NMUN•NY

GENERAL ASSEMBLY FIRST COMMITTEE
BACKGROUND GUIDE 2016

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Dear Delegates,

Welcome to the 2016 National Model United Nations Conference in New York (NMUN•NY)! We are pleased to introduce you to our committee, the General Assembly First Committee. This year's staff is: Directors Dominika Ziemczonek (Conference A) and Christopher McKenna (Conference B), and Assistant Directors Nadine Moussa (Conference A) and Elise Cowgill (Conference B). Dominika holds a B.A. in International Relations and Political Science from the University of British Columbia, and a Master's in International Affairs from the Graduate Institute of International and Development Studies. This is her fifth year on staff at NMUN•NY. Christopher holds an MPH in International Health from Boston University School of Public Health, and will enroll in medical school beginning in 2016. This will be his fourth year on staff, and he is excited to return to NMUN•NY. Nadine is currently completing a Master's degree in Public and International Affairs at the University of Ottawa, and she works as a media analyst in the Privy Council Office. This is her second year on staff. Elise holds a B.A. in Multidisciplinary Studies from West Virginia University and plans to pursue a Non-Profit Management Certification. She currently works as the Director of Recruitment for West Virginia Hugh O'Brian Youth Leadership. This is her first year on staff.

The topics under discussion for the General Assembly First are:
I.   Cyber Security and Protecting against Cyber Warfare
II.   The Threat of Transnational Organized Crime to International Security
III. Efforts to Control Weapons of Mass Destruction

The General Assembly is a principal organ of the United Nations, the only one with universal membership and equal voting. As one of the six Main Committees, the General Assembly First is mandated to discuss issues relevant to disarmament and international security. Delegates in this committee will have an opportunity to discuss peace and security topics in a universal forum and build broad consensus on these critical issues. The First Committee makes recommendations to the General Assembly Plenary and initiates conferences, assembles working groups, and prepares studies to advance the topics of its focus, making it a vital mechanism of the international peace and security regime.

This Background Guide will be an important starting point in your research and will provide you with a broad overview of each of the committee's topics, as well as the resources found in the Bibliography and Annotated Bibliography. The guide is not intended to replace individual research, and delegates will need to explore the policies and practices of their own Member States on these topics to prepare for a realistic simulation. In preparation for the conference, each delegation will submit 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, and the awards philosophy and evaluation method. 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 Department, Sabrina Grover (Conference A) and Patrick Parsons (Conference B). You can reach either USG by contacting them at: usg.ga@nmun.org.

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

Sincerely,

Conference A	Conference B
Dominika Ziemczonek, *Director*	Christopher McKenna, *Director*
Nadine Moussa, *Assistant Director*	Elise Cowgill, *Assistant Director*

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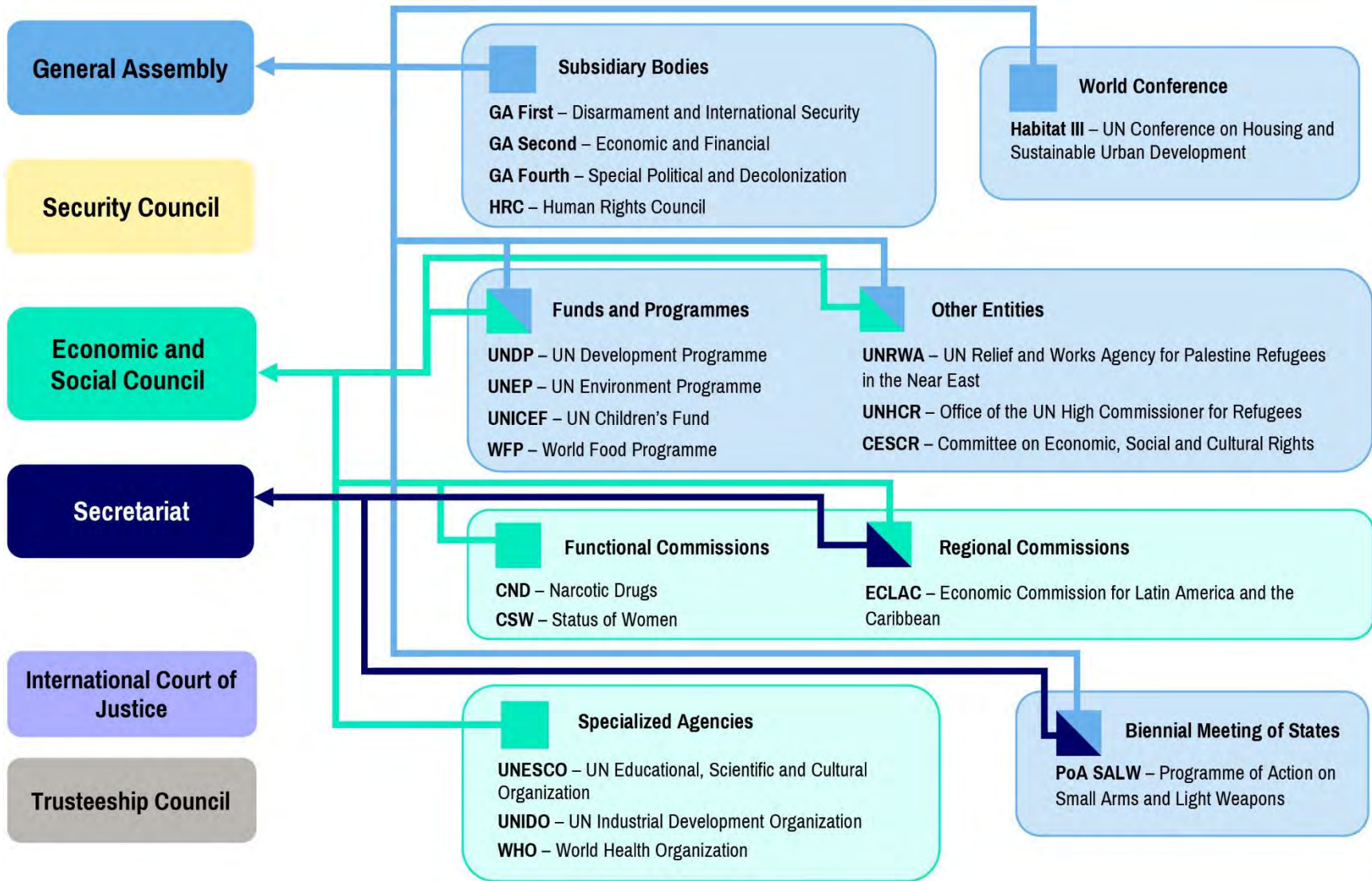
Abbreviations

