



NEW YORK, NY

22 - 26 March – Conference A

29 March - 2 April – Conference B

nmun.org/nmun_ny.html

GENERAL ASSEMBLY FIRST COMMITTEE BACKGROUND GUIDE 2015

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NATIONAL MODEL UNITED NATIONS





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Dear Delegates,

We are pleased to welcome you to the 2015 National Model United Nations Conference New York (NMUN•NY)! This year's General Assembly First Committee staff is: Directors Clara Demon (Conference A) and Stephan Berberich (Conference B), and Assistant Director Auric Kaur (Conference A). Clara Demon has completed a B.A. in Politics and International Relations at the University of Kent, United Kingdom, and is now finishing her Master of Science in Public Policies Management. She is focused on the field of consulting in health policies and the development sector. Stephan Berberich holds a B.A. in Political Science and a Master's Degree in International Relations with a focus on peace, security, and conflict. This will be his fourth time on staff. Auric is completing her senior year at the University of Washington, Seattle. She is majoring in International Studies, specializing in international political economy and foreign policy, diplomacy, and peace and security.

The topics under discussion for the First Committee are:

- I. Prohibiting Lethal Autonomous Weapons Systems
- II. The Control of Biological Weapons in Today's Modern Era
- III. Confidence-Building Measures in a Regional and Subregional Context

The General Assembly First Committee is one of six Main Committees of the UN General Assembly, which is a primary organ of the United Nations. The General Assembly First Committee is mandated to address questions related to Disarmament and International Security. As the only principal organ with universal membership and equal voting, the General Assembly is the UN's main forum of discussion and holds a unique role as a norm-setter within the UN system. As such, delegates simulating this committee will have the opportunity to work towards consensus on critical issues concerning global peace and security.

We hope you will find this Background Guide useful as it serves to introduce you to the topics for this committee. It is not meant to replace further research and we highly encourage you explore in-depth your countries' policies as well as use the Annotated Bibliography and Bibliography to further your knowledge on these topics.

In preparation for the conference, each delegation will be submitting a [position paper](#). Please take note of the [NMUN policies](#) on the website and in the [Delegate Preparation Guide](#) regarding plagiarism, codes of conduct/dress code/sexual harassment, awards philosophy/evaluation method, etc. Adherence to these guidelines is mandatory.

The [NMUN Rules of Procedure](#) are available to download from the NMUN website. This document includes the long and short form of the rules, as well as an explanatory narrative and example script of the flow of procedure. It is thus an essential instrument in preparing for the conference, and a reference during committee.

If you have any questions concerning your preparation for the Committee or the Conference itself, feel free to contact the Under-Secretaries-General for the General Assembly, Kristina Getty (Conference A) and Cara Wagner (Conference B). You can reach either USG by contacting them at: usg.ga@nmun.org.

We wish you all the best for your preparation for the Conference and look forward to seeing you at the conference!

Sincerely,

Conference A

Clara Demon, *Director*
Auric Kaur, *Assistant Director*

Conference B

Stephan Berberich, *Director*



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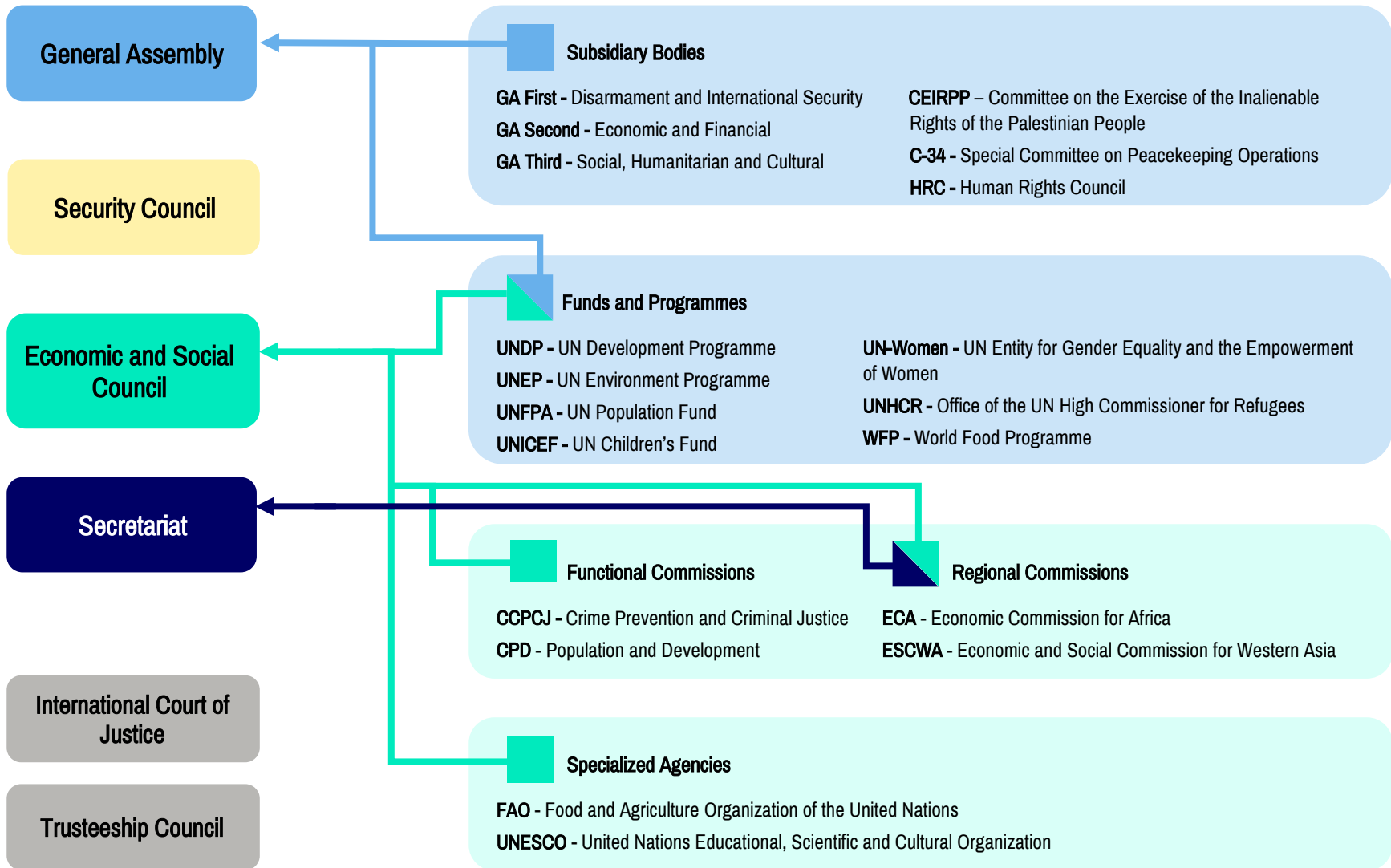


Abbreviations

ASEAN	Association of Southeast Asian Nations
BTWC	Biological and Toxin Weapons Convention
BWC	Biological Weapons Convention
CBM	Confidence-building measures
CCW	Certain Conventional Weapons
CD	Conference on Disarmament
CDC	Centers for Disease Control
CSBM	Confidence- and Security- Building Measures
CSO	Civil society organizations
DDR	Disarmament, demobilization, and reintegration
ECOSOC	Economic and Social Council
FAWS	Fully Autonomous Weapon Systems
FBI	Federal Bureau of Investigation
GA	General Assembly
GGE	Group of Governmental Experts
HRC	Human Rights Council
ICRAC	International Committee for Robot Arms Control
ICRC	International Committee of the Red Cross
IHL	International humanitarian law
ISU	Implementation Support Unit
LAR	Lethal Autonomous Robotics
LAWS	Lethal Autonomous Weapons Systems
NGO	Non-governmental organization
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
OAS	Organization of American States
OSCE	Organization for Security and Cooperation in Europe
PGA	President of the General Assembly
PRC	People's Republic of China
SC	Security Council
UN	United Nations
UNCD	UN Conference on Disarmament
UNDC	United Nations Disarmament Commission
UNIDIR	United Nations Institute for Disarmament Research
UNMOVIC	United Nations Monitoring, Verification and Inspection Commission
UNODA	United Nations Office for Disarmament Affairs
UNSCOM	United Nations Special Commission
US	United States
WMD	Weapons of mass destruction

United Nations System at NMUN·NY

This diagram illustrates the UN System simulated at NMUN·NY. It shows where each committee “sits” within the system, to help understand the reportage and relationships between the 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

Introduction

The United Nations (UN) General Assembly (GA) is one of the six principal organs of the UN established by the *Charter of the United Nations* (1946).¹ The GA is divided into six Main Committees, and each has a specific purpose.² Each of the Main Committees reports their work to the GA Plenary, which as a principal organ, does not report to any other organ but requests and receives reports, including from the Secretary-General.³ GA First Committee considers all matters related to disarmament and international security.⁴ Two bodies report directly to GA First, the Conference on Disarmament (CD) and the United Nations Disarmament Commission (UNDC), and several other disarmament related entities and other organizations report to the General Assembly through the First Committee, such as the regional centers on disarmament and the Comprehensive Nuclear-Test-Ban Treaty Organization.⁵

The **General Assembly First Committee** (GA First Committee) is one of the six Main Committees. A report is issued to the General Assembly Plenary for each item allocated to a Main Committee.

As the only main body with universal membership, the GA is a unique forum for discussion within the UN system.⁶ As such, it represents the normative center of gravity of the UN and its main role in the maintenance of international peace and security can essentially be summarized in three principal aspects: a generator of ideas, a place of international debate, and the recommendation of new concepts or practices.⁷ All these points will be further developed in the following sections of this overview. First, a brief history of the GA will be presented followed by an explanation of its mandate, structure, and powers. Before concluding, two sections about current efforts and recent activities will offer a more contemporary perspective of GA First.

History

The GA has existed since the creation of the UN and its first session convened in 1946 in London.⁸ After the devastation of the Second World War and the shock of the atomic bomb, the desire to build a permanent system of security and peace that initiated with the League of Nations, grew even stronger.⁹ In this context, disarmament played a crucial role in the very founding of the UN and has featured as one of the most prominent issues discussed on the international agenda in the last few decades.¹⁰ Indeed, the first resolution adopted by the GA addressed the issue of atomic energy and its potential threats.¹¹ Additionally, Resolution 14/1378 of 20 November 1959 on “General and Complete Disarmament” was the first resolution co-sponsored by all Member States and considered the question of disarmament the most important question facing the world at the time.¹² Subsequently, the GA established the UNDC in 1952 with a general mandate to discuss questions related to disarmament.¹³ Furthermore, in its 26th session, the GA declared the 1970s as a Disarmament Decade.¹⁴ During this time additional essential institutions were established; in 1979 the CD was created as the international community’s multilateral negotiation forum on disarmament and in 1980 the United Nations Institute for Disarmament Research (UNIDIR) was created with the purpose of undertaking independent research on questions related to disarmament.¹⁵

¹ *Charter of the United Nations*, 1945, Art. 7.

² New Zealand, *United Nations Handbook 2013-2014*, 2013, p. 24.

³ *Charter of the United Nations*, 1945, Art. 98.

⁴ UN General Assembly, *Disarmament and International Security*, 2014.

⁵ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 63.

⁶ UN General Assembly, *Homepage*, 2014.

⁷ Thakur, *The United Nations, Peace and Security*. Cambridge: University Press, 2006, pp. 91,162.

⁸ Sciora & Stevenson, *Planète ONU*, Geneva: Editions du Tricornet, 2009, p. 36.

⁹ Weis, *The United Nations and Changing World Politics*, Boulder: Westview Press, 2004, p. 9.

¹⁰ Thakur, *The United Nations, Peace and Security*. Cambridge: University Press, 2006, p. 101.

¹¹ UN General Assembly, *Establishment of a Commission to Deal with the Problem Raised by the Discovery of Atomic Energy (A/1/1)*, 1946.

¹² UN General Assembly, *General and Complete Disarmament (A/RES/14/1378)*, 1959.

¹³ UN General Assembly, *Regulation, Limitation and Balanced Reduction of all Armed Forces and all Armaments; International Control of Atomic Energy (A/RES/6/502)*, 1952.

¹⁴ UN General Assembly, *Question of General Disarmament (A/RES/2602 E)*, 1969; UN General Assembly, *Final Document of the Tenth Special Session of the General Assembly (S-10/2)*, 1978.

¹⁵ *Ibid.*

Additionally, the ratification of the *Treaty on the Non-Proliferation of Nuclear Weapons* (NPT) in 1968 was a fundamental cornerstone in the field of nuclear disarmament.¹⁶ Efforts leading to this vital agreement started a decade earlier, and an important element in its development took place in the First Committee.¹⁷ In 1958, when nuclear non-proliferation was on the agenda for the first time, the First Committee recommended the creation of an *ad hoc* committee studying the dangers of nuclear dissemination, but this resolution failed to pass in the GA Plenary.¹⁸ Over subsequent years, this subject was recurrent, and the First Committee adopted a series of resolutions recognizing its central role in pushing negotiations on non-proliferation forward.¹⁹

More recently, extremism and the potential for extremist groups to obtain and use nuclear weapons or other weapons of mass destruction (WMD) has become a significant matter of concern for the UN as demonstrated by the adoption of the *United Nations Global Counter-Terrorism Strategy* on 20 September 2006.²⁰ The role of GA First in this regard can be seen with the adoption of Resolution 59/80 of 16 December 2004 on “Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction”.²¹ This is further stressed with the subsequent adoption of the *International Convention for the Suppression of Acts of Nuclear Terrorism* (ICSANT) (2005).²² While only a brief overview, it demonstrates the significance this subject matter has had within the UN and further shows the ongoing efforts dedicated to this important challenge in the 21st century.

Mandate

The mandate of the GA is set in Chapter IV of the *Charter of the United Nations* (1945); Article 11 mandates the GA to address questions of international peace and security and in particular disarmament.²³ This mandate has evolved over the years as GA First was formerly the Political and Security Committee.²⁴ The growing range of issues facing the international community, however, led to a restructuring of the roles of the six Main Committees; this ultimately gave the First Committee its focus on disarmament and international security.²⁵ The question of disarmament is organized in seven clusters: nuclear weapons, other WMD, disarmament aspects in outer space, conventional weapons, regional disarmament and security, other disarmament measures and security, and the disarmament machinery.²⁶ Translated into reality, the mandate of the GA is of a norm setter and a conduit for ideas that can become the driver of new policies and shared norms through discussion and debate.²⁷ This can be regarded as one of the main differences with the Security Council (SC).²⁸ The SC is more concerned with concrete threats to security such as ongoing conflicts whereas the GA aims to create peace by forming habits of cooperation.²⁹ In other words, while the SC can allow the use of force in the fight against terrorism and freeze assets to prevent illicit arms trade, GA First will work towards the development of international conventions to prevent terrorists from acquiring nuclear weapons and other WMDs.³⁰ It is important to note, however, the GA considers matters of international security only when the issue is not under the consideration by the SC.³¹

Governance, Structure and Membership

Outlined in the Charter, the GA is comprised of all 193 UN Member States.³² However, observer status can also be granted to intergovernmental organizations, such as the African Union, and states without full UN membership;

¹⁶ Sciora & Stevenson, *Planète ONU*, Geneva: Editions du Tricorne, 2009, pp. 77-78.

¹⁷ UN Audiovisual Library of International Law, *Treaty on the Non-Proliferation of Nuclear Weapons, 1968*, 2012, p. 1.

¹⁸ Ibid.

¹⁹ UN Audiovisual Library of International Law, *Treaty on the Non-Proliferation of Nuclear Weapons, 1968*, 2012, p. 3.

²⁰ UN General Assembly, *The United Nations Global Counter-Terrorism Strategy (A/RES/60/288)*, 2006.

²¹ UN General Assembly, *Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction (A/RES/59/80)*, 2004.

²² *International Convention for the Suppression of Acts of Nuclear Terrorism*, 2005.

²³ *Charter of the United Nations*, 1945, Art. 11.

²⁴ UN General Assembly, *Revitalization of the Work of the General Assembly (A/RES/47/233)*, 1993.

²⁵ Ibid.

²⁶ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 63.

²⁷ Thakur, *The United Nations, Peace and Security*, Cambridge: University Press, 2006, p. 10.

²⁸ Ibid, p. 32.

²⁹ Ibid.

³⁰ Weis, *The United Nations and Changing World Politics*, Boulder: Westview Press, 2004, p. 95.

³¹ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 13.

