be ever approved.<sup>261</sup> These principles set standards in areas such as privacy, digital security risk management, and responsible business conduct, which were used as a benchmark by the G20 Leaders who welcomed G20 AI Principles in June 2019.<sup>262</sup> While all of these initiatives and strategies are bringing light to the potential uses of AI and cybersecurity and evolving the discussion of AI’s challenges, there has been no attempt as of 2020 to create an international mechanism to govern the use of AI technologies in cyberspace.<sup>263</sup> Therefore, responsible state use of AI in cyberspace, combined with the continuously evolving nature of AI technology, may continue to pose a threat to international peace and security if used inappropriately.<sup>264</sup>

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<sup>251</sup> Ibid.

<sup>252</sup> Ibid.

<sup>253</sup> UN, *First Committee Weighs Potential Risks of New Technologies as Members Exchange Views on How to Control Lethal Autonomous Weapons, Cyberattacks*, 2018.

<sup>254</sup> Bianco, *UNODA launches ‘Youth4Disarmament’ Initiative with dialogue on artificial intelligence and international security*, 2019.

<sup>255</sup> Ibid.

<sup>256</sup> Ibid.

<sup>257</sup> UN EOSG, *Secretary-General’s Strategy on New Technologies*, 2018.

<sup>258</sup> Ibid.

<sup>259</sup> Ibid.

<sup>260</sup> Ibid.

<sup>261</sup> OECD, *What are the OECD Principles on AI?*, 2019.

<sup>262</sup> Ibid.

<sup>263</sup> Etzioni & Etzioni, *Should Artificial Intelligence Be Regulated?*, 2017; INFOSEC, *Introduction to AI and cybersecurity*, 2019.

<sup>264</sup> Ibid.

## Cybercrime and COVID-19

The COVID-19 pandemic has made it clear that the Internet is a critical part of our global infrastructure.<sup>265</sup> Due to current social distancing measures, the Internet has become the principle tool to maintain people's connectedness, and often their employment as well.<sup>266</sup> With more than half of the world population currently relying on the Internet to conduct their daily activities, including working and studying, protecting cyberspace is an increasingly urgent task.<sup>267</sup> However, since the beginning of the pandemic in March 2020, there has also been an unprecedented global increase in malicious cyber activity, including attempts to steal secret information or money from home workers, and attacks on critical infrastructures such as airports, ports, and hospitals.<sup>268</sup> The WHO has dubbed this increase in misinformation and malicious information during the pandemic as the global "infodemic."<sup>269</sup>

As affirmed by the UN Under-Secretary-General of Disarmament Affairs, Izumi Nakamitsu, at an informal meeting of the Security Council in May 2020, the growing digital dependency during the COVID-19 pandemic has increased vulnerability to cyberattacks, with an attack estimated to be taking place every 39 seconds.<sup>270</sup> Cyberattacks can take several forms, including malicious emails, fake coronavirus news, and attacks against health care organizations and medical research facilities.<sup>271</sup> Proliferating misinformation to the public can have severe ramifications.<sup>272</sup> For instance, the spread of misinformation during COVID-19 has led to lethal consequences for hundreds of people in the Islamic Republic of Iran who consumed methanol alcohol, believing online claims that this substance could cure coronavirus; similarly, citizens in the United States of America were led to believe through the spread of online misinformation that hydroxychloroquine was a possible remedy for COVID-19, and an individual died from overdosing on the medication.<sup>273</sup> The UN Security Council has underlined the urgent need to advance responsible state behavior in cyberspace, as common guidelines and norms in the use of ICTs can significantly reduce the possibility that malicious actors exploit those vulnerabilities emerged during the pandemic to their own advantage.<sup>274</sup> The General Assembly First Committee has continuously recognized the importance of capacity building and international collaboration by Member States, however only an estimated 50% of all Member States have a solidified cybersecurity strategy and no consensus current exists on the creation of a global strategy.<sup>275</sup>

As a result, Member States have agreed on strengthening international cooperation in the field of cyberspace in order to fight the spread of fake information about the virus and the 'infodemic' that emerged as a result of the COVID-19 pandemic.<sup>276</sup> The United Nations Office on Drugs and Crimes (UNODC) has been leading a campaign to help people identify trusted sources when reading information about the pandemic.<sup>277</sup> COVID-19 forced millions of people to shift to an almost solely digital life, where cybersecurity became essential to livelihood.<sup>278</sup> Many Member States have also expressed their growing concern that the spread of cyberattacks, misinformation, and an ambush on privacy is not only a security and development issue, but also an attack on human rights.<sup>279</sup> As a result, the UN has introduced the UN Coronavirus disease (COVID-19) Portal, which selects and shares official and trusted news about

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<sup>265</sup> The Asean Post, *Facing the Cyber Pandemic*, 2020.

<sup>266</sup> Ibid.

<sup>267</sup> Ibid.

<sup>268</sup> Associated Press, UN Warns Cybercrime on Rise During Pandemic, VOA News, 2020.

<sup>269</sup> WHO, *Immunizing the public against misinformation*, 2020.

<sup>270</sup> Associated Press, UN Warns Cybercrime on Rise During Pandemic, VOA News, 2020.

<sup>271</sup> Ibid.; UNODC, *UN tackles 'infodemic' of misinformation and cybercrime in COVID-19 crisis*, 2020.

<sup>272</sup> WHO, *Immunizing the public against misinformation*, 2020.

<sup>273</sup> Ibid.

<sup>274</sup> The Asean Post, *Facing the Cyber Pandemic*, 2020.

<sup>275</sup> UN DPI, *Half of all countries aware but lacking national plan on cybersecurity, UN agency reports*, 2017.

<sup>276</sup> Associated Press, UN Warns Cybercrime on Rise During Pandemic, VOA News, 2020; UNODC, *UN tackles 'infodemic' of misinformation and cybercrime in COVID-19 crisis*, 2020.

<sup>277</sup> UNODC, *UN tackles 'infodemic' of misinformation and cybercrime in COVID-19 crisis*, 2020.

<sup>278</sup> Human Rights Watch, *It's Time to Treat Cybersecurity as a Human Rights Issue*, 2020.

<sup>279</sup> Ibid.