AML	Anti-money laundering
APICC	Asia-Pacific Information and Coordination Center for Combating Drug Crimes
ASEANAPOL	Association of Southeast Asian Nations Association of Chiefs of Police
AWS	Autonomous weapons system
BWC	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction
CARICC	Central Asian Regional Information Coordination Center
CBMs	Confidence-building measures
CCI	Commonwealth Cybercrime Initiative
CD	Conference on Disarmament
CND	Commission on Narcotic Drugs
CTITF	Counter-Terrorism Implementation Task Force
CWC	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction
ECOSOC	Economic and Social Council
FATF	Financial Action Task Force
GA	General Assembly
GCA	Global Cybersecurity Agenda
GCIC	Gulf Criminal Intelligence Centre
GGE	Group of Governmental Experts
GISWatch	Global Information Society Watch
HCOC	Hague Code of Conduct against Ballistic Missile Proliferation
HLEG	High-Level Experts Group
HONLEAs	Heads of National Drug Law Enforcement Agencies
IAEA	International Atomic Energy Agency
ICAN	International Campaign to Abolish Nuclear Weapons
ICSANT	International Convention for the Suppression of Acts of Nuclear Terrorism
ICT	Information and communication technologies
IGO	Intergovernmental organization
INF	Intermediate-range Nuclear Forces Treaty
INTERPOL	International Criminal Police Organization
ITU	International Telecommunication Union
JPC	Joint Planning Cell
LAWS	Lethal autonomous weapons systems
MDGs	Millennium Development Goals
MTCR	Missile Technology Control Regime
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NSA	Non-state actors
NWFZ	Nuclear-weapon free zones
NWS	Nuclear Weapons States
OPCW	Organization for Security and Cooperation in Europe
OSCE	Organisation for the Prohibition of Chemical Weapons
SALW	Small Arms and Light Weapons
SC	Security Council
SDGs	Sustainable Development Goals
SELEC	Southeast European Law Enforcement Center
TCUs	Transnational Crime Units
TOC	Transnational organized crime

UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCAC	United Nations Convention against Corruption
UNCTOC	United Nations Convention against Transnational Organized Crime
UNDC	United Nations Disarmament Commission
UNIDIR	United Nations Institute for Disarmament Research
UNODA	United Nations Office for Disarmament Affairs
UNODC	United Nations Office on Drugs and Crime
WMDs	Weapons of mass destruction
WSIS	World Summit on Information Societies

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.

General Assembly

Security Council

Economic and Social Council

Secretariat

International Court of Justice

Trusteeship Council

Subsidiary Bodies

GA First – Disarmament and International Security
GA Second – Economic and Financial
GA Fourth – Special Political and Decolonization
HRC – Human Rights Council

World Conference

Habitat III – UN Conference on Housing and Sustainable Urban Development

Funds and Programmes

UNDP – UN Development Programme
UNEP – UN Environment Programme
UNICEF – UN Children's Fund
WFP – World Food Programme

Other Entities

UNRWA – UN Relief and Works Agency for Palestine Refugees in the Near East
UNHCR – Office of the UN High Commissioner for Refugees
CESCR – Committee on Economic, Social and Cultural Rights

Functional Commissions

CND – Narcotic Drugs
CSW – Status of Women

Regional Commissions

ECLAC – Economic Commission for Latin America and the Caribbean

Specialized Agencies

UNESCO – UN Educational, Scientific and Cultural Organization
UNIDO – UN Industrial Development Organization
WHO – World Health Organization