³² *Charter of the United Nations*, 1945, Art. 9.

currently the Holy See and the State of Palestine are the only two non-Member States with permanent Observer status.³³ In the GA, each Member State has one equal vote.³⁴

Since its 44th session in 1989, the GA is considered in session the entire year, but the most important time is the General Debate, which takes place from mid-September to the end of December and is called the “main part of the GA.”³⁵ The remainder of the year it is called the “resumed part of the GA,” during this time working group meetings take place and thematic debates are held.³⁶ Except decisions on important matters, votes in the GA require a simple majority and the majority of resolutions are adopted without a vote, illustrating well the consensual nature of the GA.³⁷ Elaborated by the GA Fifth Committee, the budget allocated to disarmament for the period 2014-2015 is \$23.6 million and is mainly attributed to the UN Office for Disarmament Affairs (UNODA) and UNIDIR.³⁸

GA First receives substantive and organizational support from three important entities: the General Committee, UNODA, and the Department for General Assembly and Conference Management.³⁹

The General Committee is comprised of the President of the General Assembly and the 21 Vice-Presidents of the GA as well as the Chairpersons of all the six GA Committees; all positions are elected every session on a non-renewable basis.⁴⁰ The General Committee’s main duty, besides making recommendations on organizational issues, is to deal with the agenda of the GA Plenary and its six Main Committees.⁴¹ After receiving a preliminary list of agenda items from the UN Secretariat, the General Committee allocates the different items to each of the six GA Committees.⁴² The agenda items which correspond to one of the seven aforementioned clusters are allocated to the First Committee, which in turn votes upon its agenda.⁴³

Within the UN Secretariat, UNODA provides “objective, impartial and up-to-date” information and promotes the implementation of practical measures on nuclear disarmament and non-proliferation, disarmament in the field of conventional weapons, and the general strengthening of mechanisms and frameworks bolstering disarmament.⁴⁴ It further encourages norm-setting at the GA, the CD, and the UNDC.⁴⁵ Further, the Department for General Assembly and Conference Management also provides valuable technical secretariat support and acts as the intersection between the GA and the Economic and Social Council (ECOSOC).⁴⁶

Functions and Powers

The GA and its six Main Committees are the center of the UN system and represent its main deliberative, policymaking, and representative organs; their outcomes thus define new norms that can become treaties or conventions among UN Member States.⁴⁷ The GA provides a forum for multilateral discussions on a range of issues outlined in the Charter, specifically within Articles 10 – 22 which detail the functions and powers of the body as follows:

- The General Assembly is tasked with initiating studies and making recommendations to promote international cooperation in the political field, encouraging the development of international law, promoting the implementation of cultural, social, and human rights, and promoting fundamental freedoms

³³ UN DPI, *Permanent Observers*, 2014.

³⁴ *Charter of the United Nations*, 1945, Art. 18.

³⁵ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 14.

³⁶ *Ibid.*, p. 14.

³⁷ *Ibid.*, p. 63.

³⁸ UN General Assembly, *Proposed Programme Budget for The biennium 2014-2015 (A/68/6 (Sect. 4))*, 2013, p. 3.

³⁹ *Ibid.*, p. 17.

⁴⁰ *Ibid.*, p. 18.

⁴¹ *Ibid.*, p. 17.

⁴² *Ibid.*, p. 36.

⁴³ *Ibid.*

⁴⁴ UN Office for Disarmament Affairs, *About Us, UNODA*, 2014.

⁴⁵ *Ibid.*

⁴⁶ UN Department for General Assembly and Conference Management, *Functions of the Department*, 2014.

⁴⁷ UN General Assembly, *Functions and Powers of the General Assembly*, 2014.

free from discrimination (Article 13).⁴⁸

- The General Assembly “receives and considers reports” issued by “the other principal organs established under the [*Charter of the United Nations*] as well as reports issued by its own subsidiary bodies” (Article 15).⁴⁹ The General Assembly Plenary receives recommendations from the six Main Committees.⁵⁰ Once the recommendations are sent to the Plenary Committee, the Plenary then votes on whether to adopt the resolutions as presented.⁵¹ Any decisions reached by the Assembly are non-binding in international law; however, their decisions have enacted actions that have affected millions of people around the world.⁵²
- The General Assembly can recommend the GA Plenary to address the functions or priorities of UN funds and programs.⁵³
- The General Assembly can request the Secretary-General or other UN organs to issue a report to be presented to one of the Main Committees on a specified question such as the implementation of recommendations made by the GA.⁵⁴

GA First is capable of introducing resolutions initiating new negotiations on arms control and disarmament which, in turn, can lead to the creation and funding of agencies or meetings as well as *ad hoc* committees or working groups that consider a particular question with the purpose of reporting to the GA.⁵⁵ The GA Plenary must ratify resolutions adopted in the First Committee before they are put into effect. It is important, thus, to remember that even when ratified by the Plenary, GA resolutions are not legally binding.⁵⁶ Only SC resolutions enacted under Article 7 of the Charter are legally binding.⁵⁷ Nonetheless, the consensus reached in the First Committee often leads to more concrete initiatives at the UN.⁵⁸

GA First works in close cooperation with the UNDC and the CD.⁵⁹ The CD has a crucial role in addressing issues of disarmament and has been central to negotiations of international agreements such as the NPT.⁶⁰ Unlike the CD, the UNDC is a subsidiary organ of GA First composed of all 193 Member States.⁶¹ Essentially making recommendations to the GA, it has been important in the formulation of principles and guidelines that have subsequently been endorsed by GA First in their own reports.⁶² Both bodies report either annually or more frequently to the First Committee.⁶³ Additionally, though less institutionalized than with ECOSOC, civil society organizations, and more specifically non-governmental organizations, have an important relationship with the GA.⁶⁴ As such, they can be and often are invited to speak at the GA.⁶⁵

Current Priorities

On a biannual basis, the UN agrees upon and approves the *Priorities of the Organization*; among the current eight priorities, disarmament is included.⁶⁶ The strategic framework of the *Biennial Programme Plan* for this priority,

⁴⁸ *Charter of the United Nations*, 1945, Art. 12; UN General Assembly, *Functions and Powers of the General Assembly*, 2013; UN General Assembly, *Statement by the Chairperson of the Fourth Committee (7 May)*, 2013.

⁴⁹ *Ibid.*, Art. 15.

⁵⁰ *Ibid.*, Art. 4.

⁵¹ UN General Assembly, *About the General Assembly*, 2013.

⁵² *Ibid.*; Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 13.

⁵³ *Ibid.*, p. 20.

⁵⁴ *Ibid.*, p. 36 & 47.

⁵⁵ Weis, *The United Nations and Changing World Politics*, Boulder: Westview Press, 2004, p. 161.

⁵⁶ UN General Assembly, *About the General Assembly*, 2013.

⁵⁷ *Charter of the United Nations*, 1945, Ch. VII.

⁵⁸ UN General Assembly, *About the General Assembly*, 2013.

⁵⁹ UN General Assembly, *Disarmament and International Security*, 2014.

⁶⁰ UN Office at Geneva, *An Introduction to the Conference*, 2014.

⁶¹ UN Office for Disarmament Affairs, *United Nations Disarmament Commission*, 2014.

⁶² *Ibid.*

⁶³ UN General Assembly, *Disarmament and International Security*, 2014.

⁶⁴ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 31.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*, p. 37.

adopted on 13 February 2012, covers the period 2014-2015 and consists of five subprograms: multilateral negotiations on arms limitation and disarmament, WMDs, conventional arms, information and outreach and, regional disarmament.⁶⁷ In this regard, the main objectives of GA First are to: support efforts on agreements towards disarmament, promote non-proliferation of nuclear weapons and other WMDs, facilitate mutual confidence among Member States and the regulation of conventional weapons, increase understanding of Member States and the public on disarmament issues, and promote regional disarmament as a fundamental mean towards global disarmament.⁶⁸

Recent Sessions

During its 68th session, GA First adopted a total of 47 resolutions and five decisions.⁶⁹ All of them can be allocated to one of the aforementioned seven clusters with nuclear disarmament being the most discussed cluster.⁷⁰ The priorities laid out in the *Biennial Programme Plan* continue to be priority topics each session, in addition to emerging security issues reflective of the complex security environment we are confronted with today, such as nuclear terrorism and the relationship between gender and disarmament.⁷¹

Issues relating to nuclear weapons are a cornerstone of the recent First Committee work. GA First held a high-level meeting on countering nuclear terrorism on 28 September 2012 focusing on strengthening the legal framework, especially universal adherence and implementation of the ICSANT.⁷² Moreover, GA First held a historic high-level one-day plenary meeting of the GA focused on total nuclear disarmament on 26 September 2013 during which 74 statements were made by Head of States and other state representatives.⁷³ The gathering initiated the adoption of Resolution 68/32 of 10 December 2013 on “Follow-up to the 2013 High-Level Meeting of the General Assembly on Nuclear Disarmament,” which called for the convening of a high-level conference in 2018 to identify ways to eliminate nuclear weapons and review progress made to that point.⁷⁴

Equally important, the entry into force of the *Comprehensive Nuclear-Test-Ban-Treaty* (1996) continues to be a priority for GA First and resolution 68/68 of 11 December 2013 on “Comprehensive Nuclear-Test-Ban-Treaty” reiterates the need for its universal ratification.⁷⁵ Earlier, a group comprising internationally recognized experts in the fields of disarmament, WMDs, and nuclear proliferation as well as political personalities was formed.⁷⁶ This Group of Eminent Persons promotes the treaty’s entry into force.⁷⁷ Finally, in relation to nuclear security, one of the most important upcoming events will be the Review Conference of the Parties to the NPT in 2015.⁷⁸

More recently, negotiations in the CD slowed down, which moved Member States to intensify efforts on disarmament questions at the 67th session of the GA.⁷⁹ The outcome of this led to the establishment of an open-ended working group to develop proposals for the achievement of a nuclear weapon free world and the development of recommendations by governmental experts on possible aspects that could contribute to a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.⁸⁰

Finally, gender issues in relation to disarmament have also become a priority for the GA as can be seen with the adoption of resolution 68/33 of 5 November 2013 on “Women, Disarmament, non-proliferation and arms control.”⁸¹

⁶⁷ UN General Assembly, *Proposed Strategic Framework for the Period 2014-2015: Programme 3, Disarmament (A/67/6 (Prog.3))*, 2012.

⁶⁸ Ibid.

⁶⁹ UN General Assembly, *Resolutions and Decisions Adopted by the General Assembly During its Sixty-Eight Session (A/68/49 (Vol.1))*, 2014, p. 155.

⁷⁰ UN Office for Disarmament Affairs, *The United Nations Disarmament Yearbook, Vol. 38 (Part I)*, 2013.

⁷¹ Ibid.

⁷² Ibid., p. 27.

⁷³ UN Office for Disarmament Affairs, *The United Nations Disarmament Yearbook, Vol. 38 (Part II)*, 2013, pp. 57-58.

⁷⁴ UN General Assembly, *Follow-up to the 2013 High-Level Meeting of the General Assembly on Nuclear Disarmament (A/68/32)*, 2013.

⁷⁵ UN General Assembly, *Comprehensive Nuclear-Test-Ban-Treaty (A/68/68)*, 2013.

⁷⁶ Comprehensive Nuclear-Test-Ban Treaty Organization, *Group of Eminent Persons*, 2014.

⁷⁷ UN Office for Disarmament Affairs, *The United Nations Disarmament Yearbook, Vol. 38 (Part II)*, 2013, p. 16.

⁷⁸ UN Office for Disarmament Affairs, *The United Nations Disarmament Yearbook, Vol. 37 (Part II)*, 2012, p. 3.

⁷⁹ Ibid, p. 4.

⁸⁰ Ibid.

⁸¹ UN Office for Disarmament Affairs, *The United Nations Disarmament Yearbook, Vol. 38 (Part I)*, 2013, pp. 40-41.



This resolution was the third of its kind since 2010 when it was first debated in GA First.⁸² It encourages the equal representation of women on matters related to disarmament and the empowerment of women's participation in the design and implementation of disarmament and arms control efforts.⁸³

Conclusion

Disarmament has been an important issue for the UN and for the achievement of international peace since its founding. With the continuously growing complexity of the question of disarmament, for instance with the new threat of nuclear terrorism, it has become even more important. Efforts, such as those made in the field of nuclear disarmament or non-proliferation are a testimony of the GA's dedication towards a nuclear weapons free world. As a place where new ideas are shaped, the GA has the ability to introduce standards and norms to promote disarmament and eventually a more peaceful world.⁸⁴ Nevertheless, it has been argued that GA First has not been able to tap its full potential and has only been reaffirming its resolutions year after year with no induction of new or improved substantive work.⁸⁵ It is, therefore, the responsibility of GA First to continue progress, to achieve new advancements while continually seeking consensus in collaboration with the whole of the international community towards the pursuit of international peace and security.

⁸² UN Office for Disarmament Affairs, *The United Nations Disarmament Yearbook, Vol. 38 (Part I)*, 2013, pp. 40-41.

⁸³ Ibid.

⁸⁴ Thakur, *The United Nations, Peace and Security*, Cambridge: University Press, 2006, p. 162.

⁸⁵ Reaching Critical Will, *UN General Assembly First Committee*, 2014.

Annotated Bibliography

New Zealand, Ministry of Foreign Affairs and Trade (2013). *United Nations Handbook 2013-2014*. Retrieved 16 August 2014 from: <http://www.mfat.govt.nz/downloads/media-and-publications/UN-Handbook-2013-web%20PDF.pdf>

This handbook published by the Ministry of Foreign Affairs and Trade of New Zealand is an attempt to contribute to the strengthening of information available to the international community on the UN system. It provides extensive information on the structure and membership as well the purpose itself of the UN organs. As such, it represents the perfect introduction to the UN system as a whole for individuals less familiar with its complexity. Therefore, delegates should consider this a must-read during the preparation of the conference.

Sciora R. & Stevenson A. (2009). *Planète ONU: Les Nations Unies face aux défis du XXIème siècle*. Geneva: Editions du Tricorne.

Inspired by the documentary Planet UN, this book offers an in-depth analysis of the role of the United Nations and its challenges for the 21st century. It gives special attention to three pillars: peace, development, and human rights. It also stresses the importance of the UN's ability to adapt itself to our changing world and to react to new threats such as terrorism or nuclear risks. On top of this, an account of the genesis of the UN allows delegates to understand how the UN was started with the intent of creating a system to maintain peace and security and to become the organization it is today. Furthermore, this book contains a series of testimonies of important personalities such as the last five Secretaries-General of the UN.

Switzerland, Permanent Mission to the United Nations. (2011). *The PGA Handbook: A practical guide to the United Nations General Assembly*. Retrieved 16 August 2014 from: https://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/intorg/un/missny/news.Par.0013.File.tmp/UN_PGA_Handbook.PDF

This publication undertaken by the Permanent Mission of Switzerland to the UN is another contribution of a Member State of introductory information available about the UN system. The General Assembly is a central focus of this handbook. A detailed description of its organization, structure, rules, and working methods can be found. Further providing information specific to all six Main Committees, this handbook offers a unique source of information to delegates to understand the work of the General Assembly and its place within the UN system.

Thakur, R. (2006). *The United Nations, Peace and Security*. Cambridge: University Press.

Ramesh Thakur, a renowned commentator on the UN, examines the UN from a contemporary perspective and looks at it from new angles such as human security. The author's focus is on questions related to international peace and security. By doing so, he critically analyzes the use of force by the UN with the intention of making it more effective in the light of today's threats with a particular focus on security and how it has evolved over the years and the role of the UN system including the General Assembly. His book is a valuable guide to the UN and will be a useful reading and offers an interesting perspective on international peace.

United Nations, Office for Disarmament Affairs. (2013). *United Nations Disarmament Yearbook, Volume 38, Part II*. Retrieved 7 September 2014 from: <http://www.un.org/disarmament/publications/yearbook/en/EN-YB-VOL-38-2013-part2.pdf>

Every year, the UN Office for Disarmament Affairs publishes a yearbook on trends and developments in the field of disarmament in two parts. Part I offers a complete record of all resolutions adopted in the last year, while Part II provides a more comprehensive overview of the activities of the most important entities active in the field of disarmament: the General Assembly First Committee, the Conference on Disarmament, and the Disarmament Commission. Delegates will also find detailed information about all events such as high-level meetings that have been held. Beyond this, the evolutions of bilateral agreements as well regional disarmament are addressed in this resource, thus offering state-specific material.

Weis T. G., Forsythe D. P., Coate R. A., & Pease K. K. (2004). *The United Nations and Changing World Politics*. Boulder: Westview Press.

This book aims to provide a comprehensive understanding of international governance and the UN, human rights and humanitarian affairs, and building peace through sustainable development. While the authors outline the failures of collective security and the problems that the UN is facing when maintaining peace by military means, they address the role played by other UN entities such as the General Assembly in international security. As such, this book questions and analyzes how the international community governs itself by outlining its successes and failures. Delegates will find helpful reasoning in this book that can aid them while researching their topics and trying to find solutions in the context of the General Assembly First Committee.