COVID-19.<sup>280</sup> There have also been ongoing consultations and meetings within both the GGE and the OEWG, including those that have been postponed due to the COVID-19 pandemic, designed to debate and finalize new norms for cyberspace in the face of the on-going ‘infodemic.’<sup>281</sup>

Many regional organizations have also been working on reinforcing security measures with regards to cyberspace.<sup>282</sup> For example, Europol has shared guidelines on how to make your home a cyber safe stronghold, and the European Union Agency for Cybersecurity (ENISA) has published tips on cybersecurity when working from home.<sup>283</sup> In addition, the International Criminal Police Organization (INTERPOL) has introduced, in accordance with the World Health Organization (WHO), the “COVID-19 Pandemic – Guidelines for Law Enforcement” (2020), which serves as a benchmark for criminal justice practitioners to define effective strategies to the coronavirus outbreak with national public health authorities.<sup>284</sup>

### **Conclusion**

Concerns about cybersecurity have increased as Member States increasingly depend on the Internet for basic functionality, while the global number of cyber-attacks and online misinformation continues to rise.<sup>285</sup> While ICTs can drive economic and social development, malicious use of these new tools constitute an increasing risk to global security.<sup>286</sup> The international community is therefore committed to continue to explore ways that commit countries to respect laws, rules, or norms in cyberspace.<sup>287</sup> Additionally, the COVID-19 pandemic has created an elevated global concern about cybersecurity.<sup>288</sup> It will be up to the General Assembly First Committee, in particular through the GGE and the OEWG, to continuing to work on supporting and advancing effective implementation of the norms, principles, and rules of responsible state behavior in cyberspace, particularly in the face of ongoing global crises such as COVID-19.<sup>289</sup>

### **Further Research**

Moving forward, delegates should consider the following questions: How can regional frameworks regarding policy and normative expectations for Member States in cyberspace can be adapted at the UN level? How does the private sector respond to UN resolutions on cyberspace? What can the First Committee do, within its mandate, to reconcile the diverging views of Member States on cyberspace-related issues, such as the digital gap and the un-governed space of AI? Has the COVID-19 pandemic changed the urgency of creating regulations and standards related to cyber-related issues? What role should the UN General Assembly play in combatting recent phenomena such as infodemics and COVID-19 misinformation? How will the outcomes of GGE and OEWG meetings and consultations, which are scheduled to be held between the end of 2020 and the first months of 2021, impact this discussion?

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<sup>282</sup> Council of Europe, *Cybercrime and COVID-19*, 2020.

<sup>283</sup> EUROPOL, *Make your home a cyber safe stronghold*, 2020; Council of Europe, *Cybercrime and COVID-19*, 2020.

<sup>284</sup> INTERPOL, *INTERPOL issues international guidelines to support law enforcement response to COVID-19*, 2020.

<sup>285</sup> Lété & Chase, *Shaping Responsible State Behavior in Cyberspace*, 2018.

<sup>286</sup> *Ibid.*

<sup>287</sup> *Ibid.*

<sup>288</sup> VOA, *UN Warns Cybercrime on Rise During Pandemic*, 2020; UNODC, *UN tackles ‘infodemic’ of misinformation and cybercrime in COVID-19 crisis*, 2020.

<sup>289</sup> Kumar & Brown, *UN First Committee Processes on Responsible State Behavior in Cyberspace: An Explainer*, 2019.

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*This article provides a good summary for the research about cybersecurity in the context of the First Committee. It explains the role of the First Committee in cybersecurity-related issues and the key issues on the agenda of the Groups of Experts. Such issues include the development of rules, principles, and norms about the responsible state behavior in cyberspace, the potential cooperative measures to face threats in cyberspace, and the applicability of international law in the use of ICTs. The article will be useful for delegates as it also relates the work of the First Committee to other multilateral forums, like the OSCE, NATO, APEC, and the BRICS Summit, which have also contributed to the norm-development process with regards to the behavior of Member States in cyberspace.*

Meyer, P. (2020). *Norms of Responsible State Behavior in Cyberspace*. Retrieved 20 September 2020 from: [https://link.springer.com/chapter/10.1007/978-3-030-29053-5\\_18](https://link.springer.com/chapter/10.1007/978-3-030-29053-5_18)

*This article offers a comprehensive explanation of the UN GGE's modus operandi, which is the primary mechanism for discussing possible norms of responsible state behavior. The GGE has produced three consensus reports over the last decade. The author particularly focuses on the 2015 report, which recommends a list of principles and confidence-building measures to prevent conflict. However, the article also underlines the difficulties in reaching a consensus on the issue, as differences in approach between states on how security concepts should be applied to cyberspace continue to dominate discussion. This source will aid delegates in finding several recommendations that focus on the necessity to find a greater engagement with the private sector and civil society, both of which are considered to have a key role in creating effective regulation.*

Ruhl C., Hollis D., Hoffman W., & Maurer T. (2020). *Cyberspace and Geopolitics: Assessing Global Cybersecurity Norm Processes at a Crossroads*. Retrieved 20 September 2020 from: <https://carnegieendowment.org/2020/02/26/cyberspace-and-geopolitics-assessing-global-cybersecurity-norm-processes-at-crossroads-pub-81110>

*This report provides a complete analysis about how the international community and other stakeholders have been working on defining international norms of conduct in the context of cyberspace. The authors ask themselves whether the fragmentation caused by the different efforts to define global norms of conduct is a cause for concern or an opportunity to promote cyber stability and security. Delegates will have the opportunity to learn about the process of establishing measures for the responsible state behavior in cyberspace, not only at the UN level, but also from the point of view of expert commissions, industry coalitions, and multistakeholder collectives. By using this source, delegates will be able to develop a comprehensive understanding of the main issues and ongoing initiatives in this field.*

United Nations General Assembly. (2019). *Advancing responsible State behavior in cyberspace in the context of international security (A/RES/73/266)*. Adopted by the General Assembly during the Seventy-third session. Retrieved 19 September 2020 from: <https://undocs.org/A/RES/74/28>

*This resolution is one of the most recent regulatory documents from the UN General Assembly about the issue of cyberspace in the context of international security. The resolution requests the establishment of a new group of governmental experts to continue to study the possible cooperative measures to address information security threats. The GGE will operate for three years and will discuss new norms and principles for a responsible state behavior in cyberspace. Additionally, this resolution requests the establishment of future consultative meetings for Member States to discuss possible joint measures to address threats in the field of international information security, including norms and rules of responsible state behavior and the application of international law to the use of ICT by Member States.*