Biennial Meeting of States

PoA SALW – Programme of Action on Small Arms and Light Weapons

Committee Overview

Introduction

The United Nations (UN) General Assembly (GA) has existed since the creation of the UN and is one of the six principal organs of the UN established by the *Charter of the United Nations* (1945).[1] The GA is divided into six Main Committees, and each has a specific purpose.[2] Each of the Main Committees reports on its 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]

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

The First Committee considers all matters related to disarmament and international security.[4] 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.[5] In this context, disarmament had a vital 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.[6] Indeed, the first resolution adopted by the GA addressed the issue of atomic energy and its potential threats.[7] Additionally, GA resolution 1378(XIV) 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.[8] Consequently, the GA established the United Nations Disarmament Commission (UNDC) in 1952 with a general mandate to discuss topics related to disarmament.[9] Furthermore, in its 26th session, the GA declared the 1970s as a Disarmament Decade.[10] During this time additional essential institutions were established; in 1979 the Conference on Disarmament (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.[11] Several other disarmament-related entities and other organizations also report to the GA through the First Committee, such as the regional centers on disarmament and the Comprehensive Nuclear-Test-Ban Treaty Organization.[12]

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.[13] Efforts leading to this vital agreement started a decade earlier, and an important element in its development took place in the First Committee.[14] 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.[15] 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.[16]

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[1] *Charter of the United Nations*, 1945, Art. 7.
[2] New Zealand Ministry of Foreign Affairs and Trade, *United Nations Handbook 2015-2016,* 2015, p. 17.
[3] *Charter of the United Nations*, 1945, Art. 98.
[4] UN General Assembly, *Disarmament and International Security,* 2014.
[5] Weis, *The United Nations and Changing World Politics*, 2004, p. 9.
[6] Thakur, *The United Nations, Peace and Security*, 2006, p. 101.
[7] UN General Assembly, *Establishment of a Commission to Deal with the Problem Raised by the Discovery of Atomic Energy (A/1/1),* 1946.
[8] UN General Assembly*, General and Complete Disarmament (A/RES/1378(XIV)),* 1959.
[9] 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.
[10] 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.
[11] Ibid.
[12] Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 63.
[13] Sciora & Stevenson, *Planet UN*, 2009, pp. 77-78.
[14] UN Audiovisual Library of International Law, *Treaty on the Non-Proliferation of Nuclear Weapons, 1968,* 2012, p. 1.
[15] Ibid.
[16] Ibid., p. 3.

More recently, extremism and the potential for extremist groups to obtain and use nuclear weapons or other weapons of mass destruction (WMDs) 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.[17] The role of the First Committee 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."[18] This is further stressed with the subsequent adoption of the *International Convention for the Suppression of Acts of Nuclear Terrorism* (ICSANT) (2005).[19]

As the only main body with universal membership, the GA is a unique forum for discussion within the UN System.[20] As such, it represents the normative center of the UN and its main role in the maintenance of international peace and security can be summarized in three principal aspects: a generator of ideas, a place of international debate, and the nucleus of new concepts and practices.[21] All these points will be further developed in the following sections of this overview. First, a brief explanation of the governance, structure, and membership of the First Committee will be presented followed by an explanation of its mandate, functions, and powers. Before concluding, a discussion about current efforts and recent activities will offer a more contemporary perspective on work of the committee.

Governance, Structure and Membership

As outlined in the Charter*,* the GA is comprised of all 193 UN Member States.[22] However, observer status can also be granted to intergovernmental organizations such as the African Union and states without full UN membership; currently the Holy See and the State of Palestine are the only two non-Member States with permanent Observer status.[23] In the GA, each Member State has one equal vote.[24]

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."[25] The remainder of the year is called the "resumed part of the GA;" during this time working group meetings take place and thematic debates are held.[26] Except for decisions on important matters, votes in the GA require a simple majority and the majority of resolutions are adopted without a vote, illustrating the consensual nature of the GA.[27] Elaborated by the GA Fifth Committee, the budget allocated to disarmament for the biennium 2014-2015 is $23.6 million and is mainly attributed to the UN Office for Disarmament Affairs (UNODA) and UNIDIR.[28]

The First Committee receives substantive and organizational support from three important entities: the General Committee, UNODA, and the Department for General Assembly and Conference Management.[29] 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 Main Committees; all positions are elected every session on a non-renewable basis.[30] 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.[31] After receiving a preliminary list of agenda items from the UN Secretariat, the General Committee allocates the different items to each Main Committee.[32] The agenda items that correspond to one of seven clusters discussed below are allocated to the First Committee, which in turn votes upon its own agenda.[33] 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,