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I. Prohibiting Lethal Autonomous Weapons Systems

“While technology enables us to delegate a number of tasks, and even sometimes to avoid making mistakes, it in no way allows us to delegate our moral and legal responsibility to comply with the applicable rules of law.”⁸⁶

Introduction

The topic of Lethal Autonomous Weapons Systems (LAWS) does not have a long history within the international arena because LAWS have only become a policy issue over the last few years as technology has evolved.⁸⁷ Thus, because of the burgeoning nature of the topic, there are no binding agreements specifically targeting LAWS.⁸⁸ Current international and regional frameworks relevant to the use of LAWS, such as the *Geneva Conventions and their Additional Protocols*, focus on international humanitarian law (IHL) and international human rights law.⁸⁹ However, in the past three years, treaty bodies such as the one which oversees the *Convention on Certain Conventional Weapons* (CCW), have held meetings of experts on LAWS to begin discussions on pre-emptive moves to address LAWS.⁹⁰ Moreover, numerous civil society organizations (CSOs) have been working together and in conjunction with the United Nations (UN) to promote awareness of the potential impact of LAWS and to take definitive action in prohibiting their manufacture and implementation.⁹¹

LAWS go by many names, such as Lethal Autonomous Robotics (LARs), Fully Autonomous Weapon Systems (FAWS), remotely piloted aerial systems, or even “Killer Robots,” and their definition is just as ambiguous.⁹² Experts note, “there is no clear or accepted international legal definition of partially or fully autonomous systems.”⁹³ However, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions presented a widely used definition of LAWS as “robotic weapon systems that, once activated, can select and engage targets without further intervention by a human operator,” distinguishing them from drones, which are controlled by human operators.⁹⁴ Experts also disagree on the technical, legal, and ethical implications, as well as what sort of, if any, action is required before the use of LAWS becomes a reality.⁹⁵

Though some level of automation in weapon systems is distinguishable in current military and law enforcement applications, no state actors have implemented lethal fully autonomous systems yet.⁹⁶ In fact, some governments are already concerned with the use of existing technology and have tried to curb its use.⁹⁷ The debate on LAWS currently centers on three main aspects: technical specifications and functions, legal implications, and moral, ethical, and humanitarian concerns.⁹⁸ These three main aspects as well as the challenges to prohibition will be further developed after a presentation of the international framework as well as the role of the international community.

International and Regional Framework

⁸⁶ Bernard, *Editorial: Science Cannot be Placed Above its Consequences*, 2012, p. 464.

⁸⁷ UN Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions*, Christof Heyns, 2013.

⁸⁸ *Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects as amended on 21 December 2001*, 1980.

⁸⁹ *Geneva Convention relative to the Protection of Civilian Persons in Time of War (2nd part)*, 1949; *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 1977 ; *Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)*, 1977.

⁹⁰ UN Office at Geneva, *Meeting of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW/MSP/2013/10)*, 2013.

⁹¹ Campaign to Stop Killer Robots, *Urgent Action Needed to Ban Fully Autonomous Weapons*, 2013.

⁹² UN Institute for Disarmament Research, *Experts Meeting on Armed Drones and Robots Under International Law*, 2013, p. 1.

⁹³ *Ibid.*

⁹⁴ UN Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions*, Christof Heyns, 2013, Art. 38.

⁹⁵ Chatila, *On the Concept of Autonomy*, 2014.

⁹⁶ United States, *Unmanned Systems Integrated Roadmap FY2011-2036*, 2011; United States, *Directive 3000.09: Autonomy in Weapon Systems*, 2012.

⁹⁷ Auner, *Congress Resists Pentagon Drone Oversight as U.S. and Partners Continue Targeted Killings*, 2014.

⁹⁸ Altmann, *Arms control for armed uninhabited vehicles: an ethical issue*, 2013.

Currently, no treaties or resolutions specifically target the development and use of LAWS and international and regional agreements which would concern LAWS, such as the fourth *Geneva Convention* and *Additional Protocols I and II*, only deal with the issue indirectly, focusing on the protections afforded to combatants and civilians that LAWS may violate.⁹⁹ In addition to these historical documents the CCW, part of the Conference on Disarmament (CD), focuses among other things on banning weapons that may indiscriminately harm civilians.¹⁰⁰ In the context of LAWS, this could lead to attempting to implement a ban if scientists and governments cannot demonstrate LAWS ability to distinguish civilians from combatants.¹⁰¹ The High Contracting Parties to the CCW agreed to convene a meeting in May 2014, “to discuss the questions related to emerging technologies in the area of lethal autonomous weapons systems, in the context of the objectives and purposes of the Convention.”¹⁰² Among the outcomes, the meeting emphasized the necessity of achieving universal adherence to the Convention.¹⁰³ Now, the UN General Assembly (GA) First Committee may follow-up on work done by the CCW and CSOs in order to make progress on this issue in a forum representative of all Member States.

Role of the International System

The UN has initiated discussions on the topic of LAWS in the past few years.¹⁰⁴ Because of the abilities granted to the First Committee by the *Charter of the United Nations* (1945), LAWS fall under its mandate not only due to their nature as weapons, but also for their potential to threaten international peace and security in certain circumstances.¹⁰⁵ LAWS could affect the decision-making process of whether to enter into conflicts as the risks of casualties can be reduced, thereby leading to increased violations of international laws on peace and security.¹⁰⁶ Thus, the First Committee works with the UN Disarmament Commission (UNDC) and the CD in discussing how international disarmament issues relate to LAWS.¹⁰⁷ Additionally, GA resolution 61/55, adopted on 6 December 2006, “[e]ncourages United Nations bodies to contribute, within existing mandates, to promoting the application of science and technology for peaceful purposes,” which is in direct opposition to the development of LAWS.¹⁰⁸

In a report presented to the Human Rights Council (HRC) in 2013, the Special Rapporteur on extrajudicial, summary or arbitrary executions presented a report that focused on several debatable aspects, including the protection of civilians from these types of weapon systems, the legal responsibilities, and implications for states lacking the technology.¹⁰⁹ A report on talks sponsored by the CCW remarked, “[a]s this was the first meeting ever organized on the issue of LAWS, a number of delegations underlined the very preliminary stage of the discussions and the need to assess the current state of play and the future trends in robotics.”¹¹⁰ Additionally, the UN Institute for Disarmament Research (UNIDIR) has published a series of documents considering legal and ethical issues of the development and use of LAWS, as well as the application of international human rights, humanitarian, and criminal law on LAWS.¹¹¹ Suggestions for considerations to help frame discussions on this relatively new topic, such as ensuring consideration of all assessment variables, as well as switching the focus from technology to addressing

⁹⁹ *Geneva Convention relative to the Protection of Civilian Persons in Time of War (2nd part)*, 1949.

¹⁰⁰ *Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects as amended on 21 December 2001*, 1980.

¹⁰¹ Biontino, *CCW Expert Meeting Lethal Autonomous Weapon Systems (LAWS): Statement on Legal Aspects*, 2014, p. 2.

¹⁰² UN Office at Geneva, *Meeting of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW/MSP/2013/10)*, 2013, p. 4.

¹⁰³ *Ibid*, p. 3.

¹⁰⁴ *Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects as amended on 21 December 2001*, 1980.

¹⁰⁵ *Charter of the United Nations*, 1945.

¹⁰⁶ Reaching Critical Will, *Fully Autonomous Weapons*, 2014, p. 2.

¹⁰⁷ UN General Assembly First Committee, *Disarmament and International Security*.

¹⁰⁸ UN General Assembly, *Role of science and technology in the context of international security and disarmament (A/RES/61/55)*, 2007, p. 2.

¹⁰⁹ UN Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns*, 2013, art. 1.

¹¹⁰ UN Office at Geneva, *Report of the 2014 informal Meeting of Experts on Lethal Autonomous Weapons Systems (LAWS)*, 2014, arts. 13-38.

¹¹¹ UN Institute for Disarmament Research, *Experts Meeting on Armed Drones and Robots Under International Law*, 2013.

acceptability have also been made by UNIDIR.¹¹² Although these UN bodies have acknowledged the need and have begun to discuss LAWS within international and regional fora, CSOs have been far more active in promoting the topic.¹¹³

Civil Society Organizations

The majority of work done by CSOs has included calls for action from national governments and regional and international organizations to ban LAWS, as well as publishing material to explain the many complex facets of LAWS and their potential impact.¹¹⁴ Many organizations active in advocating for the prohibition of LAWS operate in conjunction with other CSOs and alongside UN bodies.¹¹⁵ As early as 2009, the International Committee for Robot Arms Control (ICRAC) proposed discussions on arms control in its original mission statement.¹¹⁶ ICRAC has worked through numerous advocacy avenues promoting arms control and reducing the threat of LAWS, including by developing working papers to propose updating the *Arms Trade Treaty* to ensure autonomous weapons are included within its scope, and offering definitions and standards on which to operate during debates.¹¹⁷ The Campaign to Stop Killer Robots called for urgent, pre-emptive action on the topic in London in 2013.¹¹⁸ Similar to UNIDIR's publication, a memorandum issued by the organization Article 36 to the CCW suggests factors such as "meaningful human control" and that autonomous targeting must be included in any debate on LAWS.¹¹⁹ Human Rights Watch has also published two extensive works providing detail on the struggles LAWS face in complying with international law and focusing on their implications for human rights.¹²⁰ These publications cover a multitude of facets inherent in the debate, but the most relevant include just a few overarching areas of debate. Even though debate on LAWS has emerged only recently at the UN in light of evolving technology, it is clear that there are many organizations interested in bringing awareness to LAWS and which have already done much study on the subject.¹²¹

Technical Aspects

There are several technical aspects of LAWS currently under scrutiny, including their targeting systems and the amount of human control present and deciding what exactly constitutes autonomy in weapon systems.¹²² Determining the level of autonomy in weapons systems often means considering a spectrum with remote-controlled systems on one side and fully autonomous systems on the other.¹²³ The closer one gets to the fully autonomous end; the less human presence there is in system operations, to the point where human control is not necessary for the system to carry out its intended functions.¹²⁴ In a presentation during the 2014 Informal Meeting of Experts on LAWS, one expert illustrated a distinction between operational and decisional autonomy, the difference between simply maneuvering autonomously to making decisions about its actions autonomously.¹²⁵ That expert, Raja Chatila, states that while operational autonomy is, "[w]idely present in today's deployed system," decisional autonomy relates to reasoning and is currently possible only in simple settings.¹²⁶ According to Chatila, simple settings imply the complexity of the environment and that the tasks are low.¹²⁷ However, a statement from the International

¹¹² UN Institute for Disarmament Research, *Framing Discussions on the Weaponization of Increasingly Autonomous Technologies*, 2014.

¹¹³ Reaching Critical Will, *Fully Autonomous Robots*, 2013.

¹¹⁴ Article 36, *Key areas for debate on autonomous weapons systems*, 2014.

¹¹⁵ Reaching Critical Will, *What We Do*, 2014.

¹¹⁶ International Committee for Robot Arms Control, *Original Mission Statement*, 2009.

¹¹⁷ Bolton & Zwijnenberg, *Futureproofing is Never Complete: Ensuring the Arms Trade Treaty Keeps Pace with New Weapons Technology*, 2013.

¹¹⁸ Campaign to Stop Killer Robots, *Urgent Action Needed to Ban Fully Autonomous Weapons*, 2013.

¹¹⁹ Article 36, *Key areas for debate on autonomous weapons systems*, 2014.

¹²⁰ Human Rights Watch, *Losing Humanity: The Case Against Killer Robots*, 2012; *Shaking the Foundations: The Human Rights Implications of Killer Robots*, 2014.

¹²¹ Campaign to Stop Killer Robots, *About Us*, 2014.

¹²² Article 36, *Key areas for debate on autonomous weapons systems*, 2014.

¹²³ UN Institute for Disarmament Research, *Framing Discussions on the Weaponization of Increasingly Autonomous Technologies*, 2014, p. 2.

¹²⁴ Scharre, *Where Does the Human Belong in the Loop?* 2014.

¹²⁵ Chatila, *On the Concept of Autonomy*, 2014, slides 5, 8.

¹²⁶ *Ibid.*

¹²⁷ *Ibid.*

Committee of the Red Cross (ICRC) points out that a system needs not be complex to select and attack targets.¹²⁸ In another presentation during the same meeting, experts clarified differences between automatic, automated, and autonomous machines, and the human role in the computational loop.¹²⁹ Determining where to draw the line between automation and autonomy is a divisive point in the debate, particularly in discussions on where LAWS fit the current legal framework.¹³⁰ ICRAC Working Paper #2 offers a more complex discussion of definitions for ‘automatic’ and ‘autonomous’ weapons, differentiating between the two by suggesting that autonomous systems exhibit more complexity, not only in their role, but in their ability to collect and process information.¹³¹

Considering the various functions a weapon system could be programmed to perform clouds debate on the topic, as illustrated by the suggestion that performing any one function from a list such as, “acquisition, tracking, identification, grouping, selection, prioritization, or engagement of targets,” without human input, could classify a weapon as autonomous.¹³² Performing all functions without human input would then qualify the system as fully autonomous.¹³³ Moreover, it is important to note that autonomous weapons do not simply follow a predetermined path programmed by humans, but rather they acquire, interpret, and react to data on their own, according to the algorithms on which their systems operate.¹³⁴

Tantamount to the decision, then, on what full autonomy entails is the quality of human presence in the system.¹³⁵ UNIDIR remarked that some experts argue human ‘on’ or ‘in’ the loop does not necessarily ensure ‘meaningful human control,’ a term that often arises in the debate on LAWS.¹³⁶ Some argue that because robots can react to a situation far more quickly than humans can, the human-on-the-loop is meaningless as they would be unable to cancel an attack deemed disproportionate or indiscriminate before the robot executes the attack.¹³⁷ Finally, regardless of the amount of human control within a weapon system, there is a question of where to place blame for law violations if or when they occur.¹³⁸

Legal Aspects

The most pressing question concerning the legality of LAWS is whether they will violate IHL or Human Rights Law.¹³⁹ Critics argue that the use of LAWS would violate IHL, but others suggest existing international laws adequately cover them.¹⁴⁰ Article 36 points out that there is an expectation implicit in international law that humans control when, where, and how weapons are used.¹⁴¹ However, they advise creating, “an explicit legal requirement that there be meaningful human control over individual attacks.”¹⁴²

Debates on accountability furthermore permeate discussions on the legal implications of LAWS.¹⁴³ While it is true that some existing legal structures cover the use of LAWS, the ICRC suggests that if manufacturers cannot

¹²⁸ ICRC, *CCW meeting of experts on autonomous weapon systems Session on technical issues, 14 May 2014: Statement by the ICRC*, 2014, p. 1.

¹²⁹ Scharre, *Where Does the Human Belong in the Loop?* 2014, slide 5.

¹³⁰ *Ibid.*

¹³¹ Gubrud & Altmann, *Compliance Measures for an Autonomous Weapons Convention*, 2013, p. 4.

¹³² *Ibid.*

¹³³ *Ibid.*

¹³⁴ PAX, *Deadly Decisions, 8 objections to killer robots*, 2014, p. 4.

¹³⁵ Mezler, *Legal Implications of Lethal Autonomous Weapon Systems*, 2014.

¹³⁶ UN Institute for Disarmament Research, *Experts Meeting on Armed Drones and Robots Under International Law*, 2013, p. 1.

¹³⁷ International Committee for Robot Arms Control, *ICRAC Statement on Technical Issues to the UN CCW Expert Meeting, 2014*; ICRC, *Report of the ICRC Expert Meeting on ‘Autonomous weapon systems: technical, military, legal and humanitarian aspects’*, 2014, p. 14.

¹³⁸ Asaro, *On banning autonomous weapon systems: human rights, automation, and the dehumanization of lethal decision-making*, 2012, p. 695.

¹³⁹ ICRC, *Report of the ICRC Expert Meeting on ‘Autonomous weapon systems: technical, military, legal and humanitarian aspects’*, 2014.

¹⁴⁰ Mezler, *Legal Implications of Lethal Autonomous Weapon Systems*, 2014, Slide 3.

¹⁴¹ Article 36, *Key areas for debate on autonomous weapons systems*, 2014, p. 1.

¹⁴² *Ibid.*

¹⁴³ Asaro, *On banning autonomous weapon systems: human rights, automation, and the dehumanization of lethal decision-making*, 2012, p. 692.

guarantee the weapon system will completely comply with IHL it will be unlawful.¹⁴⁴ This statement correlates with Article 36 of *Protocol I Additional to the Geneva Conventions*, obliging contracting parties to ascertain whether implementation of a new weapon would violate the Protocol or any other international law in or any or all circumstances.¹⁴⁵ Asaro, a founding member of ICRAC, also doubts that LAWS will satisfy the principles of distinction and proportionality laid out in the *Geneva Conventions*, as well as, “whether [or not] it will be possible to hold anyone responsible for any wrongful harm the system might cause.”¹⁴⁶

As illustrated, there is a clear delineation between the two sides of the legal argument on LAWS. Special Rapporteur Cristof Heyns suggests the introduction of LAWS could create international division, weaken the role of international law, and undermine international security.¹⁴⁷ In this regard, the First Committee offers a forum for Member States to devise the necessary framework to prevent this, including making recommendations for a complete ban on LAWS should they see fit to do so.