United Nations, Office on Drugs and Crime. (2020). *UN tackles 'infodemic' of misinformation and cybercrime in COVID-19 crisis*, Retrieved 20 September 2020 from: <https://www.un.org/en/un-coronavirus-communications-team/un-tackling-'infodemic'-misinformation-and-cybercrime-covid-19>

*The COVID-19 pandemic is currently at the center of most of the UN debates. Through use of this source, delegates will be able to develop a comprehensive understanding of all the main issues emerging as a consequence to the pandemic in order to address the topics under discussion. At this link, delegates will find useful materials to deepen their knowledge about the global ongoing crisis, as well as to learn about how the UN has been working to respond to COVID-19, including details on those issues related to ICTs and cyberspace. The UN Coronavirus disease (COVID-19) is an excellent initial source for delegates' research, as it gives constantly updated news both about the pandemic and the UN initiatives.*

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### III. The Illicit Trade in Small Arms and Light Weapons in All Its Aspects

*“The death toll from small arms dwarfs that of all other weapons systems – and in most years greatly exceeds the toll of the atomic bombs that devastated Hiroshima and Nagasaki. In terms of the carnage they cause, small arms, indeed, could well be described as ‘weapons of mass destruction’.”*<sup>290</sup>

#### **Introduction**

There is no universally accepted definition of a small arm or light weapon.<sup>291</sup> Through the adoption of the International Tracing Instrument (ITI) in 2005, the United Nations (UN) defined Small Arms and Light Weapons (SALW) as “any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, excluding antique small arms and light weapons or their replicas.”<sup>292</sup> “Small arms” are weapons which are mainly designed for individual use, including revolvers and self-loading pistols, whereas “light weapons” are designed to be used by multiple individuals and can include heavy artillery machine guns, grenade launchers, self-loading launchers, and anti-tank guns with a caliber less than 100 millimeters.<sup>293</sup> SALWs are considered conventional weapons, which are defined by the UN as weapons that are not weapons of mass destruction.<sup>294</sup> Civil society organizations (CSOs) and academia generally utilize the same definitions as the UN, but with subtle differences; for instance, the Small Arms Survey uses the overarching term small arms to refer to both SALWs as well as parts and ammunition, but light weapons to refer solely to the sub-category of light weapons.<sup>295</sup>

The General Assembly report 60/88 (2005) on the “Open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons” was the first to outline a method for tracing SALWs by proposing a system to track them from manufacture to seizure.<sup>296</sup> In it, SALWs were categorized as “illicit” when they had been transferred, marked, manufactured, or assembled without a national authority’s notice or authorization, and without ensuring the adequate application of provisions.<sup>297</sup> SALWs may also be illicit if they violate a UN Security Council arms embargo or if defined as illicit according to the laws of a Member State within whose territory they are found.<sup>298</sup>

The illicit trade of SALWs has been recognized as one of the most pressing peace and security issues facing the international community, as their misuse threatens human rights and can start, as well as prolong, violent conflict.<sup>299</sup> The relatively inexpensive manufacturing costs of SALWs and their portability make them suitable weapons in violence perpetrated by non-state actors, such as terrorist attacks, armed conflict, and transnational organized crime.<sup>300</sup> SALWs are also subject to diversion, which occurs when a previously legal SALW enters the illegal trade.<sup>301</sup> UN Security Council resolutions, including resolutions

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<sup>290</sup> UN Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, *Small Arms Review Conference 2006*, 2006.

<sup>291</sup> Small Arms Survey, *Definitions of Small Arms and Light Weapons*, 2019.

<sup>292</sup> UN PoA, *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, 2005.

<sup>293</sup> Ibid.

<sup>294</sup> UN Regional Centre for Peace and Disarmament in Asia and the Pacific, *Conventional Weapons*.

<sup>295</sup> Small Arms Survey, *Definitions of Small Arms and Light Weapons*, 2019.

<sup>296</sup> UN General Assembly, *Report of the Open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (A/60/88)*, 2005.

<sup>297</sup> Ibid.

<sup>298</sup> Ibid.

<sup>299</sup> UN Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, *Small Arms Review Conference 2006*, 2006.

<sup>300</sup> Small Arms Survey, *The Geneva Declaration on Armed Violence and Development*, 2006, p. 1.

<sup>301</sup> UNODA, *Preventing the Diversion of Arms and Ammunition*, 2018.

255 (2011), 503 (2013), and 1025 (2017), indicate that the widespread availability of SALWs has exacerbated acts of terrorism-related violence in Iraq, Libya, Syria, and Yemen.<sup>302</sup> Additionally, the illicit trade in SALWs has a disproportionately gendered impact; in 2017, 84% of the 589,000 direct victims of armed violence globally were men and boys while 16% were women and girls.<sup>303</sup> Even though women and girls are less likely to be the direct victims of armed conflict globally, they are more likely to die from the indirect results of conflict in countries with the highest levels of violence, and, women and girls are more at risk of gun violence as a country's level of conflict decreases.<sup>304</sup> This underscores the importance of mitigating the threat to safety and security that the illicit trade of SALWs presents.<sup>305</sup>

### ***International and Regional Framework***

The *Universal Declaration of Human Rights* (UDHR) (1948) established the global human rights framework.<sup>306</sup> Articles 3 and 5 enshrine the right to life, liberty, and security, all of which are threatened by SALWs.<sup>307</sup> In support of the framework, the General Assembly First Committee adopted several global arms control instruments to combat the illicit trade of SALWs, including the foundational *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* (UN PoA) (2001).<sup>308</sup> This instrument calls for the creation of measures to prevent the illicit trade and stockpiling of illegal SALWs and for enhanced methods for SALW tracking and tracing at national, regional, and global levels.<sup>309</sup> More recently, the General Assembly has adopted instruments that focus more precisely on specific aspects of the illicit trade in SALWs, including concentrating on particular categories of arms, or on arms tracing, as well as addressing gaps within the international arms control regime.<sup>310</sup>

The UN PoA's provisions were fortified by the *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition* adopted by General Assembly resolution 55/255 in 2001.<sup>311</sup> Also known as the Firearms Protocol, this instrument supplements the *UN Convention against Transnational Organized Crime* (2000) and is currently the only legally binding document which combats the illicit trade of SALWs at the international level.<sup>312</sup> It covers firearms and their parts, components, and ammunition (all considered SALWs) and recommends the criminalization of illicit actions within State parties' own laws and improved record-keeping, marking, deactivation, and export/import systems.<sup>313</sup> The protocol's main objective was to create a framework upon which Member States can work together to regulate SALWs, prevent diversion, and enable investigations of illicit SALWs without hindering legal transactions.<sup>314</sup>

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<sup>302</sup> UN Security Council, *Small arms and light weapons – Report to the Secretary General (S/2017/1025)*, 2017.