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[17] UN General Assembly, *The United Nations Global Counter-Terrorism Strategy (A/RES/60/288)*, 2006.
[18] UN General Assembly, *Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction (A/RES/59/80),* 2004.
[19] UN General Assembly, *International Convention for the Suppression of Acts of Nuclear Terrorism (A/RES/59/290)*, 2005.
[20] UN General Assembly, *Homepage,* 2014.
[21] Thakur, *The United Nations, Peace and Security*, 2006, pp. 91, 162.
[22] *Charter of the United Nations*, 1945, Art. 9.
[23] UN DPI, *Permanent Observers,* 2014.
[24] *Charter of the United Nations*, 1945, Art. 18.
[25] Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 14.
[26] Ibid.
[27] Ibid., p. 63.
[28] UN General Assembly, *Proposed Programme Budget for The biennium 2014-2015 (A/68/6 (Sect. 4))*, 2013, p. 3.
[29] Ibid., p. 17.
[30] Ibid., p. 18.
[31] Ibid., p. 17.
[32] Ibid., p. 36.
[33] Ibid.

disarmament in the field of conventional weapons, and the general strengthening of mechanisms and frameworks bolstering disarmament.[34] It further encourages norm setting at the GA, the CD, and the UNDC.[35] Additionally, 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).[36]

Mandate, Functions and Powers

The mandate of the GA is set in Chapter IV of the *Charter of the United Nations*; Article 11 requires the GA to address questions of international peace and security and in particular disarmament.[37] This mandate has evolved over time as the First Committee was formerly the Political and Security Committee.[38] 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.[39] The question of disarmament is organized in seven clusters: nuclear weapons, other WMDs, disarmament aspects in outer space, conventional weapons, regional disarmament and security, other disarmament measures and security, and the disarmament machinery.[40] The mandate of the GA allows it to be a conduit for ideas that can become the driver of new policies and shared norms through discussion and debate.[41] This can be regarded as one of the main differences with the Security Council (SC).[42] 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.[43] 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, the First Committee will work towards the development of international conventions to prevent terrorists from acquiring nuclear weapons and other WMDs.[44] It is important to note, however, that the GA considers matters of international security only when the issue is not under the consideration of the SC.[45]

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.[46] The GA provides a forum for multilateral discussions on a range of issues outlined in the Charter; specifically, Articles 10-22 detail the functions and powers of the body as follows:

- The GA 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 free from discrimination.[47]

- The GA "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."[48] The GA Plenary receives recommendations from the six Main Committees.[49] Once the recommendations are sent to the Plenary Committee, the Plenary then votes on whether to adopt the resolutions as presented.[50] Any

[34] UNODA, *About Us, UNODA,* 2014.
[35] Ibid.
[36] UN DGACM, *Functions of the Department,* 2014.
[37] *Charter of the United Nations,* 1945, Art. 11.
[38] UN General Assembly, *Revitalization of the Work of the General Assembly (A/RES/47/233),* 1993.
[39] Ibid.
[40] Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly,* 2011, p. 63.
[41] Thakur, *The United Nations, Peace and Security,* 2006, p. 10.
[42] Ibid., p. 32.
[43] Ibid., p. 32.
[44] Weis, *The United Nations and Changing World Politics,* 2004, p. 95.
[45] Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly,* 2011, p. 13.
[46] UN General Assembly, *Functions and Powers of the General Assembly*, 2014.
[47] *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.
[48] Ibid., Art. 15; Ibid.; Ibid.
[49] Ibid., Art. 4; Ibid.; Ibid.
[50] UN General Assembly, *About the General Assembly*, 2013.

decisions reached by the GA are non-binding in international law; however, their decisions have enacted actions that have affected millions of people around the world.[51]

- Any of the six GA committees can recommend the GA Plenary address the functions or priorities of UN funds and programs.[52]

- The GA can request the Secretary-General or other UN organs to issue a report to one of the Main Committees on a specified question such as the implementation of recommendations made by the GA.[53]

The First Committee is capable of introducing resolutions initiating new negotiations on arms control and disarmament that, 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.[54] The GA Plenary must ratify resolutions adopted in the First Committee before they are put into effect.[55] 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]

The First Committee also 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 the First Committee and is 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 the committee in its 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 particularly 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]

Recent Sessions and 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, adopted on 13 February 2012, covers the biennium 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 the First Committee 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 means towards global disarmament.[68]

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[51] UN General Assembly, *About the General Assembly*, 2013; Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 13.
[52] Ibid., p. 20.
[53] Ibid., p. 36 & 47.
[54] Weis, *The United Nations and Changing World Politics,* 2004, p. 161.
[55] UN General Assembly, *About the General Assembly*, 2013.
[56] Ibid.
[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] UNOG, *An Introduction to the Conference,* 2014.
[61] UNODA, *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.
[67] UN General Assembly, *Proposed Strategic Framework for the Period 2014-2015: Programme 3, Disarmament (A/67/6 (Prog.3))*, 2012.
[68] Ibid.