Ethical and Humanitarian Aspects

The debate on LAWS also considers ethical and humanitarian concerns alongside the existing legal framework as illustrated by a remark from the Women’s International League for Peace and Freedom to the CCW: “[b]eyond the law, giving machines power to target and kill human beings crosses a moral line.”¹⁴⁸ Bernard adds, “[h]aving machines commit programmed acts of violence means delegating our capacity for judgment, the key element in the attribution of responsibility.”¹⁴⁹ In addition to the issue of proper judgment, the use of LAWS creates the problem of where to place blame in the case of an accident or technical failure.¹⁵⁰

Another concern in the debate on ethics is that while unmanned weapons open the possibility to attack an enemy who cannot fight back, the enemy will often compensate their inability to attack appropriate targets by attacking innocent people.¹⁵¹ Additionally, the possibility of terrorist organizations obtaining the technology poses a threat to international peace and security, thus highlighting humanitarian aspect of LAWS.¹⁵² Because legislation most often develops in response to new technology, it is important to create an ethical structure on which to base the legal framework now, while the use of unmanned robots is still nascent and their implications are uncertain.¹⁵³ The *International Covenant on Civil and Political Rights* states, “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”¹⁵⁴ Allowing robots to make the decision to kill makes those deaths arbitrary because robots lack the capacity to judge and interpret their targets the way humans can interpret and review subjects in consideration of existing laws.¹⁵⁵

Challenges to Prohibition

Proponents of LAWS proclaim the beneficial nature of LAWS, suggesting they will protect civilians from the harmful effects of war.¹⁵⁶ Some experts argue that proper design and use of LAWS could potentially prevent loss of

¹⁴⁴ ICRC, *Report of the ICRC Expert Meeting on ‘Autonomous weapon systems: technical, military, legal and humanitarian aspects’*, 2014, p. 14.

¹⁴⁵ *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 1977 Article 36.

¹⁴⁶ Asaro, *On banning autonomous weapon systems: human rights, automation, and the dehumanization of lethal decision-making*, 2012, p. 688.

¹⁴⁷ UN Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns*, 2013, p. 6.

¹⁴⁸ Women’s International League for Peace and Freedom, [Statement to the CCW Meeting of Experts on Lethal Autonomous Weapon Systems, 2014, p. 1.](#)

¹⁴⁹ Bernard, *Editorial: Science Cannot be Placed Above its Consequences*, 2012, p. 459.

¹⁵⁰ *Ibid*, p. 460.

¹⁵¹ *Ibid*, p. 460.

¹⁵² Biontino, *CCW Expert Meeting Lethal Autonomous Weapons Systems (LAWS)*, 2014, p. 3.

¹⁵³ PAX, *Does Unmanned Make Unacceptable? Exploring the Debate on using Drones and Robots in Warfare*, 2011, p. 24.

¹⁵⁴ United Nations General Assembly, *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966, art. 6(1).

¹⁵⁵ Asaro, *On banning autonomous weapon systems: human rights, automation, and the dehumanization of lethal decision-making*, 2012, p. 700.

¹⁵⁶ Altmann, *Arms control for uninhabited vehicles: an ethical issue*, 2013, p. 141.

life to civilians.¹⁵⁷ However, the CSO PAX counters the argument, reiterating that the same was said of smart bombs in the past, and the reality now is that locations and targets of smart bombs have become closer to civilians, leading to a possible increase in civilian casualties.¹⁵⁸

States already operating unmanned vehicles, and weapons systems suggest some level of human control will remain for the foreseeable future.¹⁵⁹ Official statements from governments with the capability to manufacture LAWS indicate their implementation is not currently envisioned and rather the choice to apply lethal force through unmanned weapons will remain with humans.¹⁶⁰ The United States Department of Defense proactively authored a policy establishing guidelines for weapon systems autonomy that would minimize the probability and consequences of failures.¹⁶¹ Furthermore, in terms of the benefits of implementing LAWS on the battlefield, “[p]ublic opinion demands that soldiers avoid dangerous situations (...) Allowing robots to do the most dangerous work helps keep Western soldiers out of harm’s way.”¹⁶² Thus, it can be argued that allowing LAWS to be used lawfully would benefit countries that already possess the technology.¹⁶³ Finally, some experts propose alternatives to a complete ban on LAWS, such as proposing a moratorium on LAWS, suggesting, “[a] ban ignores the moral imperative to use technology to reduce the persistent atrocities and mistakes that human warfighters make.”¹⁶⁴

Conclusion

The nature of disagreements currently present in this nascent discussion makes it difficult to reach a compromise on the topic of prohibiting LAWS, but regardless of the outcome, it is important to continue the pre-emptive work started by the CCW and CSOs to ensure protection of civilians from this new technology. Research of existing treaties, conventions, and other documents will shed light on the current regional and international frameworks that can be adapted to include LAWS into their scopes and mandates.¹⁶⁵ The current framework concerning humanitarian law and human rights addresses the protection of civilians, but drafting official language on LAWS will help make clear their position for future work on the issue. Without careful review and control, horizontal and vertical proliferation is a likely possibility.¹⁶⁶ Allowing the use of LAWS could lead to a lowered threshold in deciding to go to war, and states capable of employing them could develop technological disproportion, thus threatening international peace and security.¹⁶⁷ The First Committee, in utilizing its abilities presented in the Charter, should now lead an open discussion on the aspects of LAWS. Member States should use the forum to discuss the legality of LAWS, share ethical stances, and coordinate to create a framework for the future of LAWS.

Further Research

Because this is a new topic, and relevant data might be scarce, it will be helpful to understand the different stances on drones and other unmanned vehicles to understand the potential for action surrounding LAWS. During their research, delegates should consider the following questions: Can LAWS be considered legal? In what manner do LAWS fit current legal and ethical frameworks? How should LAWS be utilized? What constitutes autonomy in weapon systems? Becoming familiar with the legality of LAWS, as well as other implications of their development and utilization, will aid delegates in developing realistic and feasible recommendations. Further, delegates should consider their Member State’s position on the use of LAWS. Seeking statements from states capable of manufacturing LAWS, as well as those lacking the capability, will also provide insight and detail on arguments for and against LAWS, as well as providing further knowledge of the legal, ethical, and humanitarian aspects in respect to individual Member States. Although the topic is the prohibition of LAWS, delegates should also research

¹⁵⁷ Arkin, *Lethal Autonomous Weapons Systems and the Plight of the Noncombatant*, 2014, p. 4.

¹⁵⁸ PAX, *Does Unmanned Make Unacceptable? Exploring the Debate on using Drones and Robots in Warfare*, 2011, p. 27.

¹⁵⁹ United States, *Unmanned Systems Integrated Roadmap FY2011-2036*, 2011; United States, *Directive 3000.09: Autonomy in Weapon Systems*, 2012.

¹⁶⁰ United States, *Unmanned Systems Integrated Roadmap FY2011-2036*, 2011, p. 50.

¹⁶¹ *Ibid.*

¹⁶² PAX, *Does Unmanned Make Unacceptable? Exploring the Debate on using Drones and Robots in Warfare*, 2011, p. 24.

¹⁶³ Asaro, *On banning autonomous weapon systems: human rights, automation, and the dehumanization of lethal decision-making*, 2012.

¹⁶⁴ Arkin, *Lethal Autonomous Weapons Systems and the Plight of the Noncombatant*, 2014, p. 5.

¹⁶⁵ Altmann, *Arms control for armed uninhabited vehicles: an ethical issue*, 2013, p. 143.

¹⁶⁶ *Ibid.*, p. 141.

¹⁶⁷ Asaro, *On banning autonomous weapon systems: human rights, automation, and the dehumanization of lethal decision-making*, 2012.



alternatives to prohibition, such as a moratorium as has been suggested by some experts.¹⁶⁸ Finally, delegates should consider the role of the UN. How might the UN incorporate the control of LAWS into existing frameworks? What role can the First Committee play in moving the discussion of LAWS at the UN forward?

¹⁶⁸ Arkin, *Lethal Autonomous Weapons Systems and the Plight of the Noncombatant*, 2014, p. 5.

Annotated Bibliography

Bolton, M. & W. Zwijnenberg. (2013). *ICRAC Working Paper #1: Futureproofing Is Never Complete: Ensuring the Arms Trade Treaty Keeps Pace with New Weapons Technology*. Retrieved 12 July 2014 from: <http://icrac.net/wp-content/uploads/2013/10/Futureproofing-ICRAC-Working-Paper-3-2.pdf>

The authors of this working paper discuss the already outdated nature of the recent Arms Trade Treaty due to the new technologies that are rapidly arising. They provide a list of examples of new unmanned systems currently in development and illustrate how the Arms Trade Treaty's categorization of weapons is already quickly becoming outdated. The authors highlight this categorization to show that the Arms Trade Treaty must evolve as new weapons develop. This source will help delegates understand the dynamic nature of the development of new weapon technology.

Geneva Convention relative to the Protection of Civilian Persons in Time of War. (1949). 75 UNTS 287. Retrieved 4 August 2014 from: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtectionOfCivilianPersons.aspx>

In discussing LAWS, delegates will benefit from the knowledge of existing frameworks covering the protections afforded to civilians and noncombatants. The Fourth Geneva Convention specifically covers the protection of civilians in times of war, which is important, considering LAWS' possible role near civilian populations in future combat scenarios. A firm understanding of the manners in which international law protects civilians will help delegates better determine their stance on the topic of prohibiting LAWS.

Gubrud, M. & J. Altmann. (2013). *ICRAC Working Paper #2: Compliance Measures for an Autonomous Weapons Convention*. Retrieved 12 July 2014 from: <http://icrac.net/wp-content/uploads/2013/05/Gubrud-Altman-Compliance-Measures-AWC-ICRAC-WP2.pdf>

This working paper highlights the many factors officials must take into account to create effective compliance measures for an autonomous weapons convention. It stresses the importance of a strong set of measures to ensure compliance due to the complicated nature of implementing a ban on LAWS. The nature of this topic calls for explicit definitions, and more importantly, setting clear standards for those definitions. Furthermore, this paper mentions the need for safeguards and verification of human control and responsibility. This is an essential source for delegates because it discusses matters that are supplemental to a prohibition on LAWS, as well as bringing to light the challenges a prohibition would face.

Human Rights Watch. (2014). *Shaking the Foundations: The Human Rights Implications of Killer Robots*. Retrieved 10 July 2014 from: http://www.hrw.org/sites/default/files/reports/arms0514_ForUpload_0.pdf

Human Rights Watch examines the implications of LAWS on human rights, as well as assesses the benefits and dangers of their use. The information provided is similar to that of a previous Human Rights Watch report but it adds an analysis of the implications of the use of LAWS in law enforcement scenarios. Because of the budding nature of this topic, a useful feature of this article is the explanation of the state of debate on the topic, which should serve to update delegates on the status of the previous debate. Note that the conclusion states that proponents of LAWS argue that this technology could aid in protecting the same rights opponents argue it will violate. Delegates will find this source useful in developing a working understanding of the ethical issues of LAWS.

International Committee for Robot Arms Control. (2014). *ICRAC statement on technical issues to the UN CCW Expert Meeting*. Retrieved 8 August 2014 from: <http://icrac.net/2014/05/icrac-statement-on-technical-issues-to-the-un-ccw-expert-meeting/>

Speaking on behalf of the International Committee for Robot Arms Control, Denise Garcia gives an overview of technical specifications of LAWS. This statement makes a distinction between autonomous defense weapons and fully autonomous weapons, posting that fully autonomous weapons are incapable of vitally important functions such as distinguishing between military and non-military persons or adapting to changing circumstances. Some suggestions for minimum conditions for meaningful human control in autonomous systems wrap up the statement. Delegates will find this source helpful in explaining certain, crucial functions necessary in LAWS.

United Nations, Human Rights Council, Twenty-third session. (2013). *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns (A/HRC/23/47)*. Retrieved 10 July 2014 from: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-47_en.pdf

This report offers an introduction to LAWS, a good place to begin for someone new to the topic. Among other things, the report explains the many aspects of LAWS that are vital to know in debate of the topic, including legal factors, their use in and out of combat situations, taking human decision-making out of the loop, and other concerns. The report highlights these concerns in relation to how LAWS may violate international laws as well as disadvantaging non-using states. This source will be valuable to delegates as a quick reference to attributes of LAWS and their effect on human rights.

United Nations Institute for Disarmament Research. (2013). *Experts Meeting on Armed Drones and Robots Under International Law* [Summary Record]. Retrieved 12 July 2014 from:

<http://www.unidir.org/files/medias/pdfs/summary-of-discussions-eng-0-557.pdf>

This summary lists key points made by experts on the application of international law on the use of drones and robots. In addition to the legality of LAWS, ethical issues on the development and use of drones and robots are also covered. This is another essential source for delegates to gather information on the legality of LAWS. It covers international human rights law, international humanitarian law, and criminal law before offering advice on the next step forward on the topic of LAWS.

United Nations Institute for Disarmament Research. (2014). *Framing Discussions on the Weaponization of Increasingly Autonomous Technologies* [Report]. Retrieved 10 July 2014 from:

<http://www.unidir.org/files/publications/pdfs/framing-discussions-on-the-weaponization-of-increasingly-autonomous-technologies-en-606.pdf>

Because the debate on the topic of prohibiting LAWS is still in its infancy, the framework offered in this publication will benefit delegates that are new to the subject. This document lists four considerations for framing debate on the topic: Considering how to assess autonomy, considering what forces drive interest in LAWS, changing focus from technology and innovation to acceptability and consequences, and paying attention to what areas are of most concern. While this information will be helpful to delegates, it is only a starting point. Delegates should consider this throughout their own research and use it to form their own ideas. It ends with a look toward the future of the topic, suggesting that parties should focus on areas other than the technological aspects because technology changes so rapidly.

United Nations Office at Geneva. (2014). *Report of the 2014 Meeting of Experts on Lethal Autonomous Weapons Systems (LAWS)*. Retrieved 10 July 2014 from:

[http://www.unog.ch/80256EDD006B8954/\(httpAssets\)/350D9ABED1AFA515C1257CF30047A8C7/\\$file/Report_AdvancedVersion_10June.pdf](http://www.unog.ch/80256EDD006B8954/(httpAssets)/350D9ABED1AFA515C1257CF30047A8C7/$file/Report_AdvancedVersion_10June.pdf)

Reporting on the May 2014 Meeting of Experts on LAWS, called by the Convention on Certain Conventional Weapons (CCW), this source lays out the nature of the presentations, General Debate, and topic-specific sessions that took place, noting who participated in and who observed the work of the meeting. The report notes important conclusions reached in sessions on technical, ethical and sociological, legal, operational, and military aspects of the debate. Important to note is the finding that there was a majority consensus among participants that, despite the meeting's forming of common understanding, it is still too early to offer precise, definitive language on the topic. However, the existence of this report is a testament that there is a desire for debate on the topic, and delegates will benefit from this source due to the manner in which it presents the different aspects.

United States, Department of Defense. (2011). *Unmanned Systems Integrated Roadmap FY2011-2036*. Retrieved 4 August 2014 from: <https://info.publicintelligence.net/DoD-UAS-2011-2036.pdf>

This source provides an important example through which delegates can gain an understanding of how Member States capable of developing or acquiring LAWS plan to approach the topic of prohibiting LAWS, although it only specifically presents the viewpoint of a single Member State. The United States is capable of developing and employing LAWS and is a leader in the field, and

this statement offers insight into their plans. Key components of this document include sections on the current state of unmanned systems, their functional operations, and their integration into existing operational structures.

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II. The Control of Biological Weapons in Today's Modern Era

“To manage the full spectrum of biological risks, you need a cohesive, coordinated network of activities and resources. Such a network will help to ensure that biological science and technology can be safely and securely developed for the benefit of all.”¹⁶⁹

Introduction

The ancient Greeks were among the first to employ bioweapons against vast enemy populations as a defense mechanism.¹⁷⁰ Present day examples of successful attempts to unleash biological weapons upon the public include the “Amerithrax” incident in the United States (US) in 2001 when anthrax spores were sent through the mail and use of salmonella by Rajneeshees’ cult in Oregon during 1984.¹⁷¹ These bioweapons attacks were the work of terrorist groups with the intentions of causing large-scale suffering.¹⁷² Biological weapons pose a grave threat; small and invisible to the naked eye, they are highly efficient at killing large populations.¹⁷³ Moreover, bioweapons attacks can theoretically self-replicate and become an epidemic.¹⁷⁴ Epidemics are problematic as there can be no quick cure and it is difficult to track and contain them.¹⁷⁵ New innovative advances in biotechnology can mean agents such as viruses (disease generating), bacteria, and toxins can be modified with more devastating effects and easier deployment which increases the chances of devastating biological warfare in the 21st century.¹⁷⁶

Beyond their direct application, biological agents can be used as instruments of terror by a wide range of groups, both state and non-state actors.¹⁷⁷ While there is no current evidence suggesting future attacks by state-sponsored programs, around a dozen countries situated in the Middle East and Asia are known to hold offensive biological weapons programs existing today.¹⁷⁸ In worst-case scenarios, large organizations might have the resources, such as funding, state-support, and scientific knowledge, to initiate a bioterror attack or to lead bioterrorism.¹⁷⁹ While these scenarios sometimes seem far-fetched, biological agents can be weaponized quickly and capitalize on today’s globalized international community.¹⁸⁰ This threat to international peace and security can disturb daily communication and people’s ability to function.¹⁸¹ However, biological agents can also potentially be used in new, beneficial ways, particularly with advances in science and technology.¹⁸²

The General Assembly First Committee should address this topic as it relates to security and disarmament and to secure technology on a global scale.¹⁸³ In order to maintain peace and security, the First Committee follows the “principles on governing disarmament and the regulation of armaments; promotion of cooperative arrangements and measures aimed at strengthening stability through lower levels of armaments.”¹⁸⁴

Definition of Biological Weapons

In order to discuss the disarmament of biological weapons, it is important to understand exactly what they are. As such, below follows a brief explanation of biological weapons and their capabilities to better understand

¹⁶⁹ Secretary-General, Ban Ki-moon, *Secretary-General’s message to meeting of States parties of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, 2008.