<sup>303</sup> Gender Equality Network for Small Arms Control, *Gender-Responsive Small Arms Control in the Decade of Action for the SDGs*, 2020.

<sup>304</sup> *Ibid.*

<sup>305</sup> UN DGC, *Human Cost of Illicit Flow of Small Arms, Light Weapons Stressed in Security Council Debate (SC/11889)*, 2015.

<sup>306</sup> UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A(III))*, 1948.

<sup>307</sup> *Ibid.*

<sup>308</sup> Council of the European Union, *The UN Role and Efforts in Combating the Proliferation of Small Arms and Light Weapons*, *UN Chronicle*, 2011; UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects (A/CONF.192/15 (2001))*, 2001.

<sup>309</sup> UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in all its Aspects (A/CONF.192/15 (2001))*, 2001; Small Arms Survey, *What the National Reports Reveal: Trends in UN PoA and ITI Reporting*, 2015.

<sup>310</sup> UNODC, *The Firearms Protocol*, 2019; UN PoA, *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, 2005; UN General Assembly, *Arms Trade Treaty*, 2013.

<sup>311</sup> UNODC, *The Firearms Protocol*, 2019.

<sup>312</sup> *Ibid.*

<sup>313</sup> *Ibid.*

<sup>314</sup> *Ibid.*

The General Assembly also adopted the *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons* (ITI) in 2005.<sup>315</sup> This politically binding instrument, designed in accordance with the UN PoA's framework regarding marking, record-keeping, stockpile management, and tracing, explicitly references and builds on the Firearms Protocol.<sup>316</sup> However, the level of national reporting to the ITI has been decreasing in recent years, potentially due to weak reporting enforcement mechanisms.<sup>317</sup>

The UN PoA, Firearms Protocol, and the ITI did not cover the international trade in conventional arms – a significant gap within the international arms control regime that the General Assembly sought to cover in 2013 with the *Arms Trade Treaty* (ATT).<sup>318</sup> Among its functions, the ATT: calls on Member States to commit to establishing effective measures to regulate the international trade of conventional weapons; enhance current efforts in maintaining records on conventional weapons' exports and imports; requires exporters to conduct risk analyses assessing the impact exported weapons could have in the importing Member State; and ensures all parties take measures for thorough tracking of SALW.<sup>319</sup> As of August 2020, 104 Member States have ratified the treaty.<sup>320</sup> Those who have not claim the ATT might interfere with their domestic gun law regulations.<sup>321</sup>

In 2015, the UN established the *2030 Agenda for Sustainable Development* (2030 Agenda) and its 17 Sustainable Development Goals (SDGs) as a framework for global progress to be achieved by 2030 and to continue the work of the Millennium Development Goals, which expired in 2015.<sup>322</sup> Each SDG consists of several "targets" that function as mini-goals to achieve specific SDGs, and each target is associated with an "indicator" that describes how to statistically measure its achievement, underscoring the importance of data-gathering for the 2030 Agenda.<sup>323</sup> Regarding the illicit trade of SALWs, SDG 16 on peace, justice and strong institutions plays a key role.<sup>324</sup> Target 16.4 calls on Member States to "significantly reduce illicit financial and arms flows" and Indicator 16.4.2 addresses the "Proportion of seized, found, or surrendered arms whose illicit origin or context has been traced or established by a competent authority in line with international instruments."<sup>325</sup> Both relate combatting the illicit trade of SALWs to achieving the SDGs, demonstrating the importance of this issue within the UN development framework.<sup>326</sup>

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<sup>315</sup> UN PoA, *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, 2005.

<sup>316</sup> Weaponslaw, *2005 International Tracing Instrument*, 2019; UN General Assembly, *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (A/RES/55/255)*, 2001.

<sup>317</sup> NATO, *10 years of action on Small Arms: Where are we now?*, 2019; Small Arms Survey, *What the National Reports Reveal: Trends in UN PoA and ITI Reporting*, 2015.

<sup>318</sup> UN PoA, *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, 2005; Weaponslaw, *2005 International Tracing Instrument*, 2019; UN General Assembly, *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (A/RES/55/255)*, 2001; UN General Assembly, *Arms Trade Treaty*, 2013.

<sup>319</sup> UN General Assembly, *Arms Trade Treaty*, 2013.

<sup>320</sup> *Ibid.*

<sup>321</sup> *Ibid.*; Scheinert, *Why Has Canada Not Signed the Global Arms Trade Treaty?*. OpenCanada, 2014.

<sup>322</sup> UN Sustainable Development Goals, *About the Sustainable Development Goals*, 2019.

<sup>323</sup> *Ibid.*

<sup>324</sup> *Ibid.*

<sup>325</sup> UN General Assembly, *Work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development (A/RES/71/313)*, 2017.

<sup>326</sup> UNODA, *Arms Control 2.0: Operationalizing Sustainable Development Goals Target 16.4*, 2017; UN General Assembly, *Work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development (A/RES/71/313)*, 2017.