During the most recently completed 69th session, the First Committee adopted a total of 63 resolutions and six 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 the international community is confronted with today, such as nuclear terrorism and the relationship between gender and disarmament.[71] During the current 70th session, the First Committee has concluded its session and submitted a total of 57 resolutions, many with a focus on addressing "complex security concerns," to the General Assembly Plenary committee.[72] One of these critical security concerns is preventing an arms race in space, which this year stressed calling on all states to "No first placement of weapons in outer space," meaning that no state should seek to be the first to place weapons into space.[73] Another key theme of the 70th session was preventing terrorists from obtaining WMDs and a "draft, 'L.36', introduced by Afghanistan, Australia and France, on countering the threat posed by improvised explosive devices" was also introduced, recognizing their increasing usage.[74] Also on the topic of WMDs, the First Committee "approved a draft resolution on the implementation of the Chemical Weapons Convention that would reaffirm the obligation of States parties to destroy their stockpiles."[75] While this type of resolution has been repeatedly passed, one of the drafts submitted related to preventing the spread of nuclear weapons uniquely attempts to shift the language towards "Relinquishing 'They versus Us' Approach to Nuclear Disarmament.[76]

In recent years, a great emphasis has been placed on the role of information security in the context of greater levels of inter-connectedness among Member States. In 2011, the GA requested the establishment of a Group of Governmental Experts (GGE) to study the existence of threats to Member States with respect to information security and report back its findings at its 68th session.[77] In 2013, the GGE submitted to the GA its report, *Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security.[78]* In 2015, the GGE submitted a follow-up report which included several notable items, such as a declaration against the use of proxies on behalf of Member States to "commit internationally wrongful acts using ICTs [(information and communication technologies)]," and the importance of international law as it applies to the security of ICTs.[79] In addition to these reports, the Secretary-General submits annually to the GA his report on the view of Member States with respect to information security.[80]

Equally important, the entry into force of the *Comprehensive Nuclear-Test-Ban-Treaty* (1996) continues to be a priority for the First Committee and resolution 69/48 of 11 December 2014 on "Nuclear Disarmament" calls for its early entry into force.[81] Earlier, a group comprising internationally recognized experts in the fields of disarmament, WMDs, and nuclear proliferation as well as political personalities was formed.[82] This Group of Eminent Persons

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[69] UN DPI, *Record-Breaking Participation in Debates, Passage of 63 Drafts – Largest Number in Decade – Notes First Committee Chair as Session Draws to Close (GA/DIS/3517), 2014.*

[70] UNODA, *The United Nations Disarmament Yearbook, Vol. 39 (Part I), 2014.*

[71] Ibid.

[72] UN DPI, *First Committee Approves Texts on Disarmament Aspects of Outer Space, Weapons of Mass Destruction, in Voting Pattern Reflecting Complex Security Concerns (GA/DIS/3539)*, 2015; UN DPI, *First Committee Sends Last of 57 Drafts to General Assembly at Close of Session After Record Participation in Thematic Debates (GA/DIS/3542)*, 2015.

[73] Ibid.

[74] UN DPI, *First Committee Sends Last of 57 Drafts to General Assembly at Close of Session After Record Participation in Thematic Debates (GA/DIS/3542)*, 2015.

[75] Ibid.

[76] UN DPI, *First Committee Approves 20 Drafts, Including New One Containing Declaration Aimed at Relinquishing 'They versus Us' Approach to Nuclear Disarmament (GA/DIS/3541), 2015.*

[77] UN General Assembly, *Developments in the field of information and telecommunications in the context of international security (A/RES/66/24),* 2011.

[78] UN General Assembly, *Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security (A/68/98),* 2013.

[79] UN General Assembly, *Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security (A/70/174),* 2015.

[80] UNODA, *GGE Information Security, 2015.*

[81] UN General Assembly, *Nuclear Disarmament (A/RES/69/48),* 2014.

[82] CTBTO, *Group of Eminent Persons,* 2014.

promotes the treaty's entry into force.[83] Finally, in relation to nuclear security, one of the most important recent events was the Review Conference of the Parties to the NPT, held 27 April to 22 May 2015.[84] Despite its importance, States Parties were not able to reach an agreement on the draft Final Document.[85]

In 2013, the GA convened an "open-ended working group to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons."[86] The GA adopted the final report of this working group as "Proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons" (A/68/514).[87] The discussions and proposals of the working group are broken down into six sections in the report including approaches, elements, reviewing the role of nuclear weapons in the security context of the 21st century, the role of international law, the role of states and other actors, and other practical actions.[88] While many of the proposals in the report are old proposals Member States have yet to come to an agreement on, such as universal adoption of the NPT, the working group was able to develop some new proposals.[89] One such proposal called on a convention to "prohibit the possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use of such weapons."[90] Following the adoption of this report, the GA adopted resolution 69/58 "Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament," calling on the CD to commence negotiations on such a convention.[91]

Finally, issues surrounding human security as they relate to sustainable development have become a key component of the post-2015 development agenda.[92] In September 2015, the GA adopted the Sustainable Development Goals (SDGs) as a follow-up to the expiring Millennium Development Goals (MDGs).[93] While the SDGs focus largely on sustainable development indicators, the role of security is highlighted particularly in SDG 11, "Make cities and human settlements inclusive, safe, resilient and sustainable" and SDG 16, "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels."[94] As such, while many of the SDGs do not specifically reference matters within the First Committee's purview, the maintenance of international security is foundational issue as conflict negatively impacts human and economic development.