¹⁷⁰ van Rijn, *Capabilities Analysis of Bioterrorism: Roadblocks Facing Non-State Actors’ Use of Bioweapons*, 2014.

¹⁷¹ Ibid.

¹⁷² Martin et al., *History of Biological Weapons: From Poisoned Darts to Intentional Epidemics*, 2007.

¹⁷³ Ibid.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ Frischknecht, *The history of biological warfare*, 2003.

¹⁷⁷ Kortepeter & Parker, *Potential Biological Weapons Threats*, 1999.

¹⁷⁸ Spencer & Scardaville, *Understanding the Bioterrorist Threat: Facts and Figures*, 2001.

¹⁷⁹ Kortepeter & Parker, *Potential Biological Weapons Threats*, 1999.

¹⁸⁰ Garrett, *It’s 10 o’Clock – Do You Know Where Your Bubonic Plague Is?*, 2014; Riedel, *Biological warfare and bioterrorism: a historical review*, 2004.

¹⁸¹ Ibid.

¹⁸² Schmid & Kaufmann, *Bioviolence: preventing biological terror and crime*, 2008; European Commission, DG Research Directorate E: Biotechnology, Agriculture and Food Research, *Conference on Ethical implications of scientific research on bioweapons and prevention of bioterrorism, The problem of the dual-use nature of the technology*, 2004.

¹⁸³ UN General Assembly, *Disarmament and International Security: First Committee*, 2014.

¹⁸⁴ Ibid.

bioterrorism. Biological weapons “use microorganisms and natural toxins to produce disease in humans, animals, or plants,” derived from “bacteria (anthrax, plague, tularemia); viruses (smallpox, viral hemorrhagic fevers); rickettsia (Q fever and epidemic typhus); biological toxins (botulinum toxin, staphylococcus enterotoxin B); and fungi (San Joaquin Valley fever, mycotoxins).”¹⁸⁵ The Centers for Disease Control and Prevention (CDC) categorizes biological agents according to several variables.¹⁸⁶ This categorization helps provide beneficial information to health agencies that consult with first responders and public health personnel to identify which biological agents pose higher risks and threats for use in bioterrorism.¹⁸⁷ The categories include the “ease of dissemination or transmission from person to person”, the degree to which they “result in high mortality rates and have the potential for major public health impact,” and the degree to which they might “cause public panic and social disruption, and require special action for public health preparedness.”¹⁸⁸ Pathogens and other diverse agents can be utilized as biological weapons if paired with a form of a delivery system such as missiles or aerosol devices.¹⁸⁹ This is how agents can be enhanced for the purposes of bioterrorism.¹⁹⁰ Bioterrorism is defined as “the use by non-state actors of microorganisms (pathogens) or the products of living organisms (toxins) to inflict harm on a wider population.”¹⁹¹

International and Regional Framework

The initial framework banning the use of biological weapons is grounded in the *Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare*, which is also referred to as the 1925 Geneva Protocol.¹⁹² The Protocol prohibits the use of biological and chemical weapons in war, and was the first to do so.¹⁹³ It was signed on 17 June 1925 during a Geneva conference by the League of Nations, the precursor of the United Nations, and entered into force on 8 February 1928.¹⁹⁴ Following the 1925 Geneva Protocol, the *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, also called the *Biological Weapons Convention (BWC)* or *Biological and Toxin Weapons Convention (BTWC)*, entered into force on 26 March 1975.¹⁹⁵ Upon signing on 10 April 1972, this legally binding treaty encourages Member States to exemplify proper behavior in regards to biological weapons.¹⁹⁶ The updated version includes 165 States Parties and 12 Signatory States.¹⁹⁷ The Convention is the “first multilateral disarmament treaty banning the development, production and stockpiling of an entire category of weapons of mass destruction.”¹⁹⁸

The Convention serves as an international guideline for all Member States to restrict the development and production of any biological weapons, banning “the development, stockpiling, acquisition, retention, and production of biological agents and toxins of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes.”¹⁹⁹ This also includes, but is not limited to, “weapons, equipment, and delivery vehicles designed to use such agents or toxins for hostile purposes or in armed conflict.”²⁰⁰ In addition, Member States are not allowed to participate in any transferring/trading or assisting others with any biological tools.²⁰¹ Biodefense programs are still permissible, as they allow for technological advancements through testing which increases knowledge and can help develop new medication.²⁰² However, existing biological equipment is required to be

¹⁸⁵ Nuclear Threat Initiative, *Understanding Biological Threats*, 2014.

¹⁸⁶ van Rijn, *Capabilities Analysis of Bioterrorism: Roadblocks Facing Non-State Actors’ Use of Bioweapons*, 2014.

¹⁸⁷ Ibid.

¹⁸⁸ Ibid.

¹⁸⁹ Nuclear Threat Initiative, *Understanding Biological Threats*, 2014.

¹⁹⁰ van Rijn, *Capabilities Analysis of Bioterrorism: Roadblocks Facing Non-State Actors’ Use of Bioweapons*, 2014.

¹⁹¹ Ibid.

¹⁹² *1925 Geneva Protocol: Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare*, 1925.

¹⁹³ Ibid.

¹⁹⁴ Ibid.

¹⁹⁵ Arms Control Association, *The Biological Weapons Convention (BWC) At A Glance*, 2012.

¹⁹⁶ Ibid.

¹⁹⁷ Ibid.

¹⁹⁸ UN Office for Disarmament Affairs, *The Biological Weapons Convention*.

¹⁹⁹ Arms Control Association, *The Biological Weapons Convention (BWC) At A Glance*, 2012.

²⁰⁰ Ibid.

²⁰¹ Ibid.

²⁰² Ibid.

destroyed in compliance to the treaty.²⁰³ Member States were given nine months after the convention came into force to clean and eradicate all biological weapons materials.²⁰⁴ To oversee the compliance with the terms of the Convention, the Special Conference of the States Parties to the Convention established in September 1994 an Ad Hoc Group open to all States Parties to consider the development of verification measures.²⁰⁵

At the 1996 Fourth Review Conference of the Parties to the Convention, States Parties recognized again the importance of effective verification.²⁰⁶ The most recent Review Conference, held in January 2012, reiterated its call to enforce the Convention through confidence-building measures (CBMs) to promote biosafety, as agreed at the Second and Third Review Conferences.²⁰⁷ This will help promote transparency and promote biological science and technology transfer for peaceful purposes through cooperation and technology transfer.²⁰⁸ Such measures include a code of conduct to prevent the misuse of bioscience and biotechnology.²⁰⁹ Despite progress made, no legally binding system has the capacity to inspect compliance with the terms of the Convention, which limits the effectiveness of these measures.²¹⁰ According to the United States' Department of State, China, Iran, North Korea, Russia and Syria are "suspected of continued offensive biological warfare programs in violation of the BWC," and this does not account for considerable uncertainty for the potential of other programs.²¹¹ In looking forward to the Eighth Review Conference in 2016, the Chair for the 2014 Biological Weapons Convention Meeting of Experts, Ambassador Urs Schmidt, highlighted the necessity for promoting effective action to improve implementation in practical terms.²¹²

Role of the International System

Various institutions take on important roles in relation to bioweapons.²¹³ In general, while Member States are responsible for their destruction, organizations help in monitoring and technical expertise, and regional organizations, as exemplified by the Organization of American States (OAS), support important global norms by combating trafficking and monitoring compliance with international norms at the regional level.²¹⁴ The UN Secretary-General is authorized to initiate investigations of Member States who have been reported to illegally possess these banned weapons, reporting any violations of the Geneva Protocol, or any other applicable rule of international treaty or customary law.²¹⁵ Several organs of the United Nations also relate to the issue of bioweapons and require coordination from the General Assembly First Committee.

UN Office of Disarmament Affairs and the Implementation Support Unit to the Biological Weapons Convention
The Implementation Support Unit (ISU) was established after the Sixth Review Conference to provide administrative support to ensure universalization of the Biological Weapons Convention through confidence-building measures.²¹⁶ States Parties fund the ISU to the Convention where it forms the core of the Secretariat of meetings of the BWC, supports the work of the annual Chair and Vice-Chairs, maintains and develops the BWC Website, and interacts with relevant international organizations and non-governmental organizations such as

²⁰³ Arms Control Association, *The Biological Weapons Convention (BWC) At A Glance*, 2012.

²⁰⁴ Ibid.

²⁰⁵ Biological Weapons Convention Ad Hoc Group, *Procedural Report of the Ad Hoc Group of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction*, 1996, p. 5.

²⁰⁶ Fourth Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, *Final Declaration*, 1996.

²⁰⁷ Nuclear Threat Initiative, *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons (BTWC)*, 2014; Seventh Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, *Final Document of the Seventh Review Conference*, 2011, pp. 11-13.

²⁰⁸ Seventh Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, *Final Document of the Seventh Review Conference*, 2011, pp. 11-13.

²⁰⁹ Ibid.

²¹⁰ Ibid.

²¹¹ The College of Physicians of Philadelphia, *Biological Weapons, Bioterrorism, and Vaccines*, 2014.

²¹² Pearson & Sims, *Report from Geneva: The Biological Weapons Convention Meeting of Experts August 2014*, 2014, p. 9.

²¹³ Goldblat, *The Biological Weapons Convention - An overview*, 1997.

²¹⁴ Organization of American States, *Permanent Council of the Organization of American States Committee on Hemispheric Security, Combating arms trafficking*, 2014.

²¹⁵ Goldblat, *The Biological Weapons Convention - An overview*, 1997.

²¹⁶ United Nations Office at Geneva, *Implementation Support Unit*, 2014.

scientific and academic institutions.²¹⁷ Specifically, in these roles, the ISU provides the following: administrative support and assistance; national implementation support and assistance; support and assistance for confidence-building measures; support and assistance for obtaining universality; administration of the database for assistance requests; offers and facilitated associated exchanges of information; and support to States Parties to implement the decisions and recommendations of the review conference.²¹⁸ The ISU plans to take on new and revised tasks up until the Eighth Review Conference 2016.²¹⁹ The ISU exists within the Geneva Branch of the United Nations Office of Disarmament Affairs (UNODA).²²⁰ Established in January 1998, UNODA is responsible for the increasing disarmament towards all weapons of mass destruction including biological weapons.²²¹

NGO Committee on Disarmament

It is essential to discuss the NGO Committee on Disarmament, Peace, and Security as the committee stresses the necessity of providing a variety of services and specific facilities to help different groups address security threats.²²² This Committee is responsible for effective communication between NGOs worldwide, including on the status of negotiations, Member States' positions, and major obstacles and opportunities to guide other NGOs with appropriate decision-making.²²³ Essentially, the Committee is charged with ensuring worldwide continuity and sharing knowledge on actions and positions related to disarmament.²²⁴

UNMOVIC

The Security Council, in resolution 1284, adopted on 17 December 1999, established the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC).²²⁵ Though it was terminated in 2007, it is an important example of an actor that can be designed to, as its name implies, monitor and verify systems to eliminate bioweapons.²²⁶ To continue monitoring in Iraq and possible supplies of Weapons of Mass Destruction (WMD), UNMOVIC replaced the United Nations Special Commission (UNSCOM).²²⁷ UNMOVIC's initiative monitored Iraq's agreement to dispose of its entire long-distance biological and chemical weapons.²²⁸ Ultimately, the efforts of UNMOVIC prove how essential commissions are in the process of implementation concerning the use and prevention of biological weapons.²²⁹

Production, Development, and Detection of Bioweapons

Publicly available evidence on bioweapons is necessary to the international community to maintain peace and security. For example, after voluntarily destroying their stocks, the United States opened their biological facilities and held public inspections with international visitors to act as an example and have other states follow its lead.²³⁰ However, sovereignty concerns and issues around engagement limit the international community's ability to know about, and monitor existing programs.²³¹ The level of engagement with the international system in regards to weapons by a Member State can help determine further steps towards ensuring the reduction in risk for attacks.²³² Though the BWC does not obligate declarations about existing bioweapons, it does outlaw them for "hostile intentions," which can never be fully known.²³³ This means that all existing laboratories, which engage in the

²¹⁷ United Nations Office at Geneva, *Role of the Implementation Support Unit*, 2014.

²¹⁸ United Nations Office At Geneva, *Implementation Support Unit*, 2014.

²¹⁹ *Ibid.*

²²⁰ *Ibid.*

²²¹ United Nations Office for Disarmament Affairs, *About Us*, 2014.

²²² NGO Committee on Disarmament, Peace, & Security, *NGO Committee on Disarmament, Peace, and Security*, 2014.

²²³ *Ibid.*

²²⁴ *Ibid.*

²²⁵ UN Monitoring, Verification and Inspection Commission, *UNMOVIC: Basic facts*, 2014.

²²⁶ *Ibid.*

²²⁷ *Ibid.*

²²⁸ UN Monitoring, Verification and Inspection Commission, *UNMOVIC: Basic facts*, 2014.

²²⁹ UN Security Council, United Nations Monitoring, Verification and Inspection Commission, *Twenty-ninth quarterly report on the activities of the United Nations Monitoring, Verification and Inspection Commission in accordance with paragraph 12 of Security Council resolution 1284 (1999); S/2007/314*, 2007.

²³⁰ Goldblat, *The Biological Weapons Convention - An overview*, 1997.

²³¹ *Ibid.*

²³² *Ibid.*

²³³ Goldblat, *The Biological Weapons Convention - An overview*, 1997; Nuclear Threat Initiative, *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons (BTWC)*, 2014.

research and development of substances that could be used as agents in warfare, can remain undeclared.²³⁴ As such, many Member States reserve the right to privacy for in-state military matters.²³⁵ This is a security threat as these hidden facilities can advance biotechnology and generate large quantities of potent toxic substances in a short period of time.²³⁶ Tracking these facilities would be difficult if a biological warfare attack were to be unleashed.²³⁷ The manufacturing and storage of these substances is one problem, but another is their ability to be camouflaged within other weapons such as missiles, bombs, or spray systems.²³⁸ Moreover, the detection of diseases caused by biological weapons can prove to be inconclusive due to the fact these diseases can be caused naturally and such investigations require an extensive amount of data that UN Member States have to obtain (not individuals or non-governmental organizations).²³⁹ This means the identity of the aggressor would be difficult to determine due to the amount of significant evidence that is supportive.²⁴⁰

Bioweapons and Terrorism

Bioterrorism receives widespread attention because one of the international community's greatest fears is having biological weapons in the hands of terrorists groups.²⁴¹ Most conventional terrorism requires sufficient training, financing, and communications capabilities, and most terrorists have access to a variety of small arms and explosives.²⁴² A terrorist's capacity to use biological weapons depends on their ability to access them.²⁴³ Up until the past decade, the deployment of biological weapons was considered difficult and only possible with the capable hands of biowarfare experts.²⁴⁴ However, with improvements in science and networks in the field, it now is becoming easier to obtain such weapons.²⁴⁵

Two examples in the last 25 years demonstrate the potential for bioweapons to be used for bioterrorism. In 1995, sarin was inflicted on the Tokyo subway system by the Japanese cult, Aum Shinrikyo.²⁴⁶ This event brought the dangers of bio-weaponry to the attention of policymakers and counterterrorism experts as they began to examine the possibilities of other terrorist attacks executed in this manner.²⁴⁷ In 2001, a bioterrorist attack was carried out in the United States, when violent non-state actors used biological agents as a scare tactic, when weapons-grade *Bacillus anthracis* (the organism that causes anthrax) was sent through the mail to two US Senators.²⁴⁸ This occurred shortly after the events of 11 September 2001; media outlets covered this news as 22 people became infected with anthrax and five fatalities occurred.²⁴⁹ Hundreds of millions of people were befallen with anxiety as letters sent to Senators Tom Daschle and Patrick Leahy promising more attacks were quoted, "You cannot stop us. We have this anthrax."²⁵⁰ No attacks followed as many months and years passed.²⁵¹ In 2008, the FBI concluded that the anthrax letters served as a method to prompt fear, rather than kill on a large-scale using biological weapons.²⁵² This inference shows how vulnerable the public is to "potential threats" that can cause instability.²⁵³ Another aspect to address is public health preparedness in the aftermath of a bioweapon attack.²⁵⁴ To avoid hysteria during an epidemic, medical communities should invest in the education of prevention and vaccination during an

²³⁴ Goldblat, *The Biological Weapons Convention - An overview*, 1997.

²³⁵ Ibid.

²³⁶ Ibid.

²³⁷ Ibid.

²³⁸ Ibid.