## ***Role of the International System***

The General Assembly First Committee has addressed the illicit trade of SALWs for decades and passed several resolutions at its 74<sup>th</sup> session in 2019 addressing it.<sup>327</sup> General Assembly resolution 74/60 on “The illicit trade in small arms and light weapons in all its aspects” (2019) and resolution 74/51 on the “Assistance to States for curbing the illicit trade in small arms and light weapons and collecting them” (2019) endorsed the cooperation between Member States and CSOs in working towards meeting the standards of the UN PoA and combatting the illicit trade in SALWs globally.<sup>328</sup> General Assembly resolution 74/66 on “Strengthening and developing the system of arms control, disarmament and non-proliferation treaties and agreements” (2019) urged Member States to faithfully implement the provisions of arms control, disarmament, and non-proliferation treaties and agreements signed and ratified, and claimed that any actions undermining these measures also undermined international stability, peace, and security.<sup>329</sup> These resolutions built on previous ones by continuously promoting cooperation between Member States and CSOs, and encouraging Member States to continue striving to fulfill their obligations under international arms control instruments.<sup>330</sup> Pursuant to these resolutions, the UN Secretary-General published a report in April 2020 emphasizing the importance of implementing the UN PoA to combat diversion, preventing SALW acquisition by unauthorized actors, and working regionally to address transnational arms trafficking.<sup>331</sup> He noted that these areas had implementation gaps and that the illicit SALW trade likely continues due to a lack of transparency and information sharing between Member States.<sup>332</sup>

The United Nations Office for Disarmament Affairs (UNODA) works with the General Assembly First Committee and other bodies within the UN system to provide substantive and organizational support in establishing international disarmament norms.<sup>333</sup> It supports the implementation of the UN PoA and ITI through the collection of national reports for both and proposing recommendations.<sup>334</sup> UNODA’s Regional Disarmament Branches, which operate in Africa, Latin America, and the Asia-Pacific, monitor global arms trade policies, and provide support and advisory services to Member States and (sub-) regional organizations.<sup>335</sup> UNODA acts as the focal point for the United Nations Coordinating Action on Small Arms (CASA), which works with other UN agencies to address illicit SALW trade.<sup>336</sup> CASA led the development of the *Modular Small-arms-control Implementation Compendium* (MOSAIC), formerly the *International Small Arms Control Standards* (ISACS), which provides guidance to policymakers in regulating all aspects of small arms control as per the provisions of global agreements.<sup>337</sup> UNODA also maintains the UN Register of Conventional Arms, which aims to increase transparency by reporting arms trade sales, monitoring SALW trade, and aiding in the detection of illegal activities.<sup>338</sup> In October 2019,

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<sup>327</sup> UN General Assembly, *Disarmament and International Security (First Committee)*, 2019.

<sup>328</sup> UN General Assembly, *The illicit trade in small arms and light weapons in all its aspects (A/RES/74/60)*, 2019; UN General Assembly, *Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them (A/RES/74/51)*, 2019.

<sup>329</sup> UN General Assembly, *Strengthening and developing the system of arms control, disarmament and non-proliferation treaties and agreements (A/RES/74/66)*, 2019.

<sup>330</sup> UN General Assembly, *The illicit trade in small arms and light weapons in all its aspects (A/RES/74/60)*, 2019; UN General Assembly, *Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them (A/RES/74/51)*, 2019.

<sup>331</sup> UN General Assembly, *The illicit trade in small arms and light weapons in all its aspects and assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them: Report of the Secretary-General (A/75/78)*, 2020.

<sup>332</sup> *Ibid.*; UNODA, *UN Register of Conventional Arms*, 2019.

<sup>333</sup> UNODA, *About Us*.

<sup>334</sup> UNODA, *Structure*, 2019; Small Arms Survey, *Regional Organizations and the UN Programme of Action on Small Arms (PoA)*, 2019.

<sup>335</sup> UNODA, *Structure*, 2019.

<sup>336</sup> UN PoA, “Reviving the Coordinating Action on Small Arms (CASA) is one of my priorities in the field of disarmament for 2008” *Secretary Ban Ki-moon*, 2019.

<sup>337</sup> UNODA, *Modular Small-arms-control Implementation Compendium*.

<sup>338</sup> UNODA, *UN Register of Conventional Arms*, 2019.

UNODA worked with the UN Development Programme to establish the funding mechanism Saving Lives Entity (SALIENT) within the UN Peacebuilding Fund.<sup>339</sup> SALIENT is overseen by UNODA and addresses armed violence and weapons diversion in targeted countries, including through development-oriented support for stockpile and border management, and national capacity building.<sup>340</sup>

The UN Office on Drugs and Crime (UNODC) plays an important role in collecting data and publishing studies on the illicit trafficking of SALWs.<sup>341</sup> UNODC runs the Global Firearms Programme, designed to prevent and combat illicit trafficking in firearms, their parts and components, and ammunition by assisting Member States in creating and optimizing their criminal justice systems.<sup>342</sup> In June 2018, the UNODC launched the Illicit Arms Flow Questionnaire to better measure illicit SALW trafficking.<sup>343</sup>

Several regional organizations have also created frameworks tailored to eradicate the illicit transfer of SALWs and control their global impact through confidence-building measures (CBMs), defined by UNODA as procedures to prevent and/or reduce hostilities and build trust between different countries, for example through information-sharing.<sup>344</sup> In the Americas, the *Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials* (1997) and the *Inter-American Convention on Transparency in Conventional Weapons Acquisitions* (1999) established regional CBMs.<sup>345</sup> In 2000, the African Union issued the *Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons* (2000), which called for the establishment of national coordination agencies to monitor, track, and control the trade of illicit SALWs, and conducting research on security and safety-related policy-making.<sup>346</sup> In 2006, the League of Arab States adopted resolution 6625 on *Arab Coordination for Combating the Illicit Trade in Small Arms and Light Weapons*, which encourages states to improve their methods of combatting the illicit trade of SALWs through regional information sharing.<sup>347</sup> The European Union (EU) adopted the *EU Strategy to Combat Illicit Accumulation and Trafficking of Small Arms and Light Weapons and Their Ammunition* (2005), which aimed to provide financial support to programs and agencies combating security threats posed by the illegal trade of SALWs.<sup>348</sup>

In addition to the work of the UN and regional organizations, CSOs have also significantly contributed to combatting the illicit trade of SALWs.<sup>349</sup> The Small Arms Survey (SAS) and the Stockholm International Peace Research Institute (SIPRI) conduct research on the arms trade, with SAS focusing on SALWs and SIPRI on conflict, arms control, and general disarmament.<sup>350</sup> SAS provides: regional and international data on global violent deaths and firearms holdings; analysis of global issue areas including production, arms transactions, and brokering; and evaluations of national, regional, and international measures.<sup>351</sup>

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<sup>339</sup> UN DGC, *New 'Saving Lives Entity' to Make Difference in Curbing Armed Violence, Rampant Proliferation of Small Arms*, 2019.