Conclusion

Disarmament has been an important issue for the UN and for the achievement of international peace since its founding. As new threats arise and complicate the question of disarmament, addressing disarmament 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.[95] Nevertheless, it has been argued that the First Committee has not been able to achieve its full potential and has only been reaffirming its resolutions year after year with no introduction of new or improved substantive work.[96] It is, therefore, the responsibility of the First Committee to achieve new advancements towards the pursuit of international peace and security while continually seeking consensus in collaboration with the whole of the international community.

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[83] UNODA, *The United Nations Disarmament Yearbook, Vol. 38 (Part II),* 2013, p. 16.

[84] UN DPI, *Consensus Eludes Nuclear Non-Proliferation Treaty Review Conference as Positions Harden on Ways to Free Middle East of Mass Destruction Weapons (DC/3561),* 2015.

[85] Ibid.

[86] Reaching Critical Will, *Open-ended working group starts in Geneva*, 2013.

[87] UN General Assembly, *Proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons (A/68/514)*, 2013.

[88] Ibid.

[89] Ibid.

[90] Ibid.

[91] UN General Assembly, *Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament,* (A/69/58), 2014.

[92] UN General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development (A/RES/70/1),* 2015.

[93] UNDP, *Post-2015 Sustainable Development Agenda*.

[94] Ibid.

[95] Thakur, *The United Nations, Peace and Security,* 2006, p. 162.

[96] Reaching Critical Will, *UN General Assembly First Committee*, 2014.

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New Zealand, Ministry of Foreign Affairs and Trade. (2015). *United Nations Handbook 2015 - 2016.* Retrieved 19 September 2015 from: http://www.mfat.govt.nz/UNHB2015/MFAT151%20UN%20Handbook_2015-16.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 of 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 preparation for the conference.*

Sciora R., & A. Stevenson. (2009). *Planet UN: The United Nations Confronting the Challenges of the 21st Century.* 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. An account of the genesis of the UN also 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 by a Member State of introductory information 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: 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 and 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 of useful reading to delegates and offers an interesting perspective on international peace.*

United Nations Office for Disarmament Affairs. (2015). *United Nations Disarmament Yearbook, Volume 39, Part I.* Retrieved 19 September 2015 from: http://www.un.org/disarmament/publications/yearbook/en/EN-YB-VOL-39-2014-part1.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., et al. (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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http://www.un.org/press/en/2015/gadis3539.doc.htm.

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I. Cyber Security and Protecting against Cyber Warfare

"Cybersecurity is a global issue that can only be solved through global partnership. It affects all of our organizations…and the United Nations is positioned to bring its strategic and analytic capabilities to address these issues."[97]

Introduction

The advent and rapid expansion of computing systems has made technology an irreplaceable aspect of daily life.[98] Financial activities, academic work, and communications have been revolutionized by technology, and the disruption of these technologies and networks can wreak havoc on a global scale.[99] The low entry costs and wide availability of hacking tools makes cyber crime and cyber warfare extremely prevalent; up to 80 million cyber attacks take place each day.[100] Civilian services, private enterprise, and government operations all rely on technology; all manner of weapons systems, including drones and nuclear weapons, are controlled by networks that could be subject to hacking and attacks.[101] Sensitive government information is also often stored online and past leaks have put numerous individuals, including informants and military operatives, in great danger.[102] Millions of cyber attacks take place each day and combatting this growing threat will necessitate a multilateral and collaborative approach.[103]

Cyber security, cyber warfare, and cyber terrorism are easily confused and conflated; clearly defining these terms is important to ensure universal understanding. According to "The Cyber Index" released by the United Nations Institute for Disarmament Research, (UNIDIR), a cyber attack may be defined as an unauthorized attempt to infiltrate, gain access to, or shut down a computer, system, or network.[104] Therefore, cyber security can be defined as "the collection of tools, policies, security concepts, security safeguards, guidelines, risk management approaches, actions, training, best practices, assurance and technologies that can be used to protect the cyber environment and organization and user's assets."[105] Cyber warfare is "warfare conducted in cyberspace through cyber means and methods."[106] The United Nations (UN) does not yet have an official definition of cyber-terrorism nor terrorism itself, but broadly, cyber terrorism may be understood as the unlawful attack or threat of attack against computers and cyber networks to terrorize peoples, groups or governments.[107]

While some states and regional groups have made efforts to combat cyber warfare through robust legislation, the inconsistencies of legislation between different states hinder their efficacy.[108] The UN General Assembly (GA) has made important strides in increasing dialogue between states on this issue, and implementing practical measures will be an important way forward, particularly in addressing non-state cyber attacks, securing intelligence and weapons systems from cyber attacks, and strengthening legislation and accountability mechanisms.[109]

International and Regional Framework

While cyber security, cyber warfare, and cyber terrorism are relatively newer security threats, many regional agreements and initiatives between states already exist to strengthen cooperation on cyber security and deter breaches.[110] One of the key regional conventions is the *Budapest Convention on Cybercrime* (2001) adopted by the

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[97] UN DESA, *Cybersecurity: A global issue demanding a global approach*, 2011.