²³⁹ Ibid; Riedel, *Biological warfare and bioterrorism: a historical review*, 2004.

²⁴⁰ Goldblat, *The Biological Weapons Convention - An overview*, 1997.

²⁴¹ Ackerman & Moran, *Bioterrorism and Threat Assessment*, 2004.

²⁴² Ibid.

²⁴³ Ibid.

²⁴⁴ Ibid.

²⁴⁵ Ibid.

²⁴⁶ Ibid.

²⁴⁷ Ackerman & Moran, *Bioterrorism and Threat Assessment*, 2004.

²⁴⁸ Ibid; NOVA, PBS, *History of Biowarfare, Anthrax Letters of 2001*, 2014.

²⁴⁹ NOVA, WGBH Educational Foundation, *History of Biowarfare, Anthrax Letters of 2001*, 2014.

²⁵⁰ Ibid.

²⁵¹ Ibid.

²⁵² Ibid.

²⁵³ Ibid.

²⁵⁴ Schmid & Kaufmann, *Bioviolence: preventing biological terror and crime*, 2008.

outbreak if such an event were to occur.²⁵⁵ Reasonable responses can lead to less havoc at clinics during these instances.²⁵⁶ Strategic measures can be formulated if clinics and hospitals have assessed biological weapons proliferation.²⁵⁷ Overall, recognizing the threat of biological weapons helps achieve a timeline of how soon samples can be tested against a cure and its effects.²⁵⁸ Treating the disease as soon as it is detected in victims that could have been infected can help relay the amount of vaccinations needed.²⁵⁹ A key responsibility of the medical community is to report on alleged use of biological weapons to better inform the public on which areas to avoid.²⁶⁰ As part of secondary prevention measures, improving surveillance and developing immunization campaigns for vaccine-preventable diseases plays a critical role in response to biological weapons.²⁶¹ The announcement and understanding of symptoms will improve surveillance of the disease.²⁶² With the potential for this information to be perceived negatively, increasing public education on the subject of bioweapons to combat hysteria can help alleviate different security issues.²⁶³ Ultimately, what these response tactics demonstrate is that “primary prevention rests on creating a strong global norm that rejects the development of such weapons.”²⁶⁴

Priorities for Action

Ultimately, international conflicts and the potential for biological terror continue to beg certain key questions and illustrate where further action is needed. In particular, the main question is whether it is necessary to verify on a regular basis the development and production of biological agents and toxins for hostile purposes.²⁶⁵ It is important to highlight the lack of compliance with the BWC and its limitations.²⁶⁶ No specific measures have been set forth for restricting the development, production, stockpiling, or the acquisition of biological agents or toxins for “hostile purposes” in the BWC.²⁶⁷ Therefore, the largest issue with enforcing the BWC lies in the definition given to hostile activities.²⁶⁸ The Convention is not legally binding and therefore any Member State could violate it with little repercussion.²⁶⁹ Member States are also not required to be transparent about their stock of banned weapons prior to joining the Convention, nor to provide proof of their destruction.²⁷⁰ Further developing verification measures and CBMs can change how the use of biological agents is monitored and managed.²⁷¹ The ways in which the Convention can be broken attest to why it should be reformed to enhance peace in the international community.²⁷²

In order to address these issues, the BWC Review Conference (RevCon) is mandated by article XII of the treaty and plays a critical role in reviewing the treaty and charting next steps.²⁷³ The purpose of the RevCons is to review the operation of the BWC.²⁷⁴ Delegates consider scientific and technological developments that have taken place along with progress in the negotiation of the Convention itself.²⁷⁵ Annual inter-sessional meetings of States Parties and Meetings of Experts are held between RevCons to review a varying set of diplomatic and technical topics before

²⁵⁵ Riedel, *Biological warfare and bioterrorism: a historical review*, 2004.

²⁵⁶ *Ibid.*

²⁵⁷ *Ibid.*

²⁵⁸ *Ibid.*

²⁵⁹ WHO, *Health aspects of chemical and biological weapons*, 1970, p. 20.

²⁶⁰ *Ibid.*

²⁶¹ Hassani et al., *Vaccines for the prevention of diseases caused by potential bioweapons*, 2004, pp. 1-15.

²⁶² Riedel, *Biological warfare and bioterrorism: a historical review*, 2004.

²⁶³ *Ibid.*

²⁶⁴ *Ibid.*

²⁶⁵ Seventh Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, *Final Document of the Seventh Review Conference*, 2011, p. 10.

²⁶⁶ Goldblat, *The Biological Weapons Convention - An overview*, 1997.

²⁶⁷ *Ibid.*

²⁶⁸ *Ibid.*

²⁶⁹ *Ibid.*

²⁷⁰ *Ibid.*

²⁷¹ Goldblat, *The Biological Weapons Convention - An overview*, 1997; Seventh Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, *Final Document of the Seventh Review Conference*, 2011, pp. 11-13.

²⁷² *Ibid.*

²⁷³ United States of America, *Biological Weapons Convention (BWC)*, 2014.

²⁷⁴ *Ibid.*

²⁷⁵ *Ibid.*

dealing with them more formally at the RevCons.²⁷⁶ In regards to the Eighth Review Conference, focus needs to shift towards oversight mechanisms and ensuring State Parties adherence to BWC.²⁷⁷ With the increasing volume of text related to the BWC, tools should be developed for future conferences that foster common understanding; this would align with the goals of simplifying commitment to the principles of the Convention.²⁷⁸

Conclusions

In today's modern era, biowarfare is not too far removed from reality.²⁷⁹ Although the BWC can provide assistance to Member States who have been victimized by biological weapons use, only preparedness can help during these unfolding and unthinkable scenarios.²⁸⁰ Increasingly, preparedness must address concerns around the dual-use dilemma of biological weapons, which highlights the complex debate in which scientific innovation and knowledge can also lead to misuse of scientific agents as lethally weapons.²⁸¹ Specifically, scientific research has the dual-use of being used for harmful purposes, possibly causing large amounts of destruction to mankind, but also of gearing scientific knowledge towards the development of new vaccines or possible treatments.²⁸² Currently much work is being conducted in the fields of biology and biotechnology without any association to the military.²⁸³ Activities intended to detect biological warfare agents can further enhance defense programs against them.²⁸⁴ This also creates a market for developing new pharmaceuticals and responses to vaccine-preventable diseases.²⁸⁵ Biological weapons deterrence needs to be carefully outlined, as a gray area exists between distinguishing offensive and defensive research.²⁸⁶ Addressing existing and future biological warfare agents requires differentiating defensive and offensive characteristics, which can require evaluating genetically modified variants.²⁸⁷

Further Research

According to the International Committee of the Red Cross (ICRC), many new biotechnologies, including synthetic biology, have been misused. The ICRC asks for universal adherence to be included in the BWC, with further methods for implementation. Delegates are encouraged to interact with questions such as, how can the international community monitor biological weapons use without violating national sovereignty? How can agencies and frameworks best be coordinated throughout the GA First Committee? What oversight mechanisms need to be set up in order to ensure compliance with the BWC? How can the international community promote scientific innovation and technological transfer without compromising biosafety to prevent them from being turned into weapons?

²⁷⁶ United States of America, *Biological Weapons Convention (BWC)*, 2014.

²⁷⁷ Ibid.

²⁷⁸ Millett, *The Biological Weapons Convention: From International Obligations to Effective National Action*, 2010, p. 115.

²⁷⁹ Ibid.

²⁸⁰ Ibid.

²⁸¹ Selgelid, *Governance of dual-use research: an ethical dilemma*, 2009.

²⁸² Ibid.

²⁸³ European Commission, DG Research Directorate E: Biotechnology, Agriculture and Food Research *Conference on Ethical implications of scientific research on bioweapons and prevention of bioterrorism: The problem of the dual-use nature of the technology*, 2004, p. 34.

²⁸⁴ Ibid.

²⁸⁵ Schmid & Kaufmann, *Bioviolence: preventing biological terror and crime*, 2008; European Commission, DG Research Directorate E: Biotechnology, Agriculture and Food Research, *Conference on Ethical implications of scientific research on bioweapons and prevention of bioterrorism, The problem of the dual-use nature of the technology*, 2004, p. 34.

²⁸⁶ European Commission, DG Research Directorate E: Biotechnology, Agriculture and Food Research/Edited by Line Matthiessen-Guyader, *Conference on Ethical implications of scientific research on bioweapons and prevention of bioterrorism: The problem of the dual-use nature of the technology*, 2004, p. 34.

²⁸⁷ European Commission, DG Research Directorate E: Biotechnology, Agriculture and Food Research, *Conference on Ethical implications of scientific research on bioweapons and prevention of bioterrorism: The problem of the dual-use nature of the technology*, 2004, p. 34.



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1925 Geneva Protocol: Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare. (1925). Retrieved 12 July 2014 from:

<http://www.un.org/disarmament/WMD/Bio/1925GenevaProtocol.shtml>

The General Assembly has many resolutions in regards to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare. Delegates can find recent work and solutions on the matter to further achieve peace and security from this source. This link is useful for delegates to monitor personal state interests while negotiating recent and new ideas in respect to the Geneva Protocol. Delegates can also build off current agendas that can be more prosperous with additional details to prohibiting biological weapons and their lethal use.

Arms Control Association. (2014). *Chemical and Biological Weapons Status at a Glance* [Website]. Retrieved 11 July 2014 from: <http://www.armscontrol.org/factsheets/cbwprolif>

The Arms Control Association is a non-profit, membership-based organization that tracks the Signatories and States Parties for the Biological Weapons Convention. The organization has created a chart, which details the current status of Member States who possess or are developing chemical weapons or biological weapons. This link will help delegates draw upon open source intelligence, which includes unclassified government assessments. These biological and chemical programs, in some cases, are classified as highly unclassified therefore assessing their full capability proves difficult.

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction. (1975). Retrieved 12 July 2014 from:

[http://www.unog.ch/80256EDD006B8954/\(httpAssets\)/C4048678A93B6934C1257188004848D0/\\$file/BWC-text-English.pdf](http://www.unog.ch/80256EDD006B8954/(httpAssets)/C4048678A93B6934C1257188004848D0/$file/BWC-text-English.pdf)

The actual text of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction details the international community's intent to complete the disarmament of lethal bacterial agents that may cause harm. This instrument established by the international community, is a supplement to the existing 1925 Geneva Protocol. While the Convention entered into force on 26 March 1975, it marked the first treaty that entailed multilateral disarmament. Membership is open to any Member State. This resource provides delegates with thorough details about what Member States are allowed and banned from in regards to biological weapons.

European Commission, DG Research Directorate E: Biotechnology, Agriculture and Food Research. (2004). *Conference on Ethical implications of scientific research on bioweapons and prevention of bioterrorism: The problem of the dual-use nature of the technology*. Line Matthiessen-Guyader (Ed). Retrieved 18 October 2014 from:

http://ec.europa.eu/research/biosociety/pdf/proceedings_bioterrorism.pdf

This report summarizes the topics, issues, and policy considerations discussed at the conference on "Ethical implications of Scientific Research on Bioweapons and Prevention of Bioterrorism." The conference was organized by the European Commission Directorate for "Biotechnology, Agriculture and Food Research," in the context of an European Commission funded research project on "Bioethical Implications of Globalization" Delegates can explore different concerns on international cooperation when dealing with security and biosecurity policy challenges such as the question whether or not a state with a limited supply of a vaccines should offer its small stockpile to a neighboring country that is under attack while there is the real risk that the infection could spread to its own territory.

Nuclear Threat Initiative. (2014). *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons (BTWC)* [Website]. Retrieved 3 August 2014 from:

<http://www.nti.org/treaties-and-regimes/convention-prohibition-development-production-and-stockpiling-bacteriological-biological-and-toxin-weapons-btwc/>

This article from the Nuclear Threat Initiative summarizes all the elements necessary for delegates to understand the BWC and the necessary obligations for Member States. The most relevant part

of this source concerns the paragraphs on verification and compliance mechanisms and confidence-building measures (CBMs). Delegates will then be able to elaborate on the limits of such a system in order to think about how to improve it. For further research, the timeline presents the historical improvements made over the years on the Convention and will provide delegates with a realistic vision of what can be achieved.

Millett, P. D. (2010). The Biological Weapons Convention: From International Obligations to Effective National Action. *Applied Biosafety*, 15(3): 113-118. Retrieved 3 August 2014 from: <http://www.absa.org/abj/abj/101503Millett.pdf>

This article presents the legal framework of the BWC on the specific topic of biosafety and biosecurity. It highlights the results of the 2008 Meeting of States Parties to the Convention regarding the common understanding on the conditions of success of this framework. It demonstrates that despite an increase in the volume of texts related to biological weapons, simplification is required for further effective national commitment. The Table 2 of the document provides delegates with an important list of tools available to reinforce biosafety. This way, delegates will be able to reflect upon the effective use and implementation of these tools.

Selgelid, M. J. (2009). Governance of dual-use research: an ethical dilemma. *Bulletin of the World Health Organization*, 87(9): 720-723. Retrieved 20 October 2014 from: <http://www.who.int/bulletin/volumes/87/9/08-051383/en/>

This article released by the World Health Organization highlights the dual-use dilemma at the heart of this topic dealing with biological weapons in today's modern era. Delegates will understand the paradox that scientific research can be used for both good and harmful purposes. The author explains the policy developments made to try and solve this dilemma and to prevent bioterrorism. It invites delegates to think about ethics and scientific governance.

Seventh Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction. (2011). *Final Document of the Seventh Review Conference*. Retrieved 20 October 2014 from: http://www.un.org/ga/search/view_doc.asp?symbol=BWC/CONF.VII/7

The Seventh Review Conference consisted of a yearly update and adoption of the Final Document. At the conference, the Minister of Foreign Affairs of the Netherlands, Uri Rosenthal, explained how the frequent use and establishment of new biological weapons and other weapons of mass destruction are major threats to international peace and security. The Seventh Review Conference acknowledged the importance of communication between regional/international organizations and United Nations agencies for efficient progress in scientific methods and technology transfers. This Review remarks the most recent changes as they are held every five years. Delegates should refer to this resource for additional help in achieving cooperation among all Member States.

United Nations Office at Geneva. (2014). *Implementation: BWC/MSP/2007/MX/INF.1 Previous Agreements, Understandings and Proposals on Enhancing National Implementation - Submitted by the Implementation Support Unit*. Retrieved 12 July 2014 from: [http://www.unog.ch/80256ee600585943.nsf/\(httpPages\)/5e4c32627e04c9e2c125738c004b4428?OpenDocument&ExpandSection=1](http://www.unog.ch/80256ee600585943.nsf/(httpPages)/5e4c32627e04c9e2c125738c004b4428?OpenDocument&ExpandSection=1)

This document can help delegates understand current implementation efforts that are being completed to avoid any duplicated/recreated ideas to help enhance the security of biological weapons. The focus of this document relies on implementing article IV of the Biological Weapons Convention which is the scope of national implementation measures, enhancing domestic cooperation, international and regional cooperation assistance, and transfers and export controls. Other aspects which are also highlighted include: biosecurity and biosafety, increasing education and awareness-raising, and disease surveillance and detection.

United Nations, Office for Disarmament Affairs. (2014). *The Biological Weapons Convention* [Website]. Retrieved 11 July 2014 from: <http://www.un.org/disarmament/WMD/Bio/>

This resource gives delegates an overview of biological weapons and recent related General Assembly resolutions, review conferences, and publications. News and press releases from the conferences show the most up-to-date information regarding the work that is being done with the

Biological Weapons Convention. Similarly there is coinciding work towards preventing terrorists in obtaining weapons of mass destruction. This link also provides the Secretary-General's best practices towards investigation in alleged uses of biological and chemical weapons. It is important to assess the status of the convention to ensure progress as to what solutions work and do not.