<sup>340</sup> Ibid.; UNODA, *Information Bulletin [Issue No. 1 Oct 2018]*, 2018.

<sup>341</sup> UNODC, *A Global Problem: Illicit Trafficking and Misuse of Firearms as a Threat to Global Security*.

<sup>342</sup> Ibid.

<sup>343</sup> UNODC, *Global Firearms Programme Monitoring Illicit Firearms Flows: UNODC's Approach to SDG Target Indicator 16.4.2*.

<sup>344</sup> UNODA, *Regional Disarmament Overview*, 2019; UNODA, *Military Confidence-building*.

<sup>345</sup> Small Arms Survey, *Regional instruments and organizations*, 2016.

<sup>346</sup> African Union, *Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons*, 2000.

<sup>347</sup> League of Arab States, *Resolution (6625) on Arab Coordination for Combating the Illicit Trade in Small Arms and Light Weapons*, 2006.

<sup>348</sup> European Union, *EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition*, 2005.

<sup>349</sup> UNODA, *Advocacy by Non-Governmental Organizations to Strengthen the United Nations Programme of Action on Small Arms and Light Weapons*, 2018.

<sup>350</sup> Small Arms Survey, *About the Small Arms Survey*, 2019; Stockholm International Peace Research Institute, *About SIPRI*, 2019.

<sup>351</sup> Small Arms Survey, *About the Small Arms Survey*, 2019; Small Arms Survey, *An Introductory Guide to the Identification of Small Arms, Light Weapons, and Associated Ammunition, Chapter Two: Understanding the Trade in Small Arms: Key Concepts*, 2018.

The International Committee of the Red Cross is another key CSO that focuses on the promotion and development of laws for weapon regulation, given their impact on violence against civilians.<sup>352</sup> It also recommends ways to utilize humanitarian aid to stop the illicit trade of SALWs.<sup>353</sup>

### ***The Gendered Impact of Small Arms and Light Weapons***

Gender-based violence (GBV) is defined as “any violence directed at a person based on discriminating norms and practices relating to his or her specific sex or gender role in society.”<sup>354</sup> GBV can consist of physical, emotional, psychological, or socioeconomic violence, including rape, assault, public humiliation, and unequal access to public services.<sup>355</sup> Women and girls are especially vulnerable to GBV, particularly within countries with higher levels of gender inequality where weapons usage and violence may be associated with societal norms of male domination.<sup>356</sup> As many as one in three women experience GBV in their lifetime, and this violence can cost up to 3.7% of a country’s Global Domestic Product (GDP), leading to both social and economic loss as affected women may contribute less to the workforce and therefore to their country’s GDP.<sup>357</sup>

In his *Agenda for Disarmament* (2018), UN Secretary-General António Guterres discussed the gendered impact of arms, noting how arms usage is ideologically connected to expressions of masculinity due to its relation to control, power, domination, and strength.<sup>358</sup> He also discussed how GBV is facilitated by small arms possession, and explicitly connected preventing GBV to achieving SDG 5 on gender quality, Target 2, which addresses the elimination of all forms of violence against women and girls.<sup>359</sup>

Member States may try to decrease GBV through gender-responsive small arms control programming.<sup>360</sup> Gender-responsive programming ensures that programs account for gender dynamics within the societal contexts where the program is being deployed, including dominant social and cultural expectations.<sup>361</sup> Analyzing conflicts while accounting for gender dynamics targets the nexus between armed violence and gender inequality, thereby working towards resolving both issues concurrently.<sup>362</sup> An important aspect of gender-responsive programming is the collection of sex- and age-disaggregated data (indicating gender/age when collecting data) for small arms-relevant indicators, which helps reveal gaps in current programs.<sup>363</sup>

The effective implementation of instruments such as the UN PoA and the ATT is also linked to preventing GBV.<sup>364</sup> Recent General Assembly resolutions, including resolution 74/60 on “The illicit trade in small arms and light weapons in all its aspects,” call for gender-responsive UN PoA and ITI implementation, thereby linking General Assembly actions to the comprehensive implementation of these instruments.<sup>365</sup> While the UN PoA does not explicitly mention GBV, the need for a gender-responsive approach was

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<sup>352</sup> ICRC, *Use of Weapons*, 2019.

<sup>353</sup> Ibid.

<sup>354</sup> Women’s International League for Peace & Freedom, *Preventing Gender-Based Violence Through Arms Control*, 2016.

<sup>355</sup> Emile LeBrun, *Gender-responsive Small Arms Control: A Practical Guide*, 2019.

<sup>356</sup> Women’s International League for Peace & Freedom, *Preventing Gender-Based Violence Through Arms Control*, 2016.

<sup>357</sup> World Bank, *Gender-Based Violence (Violence Against Women and Girls)*, 2019.

<sup>358</sup> UNODA, *Securing Our Common Future: An Agenda for Disarmament*, 2018.

<sup>359</sup> Ibid.; UN Sustainable Development Goals, *About the Sustainable Development Goals*, 2019; Women’s International League for Peace & Freedom, *Preventing Gender-Based Violence Through Arms Control*, 2016.

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<sup>361</sup> Ibid.

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<sup>364</sup> Women’s International League for Peace & Freedom, *Preventing Gender-Based Violence Through Arms Control*, 2016.