[98] Melzer, *Cyber Warfare and International Law*, 2011, p. 3.

[99] Loewengart, *Anticipating a Catastrophic Cyber Attack*, 2012.

[100] UN CTITF, *Countering the Use of the Internet for Terrorist Purposes – Legal and Technical Aspects*, 2013, p. 2.

[101] Verbickaite, Lethal Autonomous Weapons Systems and Cyber Security, *Commissum*, 2015.

[102] Bennet & Hennigan, China and Russia are using hacked data to target U.S. spies, officials say, *Los Angeles Time*, 2015.

[103] Passeri, August 2015 Cyberattacks Statistics, 2015.

[104] Lewis & Neuneck, *The Cyber Index: International Security Trends and Realities*, 2013, p. x.

[105] ITU, *Overview of Cybersecurity*, 2008, p. 2.

[106] Melzer, *Cyber Warfare and International Law*, 2011, p. 4.

[107] Dogrul et al., *Developing an International Cooperation on Cyber Defense and Deterrence Against Terrorism*, 2011, p. 31.

[108] UNODC, *Comprehensive Study on Cybercrime,* 2013, p. xi.

[109] UN General Assembly, *Developments in the field of information and telecommunications in the context of international security (A/RES/53/70),* 1999.

[110] UNODC, *Comprehensive Study on Cybercrime,* 2013, p. xi.

Council of Europe.[111] The convention, which entered into force in 2004, commits States Parties to standardize national legislation and regulatory measures regarding cyber crime and related issues, including criminal prosecution and jurisdiction.[112] To address the relative novelty of cyber crime, as well as its transnational nature, the convention takes a dual-pronged approach: tailoring domestic criminal law to prosecute instances of cyber crime, and also creating procedures to support greater international cooperation in this area.[113] The convention additionally encourages greater interstate cooperation and information-sharing regarding cyber crime and preventative security measures.[114] While nearly all of the Council of Europe members are States Parties, several other non-European states have also ratified the convention.[115]

There is also an African regional convention, the A*frican Union Convention on Cyber Security and Personal Data Protection* (2014).[116] Adopted in 2014, this convention promotes regional cooperation and provides a legal framework for strengthening cyber security and combatting cyber crime.[117] The convention was drafted to provide a holistic framework to address the cyber security needs particular to the African continent and to prevent African states from becoming safe havens for cyber criminals.[118] While more than one year after its adoption it has not yet been ratified by any signatory, many states have used it as a guide to enact domestic cyber crime legislation.[119]

In addition to regional arrangements, several United Nations bodies have also responded to the increasing threat of cyber warfare and cyber crime. In 1999, the GA adopted resolution 53/70 on information technology and communications in relation to international security, the first resolution on this topic.[120] In addition to drawing an explicit link between information and communication technologies (ICTs) and security, the resolution calls on states to outline definitions and central concerns, and requests the Secretary-General prepare a report on the topic.[121] Since the resolution was adopted, the Secretary-General has produced several reports to the GA outlining Member States' perspective on the issue to share information and build consensus on a way forward.[122] In 2003, the GA passed resolution 58/32, which created a Group of Governmental Experts (GGE) to assist the Secretary-General in drafting a report on cooperative measures to combat cyber threats and strengthen cyber security measures.[123] The GGE has been renewed for several terms and is key in providing recommendations and guiding the work of the General Assembly and the UN Secretariat in addressing this issue.[124] In 2013, the GA adopted resolution 68/167 on "the right to privacy in the digital age."[125] The resolution notes that while states and international organizations should take measures to combat cyber warfare, cyber crime, and serious informational breaches, these should not be allowed to violate human rights, particularly one's right to privacy.[126] In 2014, the GA adopted resolution 69/28, based on the GGE's most recent report on "Developments in the field of information and telecommunications in the context of international security."[127] The resolution calls on all Member States to consider pressing cyber security threats, and

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[111] Council of Europe, *Convention on Cybercrime*, 2001.
[112] Ibid.
[113] Council of Europe, *Convention on Cybercrime: Explanatory Note.*
[114] Council of Europe, *Convention on Cybercrime*, 2001.
[115] Council of Europe Treaty Office, *Convention on Cybercrime CETS No.: 185*, 2015.
[116] AU, *African Union Convention on Cyber Security and Personal Data Protection*, 2014.
[117] Ibid.
[118] Rõigas, Mixed Feedback on the 'African Union Convention on Cyber Security and Data Protection', *NATO Cooperative Cyber Defence Centre of* Excellence, 2015.
[119] Fidler, The African Union Cybersecurity Convention: A Missed Human Rights Opportunity, *Council on Foreign Relations*, 2015.
[120] UN General Assembly, *Developments in the field of information and telecommunications in the context of international security (A/RES/53/70)*, 1999.
[121] Ibid.
[122] UNODA, *GGE Information Security*, 2015.
[123] UN General Assembly, *Developments in the field of information and telecommunications in the context of international security (A/RES/58/32)*, 2003.
[124] Ibid.
[125] UN General Assembly, *The Right to Privacy in the Digital Age (A/68/167)*, 2013.
[126] Ibid.
[127] UN General Assembly, *Developments in the field of information and telecommunications in the context of international security (A/69/435)*, 2014.