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[http://www.unog.ch/80256EDD006B8954/\(httpAssets\)/C4048678A93B6934C1257188004848D0/\\$file/BWC-text-English.pdf](http://www.unog.ch/80256EDD006B8954/(httpAssets)/C4048678A93B6934C1257188004848D0/$file/BWC-text-English.pdf)

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III. Confidence-Building Measures in a Regional and Subregional Context

Introduction

Confidence-building measures (CBMs) are broadly defined as actions implemented to prevent or resolve uncertainties among states.²⁸⁸ There are four main types of measures: communication channels between conflict-prone states; constraints measures, which aim to keep certain types and levels of different states' military forces at a distance from one another; transparency measures, including data exchanges and pre-notification requirements; and verification measures to confirm or verify a state's compliance with a particular treaty or statement.²⁸⁹ "Measures" must be adapted to each circumstance and broadly fall into two categories: military and non-military.²⁹⁰ Non-military CBMs cover the political, economic, environmental, social, and cultural fields.²⁹¹ Mainly used in the context of politically complex situations, their goal is to reduce the level of instability between conflicting or conflict-prone parties, by making the conduct of parties more predictable in order to clarify intentions and activities.²⁹²

While each individual CBM might not greatly contribute to peace and security, combined, their potential is great through a spillover effect into other domains.²⁹³ Designed and implemented at a regional level to lower tensions, they are part of a global strategy towards international peace and security.²⁹⁴ They play an important role in supporting a "culture of prevention," meaning "diplomatic action taken, at the earliest possible stage to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur."²⁹⁵ The United Nations (UN) prioritizes this action because prevention is less costly than civil war, which makes preventive measures the ones with the highest return on investment.²⁹⁶ Preventive action and promotion of pacific settlements of conflict has resulted in a decrease in the number of low-intensity conflicts and the number of new high-intensity conflicts.²⁹⁷ During the sixty-seventh session in 2013, the First Committee of the General Assembly (GA) stressed the importance of CBMs within the context of promoting multilateralism.²⁹⁸ In this regard, CBMs contribute to maintaining peaceful relationships among people.²⁹⁹ Even if predominantly viewed as regional tools, in a broader perspective, CBMs create confidence in the international security system, and multilateralism within the field of disarmament and non-proliferation.³⁰⁰

International and Regional Framework

Current frameworks reflect the role of CBMs as tools of conflict prevention and resolution.³⁰¹ These frameworks are often used to make parties to a conflict recognize boundaries.³⁰² CBMs have their origins in the Cold War period: when on the verge of a nuclear catastrophe, the 1962 Cuban Missile Crisis led to the establishment of a direct hotline to improve communication between the United States and the Soviet Union, a measure understood as the first formal CBM to prevent a nuclear crisis and contribute to de-escalation.³⁰³

The first generation of CBMs was codified by the 1975 *Helsinki Final Act*, which created the Organization for Security and Cooperation in Europe (OSCE).³⁰⁴ This document built upon the acknowledgement of political will to

²⁸⁸ Glaser, *Confidence-Building Measures*.

²⁸⁹ Higgins, *Applying Confidence-Building Measures in a Regional Context*, 2002, p. 109.

²⁹⁰ OSCE, *OSCE Guide on Non-military Confidence-Building Measures (CBMs)*, 2012, pp. 9-10.

²⁹¹ *Ibid.*

²⁹² Maiese, *Confidence Building Measures*, 2003; Higgins, *Applying Confidence-Building Measures in a Regional Context*, 2002, p. 109.

²⁹³ *Ibid.*, p. 267.

²⁹⁴ Maiese, *Confidence Building Measures*, 2003.

²⁹⁵ *Ibid.*; OSCE, *OSCE Guide on Non-military Confidence-Building Measures (CBMs)*, 2012, pp. 11-16.

²⁹⁶ UN Security Council, *Preventive Diplomacy: Delivering Results: Report of the Secretary-General (S/2011/552)*, 2012, p. 5.

²⁹⁷ *Ibid.*, p. 4.

²⁹⁸ UN General Assembly, *Promotion of multilateralism in the area of disarmament and non-proliferation (A/RES/67/38)*, 2013.

²⁹⁹ *Ibid.*

³⁰⁰ *Ibid.*

³⁰¹ UN General Assembly, *Confidence-building measures in the regional and subregional context (A/RES/66/38)*, 2012.

³⁰² Maiese, *Confidence Building Measures*, 2003.

³⁰³ OSCE, *OSCE Guide on Non-military Confidence-Building Measures (CBMs)*, 2012, pp. 11-13.

³⁰⁴ OSCE, *Confidence on Security and Co-Operation in Europe Final Act*, 1975.

improve relations between peoples and to “contribute in Europe to peace, security, justice and cooperation.”³⁰⁵ The preamble details the importance of solidarity, mutual understanding, and overcoming past relations, which are key principles and values constituting the basis for the implementation of CBMs.³⁰⁶ The first generation of CBMs mainly included political arrangements that were extremely modest in terms of their area of application.³⁰⁷ For example, the first generation of CBMs included prior notification of military maneuvers and movement, exchange of observers, and exchange by invitation of military personnel and delegations.³⁰⁸ The main characteristic of these measures is the fact that they had to be determined on a voluntarily and bilateral basis.³⁰⁹

In 1986, the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament reaffirmed the principle of the peaceful settlements of disputes, issuing the first binding document on verifiable Confidence- and Security- Building Measures (CSBMs), which constitutes what is referred to as the second generation of CBMs.³¹⁰ The second generation of CBMs are more comprehensive than first generation CBMs and meet four criteria: they are politically binding, military significant, verifiable, and extended on a wider geographical scope covering all Europe.³¹¹ They are also more substantial in terms of prior notifications, and extend to new activities such as parachute drops.³¹²

The 1990s saw the elaboration of binding documents encompassing the goals of the *Helsinki Final Act*, referred to as the *Vienna Documents*. These documents were revised periodically in 1990, 1992, 1994, and 1999.³¹³ The *Vienna Documents* overcome the weakness of measures that were implemented from 1975 to 1986, which took into account the former bloc division, by extending the area of application to all participating states.³¹⁴ These CBMs stress transparency through inspections and data exchanges.³¹⁵ The most recent iteration of the of the *Vienna Document* was updated in 2011, demonstrating that the *Vienna Documents* are not only historically relevant, but how they also continue to inform UN work on military CBMs.³¹⁶ Various types of CBMs are included in the *Vienna Document*, including the annual exchange of military information and defense planning.³¹⁷ The 2011 *Vienna Document* also details the mechanisms for consultation regarding unusual military activities and hazardous incidents, such as air bases and military facilities, by encouraging contact and visits between states in the application phase of CBMs.³¹⁸ Despite being focused on the participating states of the OSCE, the *Vienna Documents* provide groundwork for the global analysis of CBMs.

Over time, the documents elaborating the various types of CBMs and the recommendations on how to employ them have multiplied, emphasizing the role of the international system in promoting such tools of international peace and security. However, despite several attempts, UN Member States continue to encounter great difficulty agreeing on the definition and implementation of CBMs to enhance international peace and security at a global level. As a first assessment of the situation, in 1982, the United Nations Department of Political and Security Council Affairs conducted research culminating in a report, “Comprehensive Study on Confidence-Building Measures.”³¹⁹ Following up on this report, in 1996, the United Nations Disarmament Commission (UNDC) tried to define CBMs and regrouped around a formal document, the *Guidelines for Appropriate types of CBMs and for the Implementation of such measures on a global or regional level*.³²⁰ Nearly 20 years later, various failures and the persistence of instability in regions trying to implement CBMs demonstrate the necessity of defining CBMs to understand the conditions for their success. In 2013, the UNDC Working Group II worked on a text focusing on the definition of

³⁰⁵ OSCE, *Confidence on Security and Co-Operation in Europe Final Act*, 1975, p. 2.

³⁰⁶ *Ibid.*

³⁰⁷ Lachowski, *Confidence – and Security – Building Measures in the New Europe*, 2004, pp. 10-12.

³⁰⁸ *Ibid.*

³⁰⁹ *Ibid.*

³¹⁰ OSCE, *Document of the Stockholm Conference: on Confidence-and-Security-Building Measures*, 1986.

³¹¹ Lachowski, *Confidence – and Security – Building Measures in the New Europe*, 2004, p. 13.

³¹² *Ibid.*

³¹³ OSCE, *Vienna Document of the negotiations on confidence – and security – building measures*, 1999.

³¹⁴ Lachowski, *Confidence – and Security – Building Measures in the New Europe*, 2004, p. 15.

³¹⁵ OSCE, *Vienna Document of the negotiations on confidence – and security – building measures*, 1999.

³¹⁶ OSCE, *Vienna Document 2011 on confidence – and security – building measures*, 2011, p. 13.

³¹⁷ *Ibid.*, pp. 3-7.

³¹⁸ *Ibid.*, p. 18.

³¹⁹ UN Department of Political and Security Council Affairs, *Comprehensive Study on Confidence-Building Measures*, 1982.

³²⁰ UN General Assembly, *Report of the Disarmament Commission (A/51/182)*, 1996.

“Practical Confidence-Building measures in the Field of Conventional Weapons,” categorizing CBMs into three categories: Transparency and Information Exchange Measures, Observation and Verification Measures, and Military Constraint Measures.³²¹ This represented a first step in having a common understanding of military CBMs in various areas of the world.³²² As the UNDC formulates recommendations to the GA, it is now up to this body to confirm such a definition.³²³

Role of the International System

The General Assembly has authority in terms of conflict prevention pursuant to Articles 10 and 11 of the *Charter of the United Nations*.³²⁴ As such, General Assembly resolution 66/38 of 12 January 2012 on “Confidence-building measures in the regional and subregional context” builds upon the conclusion of the 66th session, during which CBMs were specifically discussed for their role in maintaining international peace and security and promoting arms control and disarmament.³²⁵ Resolution 66/38 reaffirms the necessity of negotiations and of a peaceful settlement of dispute, “avoiding actions that may hinder, or impair such a dialogue.”³²⁶ The role of the GA within the UN system also includes the dissemination of tools designed to increase transparency, especially in the field of disarmament.³²⁷ These transparency measures provide an understanding of potential patterns in military budgets and therefore relate to CBMs.³²⁸ Member States are encouraged to report their military expenditures through the United Nations Report on Military Expenditures, formerly the UN Standardized Instrument for Reporting Military Expenditures, which was developed in 1981.³²⁹ Supplementing the GA’s work on transparency is the UN Register of Conventional Arms, which is overseen by a Group of Governmental Experts (GGE) that report to the General Assembly, and which helps identify excessive or destabilizing accumulations of arms.³³⁰ Many improvements to the UN Register have been made thanks to review led by the GGE; one example is a more comprehensive approach to arms that are being reported.³³¹

The GA serves as a multilateral forum to gather good practices and encourage their sharing among the 193 Member States of the UN; its work is supported by a variety of departments. The GA created UNDC in 1952, with a mandate that covers the broad topic of disarmament.³³² As demonstrated by its work on practical CBMs above, UNDC formulates recommendations that are then endorsed by the GA.³³³ Another department, the UN Conference on Disarmament (UNCD) was established in 1979 and reports annually to the GA on the topics of nuclear proliferation and disarmament and weapons of mass destruction.³³⁴ Lastly, the UN Office for Disarmament Affairs (UNODA) was established in 1998 to promote disarmament in areas in which CBMs are mainly used, such as nuclear disarmament, disarmament in respect to chemical and biological weapons, and conventional weapons.³³⁵ Through the work of the GA First Committee, UNODA provides substantive support for norm-setting, fostering the implementation of dialogue and military CBMs and encouraging regional disarmament efforts.³³⁶ Under the direction of the First Committee, these three departments represent the main committees mandated to deal with CBMs.

Because of the importance of external support to ensure the success of CBMs, the GA also builds and maintains partners with a wide variety of regional actors as well as UN offices. The GA resolution 65/283, adopted on 22 June

³²¹ UNDC, *Practical confidence-building measures in the field of conventional weapons*, Chair’s Paper, 2013.

³²² *Ibid.*

³²³ UNODA, *United Nations Disarmament Commission*.

³²⁴ UN Security Council, *Preventive Diplomacy: Delivering Results: Report of the Secretary-General (S/2011/552)*, 2012, p. 6.

³²⁵ UN General Assembly, *Confidence-building measures in the regional and subregional context (A/RES/66/38)*, 2012.

³²⁶ *Ibid.*

³²⁷ UNODA, *Confidence Building*; UN General Assembly, *Objective information on military matters, including transparency of military expenditure: Report of the Secretary-General (A/68/131)*, 2013.

³²⁸ UNODA, *Military Expenditures*.

³²⁹ UNODA, *Military Expenditures*; UNODA, *Promoting Further Openness and Transparency in Military Matters – An Assessment of the United Nations Standardized Instrument for Reporting Military Expenditures*, 2010.

³³⁰ UNODA, *UN Register of Conventional Arms*.

³³¹ *Ibid.*

³³² UNODA, *United Nations Disarmament Commission*.

³³³ *Ibid.*

³³⁴ UN Office at Geneva. *An Introduction to the Conference*.

³³⁵ UNODA, *United Nations Office for Disarmament Affairs (UNODA)*.

³³⁶ *Ibid.*

2011, reaffirmed the role of mediation in the peaceful settlement of disputes and conflict prevention and provided a framework for productive collaboration between all mediation actors.³³⁷ Stressing this objective, the Secretary-General in his report on “Confidence-building measures in the regional and subregional context” (A/67/114) asserts the importance of regional cooperation when implementing CBMs.³³⁸ The role of mediation within the framework of preventive diplomacy is reinforced through the Mediation Support Unit established in 2006 to enable the UN and regional organizations to enhance their mediation capacities.³³⁹ In this regard, the Organization of American States (OAS) and the UN have developed a joint mediation partnership including joint funding, joint training for Member State officials, and support for the development of an OAS expert roster on the methodologies used to review and sustain the results of actions undertaken and to promote gender strategy.³⁴⁰ This illustrates the role of regional organization like OSCE and the Association of Southeast Asian Nations (ASEAN) in mediation to build a supportive external environment for conflict resolution within a regional dimension.³⁴¹ Regional offices are also key platforms on a regional and a subregional scale, promoting actions undertaken according to a principle of subsidiarity, understood as the fact that decisions are taken as closely as possible to their effective results.³⁴² The offices facilitate reconstruction, recovery, and elections in the country, and mediate the reconciliation between political leaders and civil society representatives.³⁴³ For example, after the 2010 outbreak of inter-ethnic violence in Kyrgyzstan, the UN Regional Center for Preventive Diplomacy in Central Asia immediately provided support.³⁴⁴

Implementing Confidence-Building Measures

CBMs are most effective at achieving one of their primary goals, enhancing trust, when implemented in either the active conflict prevention phase or the post-conflict rehabilitation phase after crisis management, to avoid any resurgence of violence.³⁴⁵ The crisis management phase, which takes place right in between these two phases, when conflict parties are engaged in a conflict, is not the ripe moment to introduce such measures.³⁴⁶ Within the appropriate times, the main limits to the success of CBMs are the lack of political will and financial and human resources, the prevailing mindsets of the conflict-prone parties, and the level of confidence between parties.³⁴⁷ This ultimately means that parties should use CBMs to develop sustainable results, not to please the international community, or to reinforce their own interests.³⁴⁸ Lastly, strongly administering justice helps reduce tensions because it ensures all parties will be held accountable if they disturb the process of CBMs’ implementation.³⁴⁹ The following case studies highlight these key challenges and elements of success that underpin CBMs.

India-Pakistan: the Nuclear Deterrent Strategy

Stabilizing the South Asia environment is fundamental to preventing tensions from escalating into a nuclear exchange between nuclear powers.³⁵⁰ As such, CBMs in India-Pakistan demonstrate the possibility of establishing a climate of trust thanks to determining factors, including political will and local participation and ownership.³⁵¹ That these factors are key is clear as successful CBMs emerged after wars in 1947-8, 1965, and 1971 and military exercises in 1986 and 1991.³⁵² Because these instances of violence show that the two countries have been more reactive, rather than proactive, in developing successful CBMs, this highlights the necessity of political will to

³³⁷ UN Security Council, *Preventive Diplomacy: Delivering Results: Report of the Secretary-General (S/2011/552)*, 2012, p. 6; UN General Assembly, *Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution (A/RES/65/283)*, 2011.

³³⁸ UN General Assembly, *Confidence-building measures in the regional and subregional context: Report of the Secretary-General (A/67/114)*, 2012.

³³⁹ UN Security Council, *Preventive Diplomacy: Delivering Results: Report of the Secretary-General (S/2011/552)*, 2012, p. 3.

³⁴⁰ *Ibid.*

³⁴¹ UN Mediation Support Unit, *United Nations Guidance for Effective Mediation*, 2012, p. 5.

³⁴² UN Security Council, *Preventive Diplomacy: Delivering Results: Report of the Secretary-General (S/2011/552)*, 2012, p. 11.

³⁴³ *Ibid.*

³⁴⁴ *Ibid.*

³⁴⁵ OSCE, *OSCE Guide on Non-military Confidence-Building Measures (CBMs)*, 2012, p. 26.

³⁴⁶ *Ibid.*

³⁴⁷ *Ibid.*, p. 23.

³⁴⁸ *Ibid.*

³⁴⁹ *Ibid.*, p. 24.

³⁵⁰ Higgins, *Applying Confidence-Building Measures in a Regional Context*, 2002, p. 111.