<sup>365</sup> UN General Assembly, *The illicit trade in small arms and light weapons in all its aspects (A/RES/74/60)*, 2019.

recognized at the 2018 UN PoA Review Conference.<sup>366</sup> The outcome document references combatting GBV, having gender awareness when analyzing SALW proliferation, collecting gender-disaggregated data, and protecting women's participation in decision-making as a way of empowerment within gender-unequal societies.<sup>367</sup> The ATT recognizes the link between arms trade and GBV in Articles 6 and 7, which require States parties to conduct assessments of the risks of arms being used to commit GBV, firmly including gender in UN debates on conventional arms control.<sup>368</sup> At the Fifth Conference of States parties to the ATT in 2019, gender and GBV in the context of the ATT was chosen as a discussion priority.<sup>369</sup> In the resulting outcome document, States parties agreed to strive for gender balance within their official delegations, consider collecting gender-disaggregated data within their national crime and health statistics, and share best practices for conducting the GBV risk assessments called for by the ATT.<sup>370</sup>

### ***Elements of Monitoring and Tracking Small Arms and Light Weapons***

#### *Licensing*

Conventional weapons licensing provides a framework under which weapons transactions can be conducted legally, which makes arms licensing an essential part of curtailing the illicit SALW trade.<sup>371</sup> Licensing occurs when weapons are imported, exported, transited, and inspected, and can therefore minimize the possibility of weapons being diverted by promoting transparency.<sup>372</sup> When a state entity is importing arms, exporters must usually provide a government-issued end user certificate (EUC) identifying the material transferred, destination, and the end-user; if the transfer involves a non-state entity, other documentation such as import licenses/certificates may be required.<sup>373</sup> EUCs and other documentation ensure the legal transfer of arms or arms materials.<sup>374</sup> Licensing fails when no international standard on who can acquire such licenses exists.<sup>375</sup> In addition to inconsistent licensing standards, the lack of national limits on the number of weapons that an individual can own and exemptions from licensing requirements, such as for civil servants, soldiers, or police, can allow SALWs to be diverted.<sup>376</sup>

#### *Marking and Tracing*

The ITI works to prevent SALWs from being diverted and calls on Member States to enforce the marking of firearms at manufacture, import, and transfer of ownership.<sup>377</sup> The instrument defines tracing as “the systematic tracking of illicit SALW found or seized on the territory of a State from the point of manufacture or the point of importation through the lines of supply to the point at which they become illicit” and marking as an agreement by which individual firearms can be differentiated among any parties or Member States involved in the transfer of these arms.<sup>378</sup> The UN recommends that each weapon undergo a marking process for their tracing to be functional.<sup>379</sup>

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<sup>366</sup> UN General Assembly, *Report of the Third United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/2018/RC/3)*, 2018.

<sup>367</sup> Ibid.

<sup>368</sup> UN General Assembly, *Arms Trade Treaty*, 2013.

<sup>369</sup> Arms Trade Treaty, *Draft Decision of the CSP5 on Gender and Gender Based Violence*, 2019.

<sup>370</sup> Ibid.

<sup>371</sup> Oxfam International, *National Implementation of the Proposed Arms Trade Treaty: A Practical Guide, Summary*, 2010.

<sup>372</sup> Ibid.

<sup>373</sup> Bromley et al., *End-User Certificates: Improving Standards to Prevent Diversion*, 2010.

<sup>374</sup> Ibid.

<sup>375</sup> Bolvin, *Complicity and beyond: International law and the transfer of small arms and light weapons. International Review of the Red Cross*, 2005.

<sup>376</sup> Peters, *Small Arms: No Single Solution, United Nations: UN Chronicle*, 2005.

<sup>377</sup> UN PoA, *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, 2005.

<sup>378</sup> Ibid.

<sup>379</sup> Ibid.

Obstacles to fully effective global marking and tracing include, among others, instances in which peacekeeping staff for missions involving arms embargoes are inadequately trained to maintain correct weapon production records.<sup>380</sup> Additionally, ammunition usually does not carry a unique marking, making its tracing somewhat inaccurate, if not impossible.<sup>381</sup> CSOs have recommended that the UN help finance and provide expertise to help developing countries set up their own consistent marking and tracing systems, as the lack of resources and consistency between countries continues to be a significant obstacle.<sup>382</sup>

### *Brokering*

One of the biggest issues with the illicit trade of SALWs globally is in brokering, which is when private intermediaries perform the tasks previously conducted by government officials in an arms transfer.<sup>383</sup> Brokers facilitate the transfer of SALWs for financial gain.<sup>384</sup> Many are often found working illegally, subverting arms embargoes, and fueling conflict, as noted in General Assembly resolution 71/36 on “Preventing and combating illicit brokering activities” (2016).<sup>385</sup> This resolution also focuses on encouraging international cooperation and information sharing to prevent illicit brokering activities.<sup>386</sup> An estimated 75% of SALWs are in civilian hands, leading to an ongoing risk of semi-legal, also known as grey, SALWs becoming brokered.<sup>387</sup> Grey SALWs were usually manufactured, sold, and transferred legally in the beginning, but eventually diverted from legal to illegal trade. These SALWs are less accountable, less guarded, and plentiful.<sup>388</sup> Arms brokering may facilitate proliferation within the arms trade, thereby weakening the effectiveness of the international arms control regime.<sup>389</sup>

### **Conclusion**

The illicit trade of SALWs has fueled conflict, exacerbated violence, promoted terrorism, and hindered global peace.<sup>390</sup> The UN PoA serves as the main framework regulating the trade of SALWs, supported by the ITI, the Firearms Protocol, and the ATT – all overseen by the General Assembly First Committee in conjunction with other UN bodies such as UNODA.<sup>391</sup> However, these tools can only be useful if Member States focus on ratifying guidelines, correctly implementing these frameworks, and mitigating existing risks.<sup>392</sup> A gender-responsive approach could aid in both eradicating the illicit trade in SALWs and reducing gender inequality globally.<sup>393</sup> Despite efforts by the UN to increase tracking and tracing of SALWs in order to prevent diversion, the illicit trade of SALWs nevertheless continues due to a lack of transparency and information sharing between Member States.<sup>394</sup> Comprehensively addressing this issue remains a priority for the General Assembly First Committee in order to prevent further violations of human rights and promote international peace and stability.<sup>395</sup>

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<sup>380</sup> UNODA, *Small Arms: Tracing*, 2019; UNODA, *Small Arms*, (2019).

<sup>381</sup> *Ibid.*

<sup>382</sup> Peters, *Small Arms: No Single Solution*, *United Nations: UN Chronicle*, 2005.

<sup>383</sup> *Small Arms Survey, Brokering*, 2019.

<sup>384</sup> *Ibid.*

<sup>385</sup> *Ibid.*; UN General Assembly, *Preventing and combating illicit brokering activities (A/RES/71/36)*, 2016.

<sup>386</sup> UN General Assembly, *Preventing and combating illicit brokering activities (A/RES/71/36)*, 2016.

<sup>387</sup> *Ibid.*; Peters, *Small Arms: No Single Solution*, *United Nations: UN Chronicle*, 2005.

<sup>388</sup> *Ibid.*

<sup>389</sup> *Small Arms Survey, Brokering*, 2019.

<sup>390</sup> UN General Assembly, *Report of the Sixth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/BMS/2016/2)*, 2016.

<sup>391</sup> UN PoA, *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, 2005; UNODA, *Arms Trade Treaty Implementation Toolkit: Module 2, Overview and Obligations*, 2015; UNODA, *ATT: States Parties*, 2017.

<sup>392</sup> UNODA, *Arms Trade Treaty Implementation Toolkit: Module 2, Overview and Obligations*, 2015.

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<sup>395</sup> UN DGC, *Human Cost of Illicit Flow of Small Arms, Light Weapons Stressed in Security Council Debate*, 2015.

## Further Research

Delegates should consider the following questions: Where are the gaps in current conventional weapons instruments concerning the illicit trade of SALWs? How can those gaps be filled? How can methods of tracking and tracing SALW be enhanced to prevent the diversion of SALWs, especially in post-conflict regions? What further actions should Member States take in conjunction with regional and international organizations to prevent the illicit trade of SALWs? How can existing conventional weapons instruments better address the illicit trade in SALW's gendered impact? How can Member States utilize national, regional, and international resources to combat the illicit trade of SALWs?

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*The Small Arms Survey aims to reduce the illicit proliferation of SALW and mitigate its impacts through research, analysis, and the provision of resources and services. This report is crucial for delegates to read as it shows how current resources and tools are being used to combat the illicit trade in SALWs, explains the process of yearly communication between Member States and the UN PoA as well as the ITI, and analyzes UN PoA reporting trends. This information can be used to identify region-specific issues concerning illicit SALWs. Delegates may also find this report useful in understanding some Member States' and organizations' resistance to reporting illicit SALWs, which is useful information to improve the existing framework.*

Small Arms Survey. (2018). *An Introductory Guide to the Identification of Small Arms, Light Weapons, and Associated Ammunition, Chapter Two: Understanding the Trade in Small Arms: Key Concepts*. Retrieved 16 July 2020 from: <http://www.smallarmssurvey.org/fileadmin/docs/Q-Handbooks/HB-06-Weapons-ID/SAS-HB-06-Weapons-ID-ch2.pdf>

*This introductory guide is written by the Small Arms Survey and demonstrates how they provide resources and services to Member States to address small arms proliferation. Written as part of an introductory book on the identification of SALWs and ammunition, this chapter explains and illustrates key concepts regarding the illicit trade in SALWs. It includes explanations on authorized versus unauthorized trade, describes how diversion from the licit to the illicit realm may occur at each step in the trading process, and discusses how the manual fabrication of SALWs and the conversion or reactivation of existing weapons contributes to illegal weapons trading. By reading this document, delegates will gain a clearer understanding of important terms associated with this topic and better comprehend the ways in which SALWs may become illicit.*

United Nations, General Assembly. (2001). *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (A/RES/55/255)*. Adopted without reference to a Main Committee (A/55/383/Add.2). Retrieved 7 August 2020 from: <http://undocs.org/A/RES/55/255>

*This protocol, often referred to as the "Firearms Protocol", supplements the United Nations Convention against Transnational Organized Crime (2000). The Firearms Protocol is a legally binding global instrument ratified by 95 Member States, which focuses on the trade in small arms. It describes the four pillars on which small arms regulations were founded upon, including definitions, control measures, substantive criminal law, and information exchange. By reading this resource, delegates will gain a comprehensive understanding of the four pillars of small arms regulation and be able to better understand how they can create policies to further prevent the illicit trade of SALWs based on them.*

United Nations, General Assembly, Sixty-seventh session. (2013). *Arms Trade Treaty*. Retrieved 7 August 2020 from: [https://thearmstradetreaty.org/hyper-images/file/ATT\\_English/ATT\\_English.pdf?templateId=137253](https://thearmstradetreaty.org/hyper-images/file/ATT_English/ATT_English.pdf?templateId=137253)

*The ATT was adopted by the General Assembly after years of discussion on the eradication of the illicit trade of SALWs. It was considered a milestone treaty, as the document is legally binding. Among its many provisions, the ATT prohibits Member States from transferring arms to any country that violates Chapter VII of the UN Charter concerning the Security Council's right to determine threats to peace and to take action to restore international peace and security. By studying the treaty, delegates will gain insight into how arms transfers affect the illicit trade of SALW and how feasible universal membership in this legally binding treaty would be, particularly for Member States who have signed but not yet ratified it. Universal membership in the ATT would aid in strengthening its global implementation and thereby to effectively combat the illicit trade of SALW.*

United Nations, General Assembly, Seventy-fifth session. (2020). *The illicit trade in small arms and light weapons in all its aspects and assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them: Report of the Secretary-General (A/75/78)*. Retrieved 16 July 2020 from: <https://www.undocs.org/A/75/78>

*This document is the Secretary-General's most recent report to the General Assembly concerning the illicit trafficking of SALWs as well as the assistance to Member States experiencing this problem. In it, the Secretary-General discusses the context of the problem, addresses the current stage of implementation of the UN PoA, ITI, and other international instruments of critical importance, evaluates recent actions by UN bodies on the issue, and provides recommendations for how both Member States and entities at the global, regional, and national level can further address this issue. Delegates will find this report extremely useful in regard to what actions have occurred in the past to stop the illicit trade in SALWs and what future actions may be the most useful for their Member States to recommend.*

United Nations Office for Disarmament Affairs. (2019). *Small Arms*. Retrieved 7 August 2020 from: <https://www.un.org/disarmament/convarms/salw/>

*UNODA's website provides extensive information and data on small arms disarmament. The website includes sections discussing among other topics tracking, tracing, border control and law enforcement, marking, and record keeping. It also describes and links to previous reports, resolutions, and regional initiatives concerning the prevention of the illicit trade of SALWs. Delegates can use this source to understand the previous work completed by the international community with respect to preventing the illicit trade of SALW and as a starting point for considering what their own Member State's policy recommendations could be.*

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