³⁵¹ *Ibid.*

³⁵² *Ibid.*

implement them.³⁵³ One of the most important CBMs which demonstrates this political will is the *Prohibition of Attack Against Nuclear Facilities*, signed by India and Pakistan in 1988, ratified in 1991, and implemented in 1992.³⁵⁴ This contrasts with a failed CBM in how Pakistan suggested joining the *Treaty on the Non-Proliferation of Nuclear Weapons* (NPT) (1968) if India did so, but India refused.³⁵⁵ Despite the failure of this measure, several documents have put forward the “no first use” doctrine of India, which states that India will never initiate a nuclear strike, but will only respond to a former attack, as part of a deterrence strategy; by communicating conditions for force, this politically supported measure set up a climate of trust and prediction as regard to India’s use of its nuclear power.³⁵⁶ In this way, the one failed CBM has led to the creation of a type of CBM based on communication. Communication mechanisms, such as the exchange of information about security concepts, have strengthened the two countries’ responsibility in the avoidance of conflict, emphasizing the political will of the two parties in trying to reduce mistrust.³⁵⁷ Still, declaratory measures have proved inefficient in a climate lacking greater trust and missing key elements, like the compliance with some international instruments such as the NPT.³⁵⁸

*The Taiwan Straits: Between Deterrence and Reassurance*³⁵⁹

The success of CBMs in strengthening cross-strait relations between China and Taiwan highlights the importance of a larger political framework and of political leadership, as well as the role of psychological capital within negotiations. Mistrust between the People’s Republic of China (PRC) and Taiwan dates back to the conflict between the Nationalists led by Chiang Kai-shek and the Chinese Communist Party in the 1920s.³⁶⁰ Despite increasing economic ties and integration between Taiwan and the PRC since the last military clash in 1958, tensions remain high between China and Taiwan because of outstanding disagreements over the independence of Taiwan and territorial claims to the Taiwan Strait.³⁶¹ To mitigate these tensions, the two parties have engaged in CBMs over the years, often leading to cooperative agreements like the 1990 Kimen Agreement or the 1993 Koo-Want meetings, which concluded with an exchange of information on arms procurement policies.³⁶² In addition to reinforced transparency, the Taiwanese President Chen brought forward the Taiwan Strait “Code of Conduct.”³⁶³ It included a force reduction and a military buffer zone banning aircrafts and ships, except with advance notification discussed in a Taiwan Strait consultation mechanism.³⁶⁴ CBMs between these two states also demonstrate the crucial role of psychological capital to the process of confidence-building because so much of establishing these CBMs relied on the specific individuals involved and their opinions and resources.³⁶⁵ Specifically, implementing CBMs must consider the importance of human resources and political leadership to overcome the main obstacles to CBMs: in the case of China and Taiwan, the lack of transparency and a hard line from Chinese leadership on the principle to acknowledge the “one China” policy.³⁶⁶

The Middle East: Egyptian-Israeli CBMs and the Importance of Leadership

In the Middle East environment, the existence of a “concert of power” works to increase tension within the region and the skepticism of all parties.³⁶⁷ Such instability lays the basis for great potential for mediation processes and regionally implemented solutions, taking into account the specificity of each party within the region.³⁶⁸ The military agreements between Israel and Egypt over the last half of century represent such a case in terms of successful

³⁵³ OSCE, *OSCE Guide on Non-military Confidence-Building Measures (CBMs)*, 2012, p. 6; Higgins, *Applying Confidence-Building Measures in a Regional Context*, 2002, p. 111.

³⁵⁴ Higgins, *Applying Confidence-Building Measures in a Regional Context*, 2002, p. 112.

³⁵⁵ Ibid.

³⁵⁶ Ibid.

³⁵⁷ Ibid.

³⁵⁸ OSCE, *OSCE Guide on Non-military Confidence-Building Measures (CBMs)*, 2012, pp. 23-25; Krepon & Drezin, *Declaratory Diplomacy and Confidence Building*, 1999, p. 154.

³⁵⁹ Glosserman, *Cross-Strait Confidence Building Measures*, 2005, p. vi.

³⁶⁰ Allen, *Military Confidence-Building Measures Across the Taiwan Strait*, 1999, p. 112.

³⁶¹ Glosserman, *Cross-Strait Confidence Building Measures*, 2005, pp. 1-3.

³⁶² Ibid., p. 10.

³⁶³ CSCAP, *Regional Security Outlook*, 2014, p. 20.

³⁶⁴ Glosserman, *Cross-Strait Confidence Building Measures*, 2005, p. 13.

³⁶⁵ Ibid., p. v.

³⁶⁶ Ibid., p. v.

³⁶⁷ Lieven, *Confidence-Building Measures: Lessons for the Middle East*, 2008, pp. 369-370.

³⁶⁸ Ülgen, *A Think Piece on Confidence-Building Measures in the Middle East*, 2012, p. 2.

military CBMs in the region.³⁶⁹ It highlights the importance of some form of leadership and accountability, basic characteristics of good governance of the security sector, in establishing a relevant climate for the implementation of CBMs.³⁷⁰ In the wake of the Suez crisis, and in exchange for the Israeli withdrawal from Sinai, Egypt permitted the deployment of a UN peacekeeping force in the region, which was demilitarized of Egypt forces.³⁷¹ The Camp David agreement in the 1978 laid the foundation for the Egyptian-Israeli peace treaty a year later.³⁷² This demonstrates the importance of mediation, through the role played by the US in the negotiations, as well as the importance of political leadership and goodwill from Anwar El-Sadat, the Egyptian President, who made a trip to Jerusalem.³⁷³ This exchange of gestures was seen as facilitating the diplomatic process.³⁷⁴ The peace treaty formalized the CBMs previously mentioned in the agreements (hotlines, demilitarization and prior notification of military activity) and their monitoring within the region.³⁷⁵

The Potential of CBMs for New Challenges

In today's context, military CBMs have many possibilities in new areas, such as outer space, going even beyond the extension of applications that led with the second generation of CBMs. Following up on GA resolution 45/55 of 4 December 1990, on the "Prevention on an arms race in outer space" and "confidence-building measures in outer space," the Group of Governmental Experts on Transparency and Confidence-Building measures in Outer Space Activities delivered a report acknowledging the dependence of the world on space-based systems and technologies.³⁷⁶ These systems are a major contributor to economic growth and improved quality of life, yet our reliance on these systems has not lead to finding a sustainable political agreement on outer space activities.³⁷⁷ The report highlights the importance of collaborative efforts to reduce and eliminate misunderstandings, mistrust, and miscalculations regarding outer space activities and to prevent an arms race in outer space.³⁷⁸ The group recommends that the existing international framework on the matter, especially the 1967 *Treaty on the Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies*, be complemented by non-legally binding measures and instruments relevant to space environment to contribute to arms limitation.³⁷⁹ Several measures are mentioned such as information exchange on major military expenditure for outer space, notifications of outer space activities, and inspections of space launch sites and facilities.³⁸⁰ In this field, coordination is required between UN entities and the Office for Outer Space Affairs.³⁸¹ These lessons of universal cooperation in a new area can be of great help to consider how to implement CBMs at regional levels.

The Internet is another key arena in which CBMs have great potential given the dependence of the civil, military, and commercial sectors upon cyber technologies and the fear of potential attacks and conflict through cyber resources.³⁸² The 2011 London Conference on Cyberspace was a milestone in defining cyberspace and developing the practical steps to develop secure cyberspace in the long term through the development of CBMs such as the promotion of the free-flow of information and cooperation in the fight against cybercrimes.³⁸³ Cyberspace can also

³⁶⁹ Selim, *Global and Regional Approaches to Arms Control in the Middle East: A Critical Assessment from the Arab World*, 2013, p. 26.

³⁷⁰ Hanggi, *Good governance of the security sector: its relevance for confidence-building*, 2002, p. 8.

³⁷¹ Selim, *Global and Regional Approaches to Arms Control in the Middle East: A Critical Assessment from the Arab World*, 2013, p. 26.

³⁷² *Ibid.*

³⁷³ *Ibid.*

³⁷⁴ Landau & Landau, *Confidence-Building Measures in Mediation*, 1997, p. 2.

³⁷⁵ *Ibid.*

³⁷⁶ UN General Assembly, *Prevention of an arms race in outer space (A/RES/45/55)*, 1990; Robinson, *The Role of Transparency and Confidence-Building Measures in Advancing Space Security*, 2010, p. 50; UNODA, *Transparency and Confidence-Building measures in Outer Space Activities*, 2013, p. 1.

³⁷⁷ *Ibid.*

³⁷⁸ UNODA, *Transparency and Confidence-Building measures in Outer Space Activities*, 2013, p. 9-10; UN Conference on Disarmament, *Working Paper on the Merits of Certain Draft Transparency and Confidence-Building Measures and Treaty Proposals for Space Security (CD/1865)*, 2009.

³⁷⁹ *Ibid.*

³⁸⁰ *Ibid.*

³⁸¹ UNODA, *Transparency and Confidence-Building measures in Outer Space Activities*, 2013, p. 9-10.

³⁸² Baseley-Walker, *Transparency and confidence-building measures in cyberspace: towards norms of behaviour*, 2011, p. 31.

³⁸³ *Ibid.*, p. 35.

be an opportunity for CBMs as it enables various forms of communication as demonstrated by the emergence of the network society for diplomacy.³⁸⁴ CBMs have the potential to enhance international cooperation within cyber security.³⁸⁵

Conclusion

Although CBMs build bridges between actors, they still remain dependent upon political and cultural values that will not be changed through such measures.³⁸⁶ CBMs are only instruments in the hands of actors, who are responsible for what can be achieved through them, and this political will constitutes the greatest challenge for CBMs.³⁸⁷ Regarding the topic of CBMs and the constantly evolving framework and regional contexts, the role of the First Committee should focus on enhancing the sharing of good practices and strengthening available tools, communication channels, and transparency.³⁸⁸ Also, it should reflect on the interaction of CBMs with other measures restoring the conditions for successful CBMs such as disarmament, demobilization, and reintegration (DDR) programs and the restoration of a strong administration of justice and political leadership within the process of conflict prevention and resolution measures. Despite being regional tools, relevant in a specific contextual setting, it is the role of the First Committee to disseminate tools and encourage their use among Member States, such as the Report on Military Expenditures and the Registry of Conventional Arms, in the field of security. A multilateral approach to the use of CBMs through the work of the First Committee will enhance their use as global tools promoting international peace and security.

Further Research

Delegates should focus on evaluating how to overcome the obstacles highlighted in the case studies, following on the successes of CBMs developed in the Taiwanese, the India-Pakistan, and the Israeli-Egypt cases. Delegates can also consider further the various definitions of CBMs and how to agree on a universal definition for greater recognition of CBMs as tools of conflict prevention and conflict resolution. Delegates should also delve into the work of the UNDC Working Group II in 2014 and assess what remains to be done at the level of the GA to endorse the recommendations made by the commission. Finally, delegates should consider the following questions: how should CBMs be financed? How can the international community help develop a qualified staff that would take the responsibility of helping with the implementation of CBMs? Is there a role for the international community to stimulate political leadership and restore the administration of justice to set up the right conditions for the implementation of CBMs? And, what role do regional organizations have in this regard and as part of a potential mediation process to implement CBMs?

³⁸⁴ Schmidt, *Confidence Building Measures as soft power? A contribution to the study of international cybersecurity*, 2013, p. 35.

³⁸⁵ *Ibid.*, pp. 50-51.

³⁸⁶ *Ibid.*

³⁸⁷ *Ibid.*

³⁸⁸ UNODA, *Transparency and Confidence-Building measures in Outer Space Activities*, 2013, p. 2.

Annotated Bibliography

Baseley-Walker, B. (2011). "Transparency and confidence-building measures in cyberspace: towards norms of behaviour" in K. Vignar (Ed.), *Disarmament Forum: Confronting Cyberconflict* (Vol. 4, p. 31-40). Geneva: United Nations Institute for Disarmament Research. Retrieved 30 July 2014 from: <https://citizenlab.org/cybernorms2012/BaseleyWalker2011.pdf>

This chapter focuses on the study of cybercrimes and cyber warfare and the potential of CBMs in promoting security by turning them into norms of behavior to last time. The author studies how to develop a predictable environment in cyberspace by referencing the current initiatives on the topic such as the 2011 London Conference on Cyberspace and the role of Governmental Experts on Information Security and regional organizations. Through this document, delegates will then understand in greater detail the actors of cyber security and their role in developing CBMs.

Higgins, H. (2002). *Applying Confidence-Building Measures in a Regional Context*, Institute for Science and International Security. Retrieved 30 July 2014 from:

<http://isis-online.org/uploads/conferences/documents/higginspaper.pdf>

This paper provides delegates with a broad understanding of CBMs and their application in regional contexts. It also highlights the case studies of India-Pakistan and the Korean Peninsula. Additionally, this source also contains analysis of CBMs in Latin American, which are not developed as case studies in this background guide.

Lieven, A. (2008). *Confidence-Building Measures: Lessons for the Middle East*. *International Relations* 22: 239. Retrieved 30 July 2014 from: <http://ire.sagepub.com/content/22/3/369.citation>

This piece is relevant for studying three dimensions of CBMs in the Middle East. In this regard, one case study details the Israeli-Palestinian conflict, a situation in which CBMs are unlikely to happen; one case study on Iran explains that CBMs may happen if the right context were to arise; and the last case study on India-Pakistan explains the reasons for the success of CBMs. With these case studies, this resource provides delegates with an interesting comparison and understanding of the factors of success for CBMs.

Organization for Security and Co-Operation in Europe. (1975). *Confidence on Security and Co-Operation in Europe Final Act*. Retrieved 30 July 2014 from: <http://www.osce.org/mc/39501>

The Helsinki Final Act is a milestone document when dealing with CBMs. It details CBMs relating to security and disarmament that were required during the context of the Cold War. The conference also dealt with cooperation in various fields: economy, science and technology, environment, culture, education and information, which form the basis for thinking about non-military CBMs. This way delegates will understand practically the concept of CBMs.

Organization for Security and Co-operation in Europe. (2012). *OSCE Guide on Non-military Confidence-Building Measures (CBMs)*. Retrieved 30 July 2014 from: <http://www.osce.org/cpc/91082>

This report made by the OSCE is a comprehensive study that provides delegates with the necessary background to understand the complexity of CBMs in their various forms. The first part of the report sheds light on the contexts in which CBMs can be introduced and what limitations and obstacles may explain their inefficiency. Chapter III develops more case studies for delegates on past and current CBMs implemented by the OSCE. Such a report is important for delegates to understand the role of regional organizations and the context required for the success of CBMs.

United Nations, General Assembly, Sixty-sixth session. (2012). *Confidence-building measures in the regional and subregional context (A/RES/66/38)* [Resolution]. Adopted on the report of the First Committee (A/66/412). Retrieved 30 July 2014 from:

http://www.un.org/en/ga/search/view_doc.asp?symbol=%20A/RES/66/38

As the most recent resolution adopted by the General Assembly on the topic, it is important that delegates know about the content of this resolution in order to monitor and evaluate progress achieved on CBMs and continuing actions to undertake. This resolution highlights the necessity of taking into account the fact that CBMs contribute to regional stability depending on specific characteristics of each region. Nevertheless, the operative clauses give delegates an understanding of the necessity to find a common approach to CBMs and the way to include them among other instruments designed to ensure international peace and security.

United Nations, General Assembly, Sixty-seventh session. (2013). *Promotion of multilateralism in the area of disarmament and non-proliferation (A/RES/67/38)* [Resolution]. Adopted on the report of the First Committee (A/67/409). Retrieved 30 July 2014 from: http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/67/38

This resolution highlights the fact that the General Assembly has a role to play in promoting multilateralism and the sharing of good regional practices on a global scale. This resolution explains how multilateralism is the ultimate goal to reach in order to ensure international peace and security. Delegates will understand that CBMs, despite being understood as regional instruments to ensure peace and security, are a first step towards multilateralism, and their potential must be enhanced in the near future in specific contexts.

United Nations, Office for Disarmament Affairs. (2010). *Promoting Further Openness and Transparency in Military Matters – An Assessment of the United Nations Standardized Instrument for Reporting Military Expenditures*, UNODA Occasional Papers No. 20 November 2010. Retrieved 16 August 2014 from: <http://www.un.org/disarmament/HomePage/ODAPublications/OccasionalPapers/PDF/OP20.pdf>

This report details the link between military budget reductions and CBMs, explaining how transparency contributes to building trust among Member States. It analyzes the effectiveness of the United Nations Standardized Instrument for Reporting Military Expenditures and what improvements should be considered. This report is a good source of inspiration for delegates who are interested in working on new improvements for UN instruments in the field of military CBMs to make them more relevant in today's context.

United Nations, Office for Disarmament Affairs. (2013). *Transparency and Confidence-Building measures in Outer Space Activities*, Study Series 34. Retrieved 30 July 2014 from: <http://www.un.org/disarmament/publications/studyseries/en/SS-34.pdf>

This report gathers resolutions and expert papers on the use of CBMs in the context of outer space activities. Delegates might be particularly interested in the replies from Member States in the second part of this report, which details the responses of each Member State to resolution 64/49 adopted in 2009 on the prevention of arms race in outer space. This resolution sheds light on the first part of a report conducted by the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities. The full document is relevant for delegates trying to understand the complexity of CBMs and their potential for further implementation in new fields.

United Nations, Security Council. (2011). *Preventive Diplomacy: Delivering Results: Report of the Secretary-General (S/2011/552)*. Retrieved 30 July from: <http://www.un.org/wcm/webdav/site/undpa/shared/undpa/pdf/SG%20Report%20on%20Preventive%20Diplomacy.pdf>

This report develops the concept of preventive diplomacy. This notion focuses mainly on the reinforcement of trust and confidence between Member States. The report highlights specifically the role of the United Nations in the area of conflict prevention. It is relevant for delegates to understand the main framework in which CBM are developed and thought of as instruments for restoring and maintaining diplomatic relationships to prevent the escalation of violence.

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