to discuss and communicate strategies to combat these threats to encourage a collaborative and multilateral approach.[128]

Role of the International System

Many UN bodies are engaged in issues around cyber security and cyber warfare. In addition to the creation of the GGE and the adoption of multiple resolutions on the topic, the GA First Committee has sought to increase dialogue and cooperation by requesting that Member States submit their views on international law and opportunities for cooperation in cyberspace, which many states have done.[129] Many states within the GA have expressed the need to discuss concrete measures for cyber security improvements, particularly information sharing and confidence-building measures (CBMs).[130] The latest GGE report also provides a set of recommendations to the General Assembly, including greater investment in researching ICT threats and increasing multilateral dialogue and cooperation in addressing these threats.[131] In the recently adopted resolution 69/28 on "Developments in the field of information technology and telecommunications in the context of international security," the GA recognized the importance of greater cooperation on this topic but did not provide for any concrete action to achieve it.[132] The GA added this topic to the provisional agenda of the Assembly's 70th session, and the issues were discussed in the October 2015 meetings in the First Committee.[133] Some Member States stated their belief for the need of a comprehensive, overarching approach to cybersecurity that accounted for state specific security "deficiencies," while others maintained that existing international law was best for "cyber-stability" and information security with the addition of specific cyber-related provisions; the different perspectives on cyber security highlight the fragmentation amongst Member States on achieving unified solutions.[134]

The International Telecommunication Union (ITU), the UN agency focused on information and communication technology, is heavily involved within this topic.[135] The ITU writes reports and recommendations on increasing technological and telecommunications access, as well as identifying emerging threats and challenges.[136] In 2007, the ITU launched the Global Cybersecurity Agenda (GCA), a collaborative platform to encourage cooperation and information-sharing on cyber-security centered on the following five pillars: legal measures, technical and procedural measures, organizational structures, capacity building, and international cooperation.[137] The GCA is guided by the High-Level Experts Group (HLEG), a group of cyber-security experts, which provides information and recommendations on strengthening cyber security to Member States and relevant stakeholders working on this issue.[138]

The ITU also hosts the World Summit on Information Societies (WSIS), an intergovernmental forum established in 2001.[139] While the fundamental goal of WSIS is to universalize access to ICTs, it also notes that to build a global information society, there must be "a global culture of cybersecurity" to protect users and encourage broader use and applications.[140] In 2005, WSIS agreed to a set of outcome goals contained within the *Tunis Agenda for the Information Society*.[141] The goals include expanding access to information technologies, encouraging international and regional cooperation, including capacity-building and information-sharing, and building confidence and

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[128] UN General Assembly, *Developments in the field of information and telecommunications in the context of international security (A/RES/69/28)*, 2014.
[129] Arms Control Association, *The UN Takes a Big Step Forward on Cybersecurity*, 2013.
[130] Ibid.
[131] UN General Assembly, *Group of Governmental Experts on developments in the field of information and telecommunications in the context of international security (A/70/174)*, 2015.
[132] UN General Assembly, *Developments in the field of information and telecommunications in the context of international security (A/RES/69/28)*, 2014.
[133] Ibid.
[134] UN DPI, *Potential Security Impacts of Cyberspace Misuse Considered in First Committee, as Speakers Warn of Arms Race, Emergence of New Theatre of Warfare*, 2015.
[135] ITU, *ITU Cybersecurity Activities*, 2015.
[136] Ibid.
[137] ITU, *Global Cybersecurity Agency*, 2015.
[138] ITU, *ITU Global Cybersecurity Agenda: An Agenda for Change, a Global Strategy*, 2007.
[139] WSIS, *Basic Information: About WSIS*, 2006.
[140] ITU, *WSIS and Building a Culture of Global Security*, 2013.
[141] WSIS, *Tunis Agenda for the Information Society*, 2005.

enhancing security measures in the use of ICTs.[142] In December 2015, the GA will hold the WSIS+10 Review to evaluate the implementation and achievement of these goals on a national and international level.[143]

In addition to the ITU, the United Nations Office for Disarmament Affairs (UNODA) and the United Nations Institute for Disarmament Research (UNIDIR) have made important contributions towards understanding current security threats and identifying gaps in national and international security and legislation.[144] UNIDIR has written numerous reports on the relationship between information technology and international peace and security, particularly in the way these systems may be used to control weapons systems.[145] Additionally UNIDIR has produced important research on the legality of certain cyber security mechanisms and how international law might address these particular forms of attacks and terrorism.[146] UNODA and UNIDIR also provide recommendations for best practices that guide the General Assembly and the Secretary-General.[147]

Individual Member States have also made important contributions in strengthening cyber security mechanisms. Many states, including the United Kingdom and the United States, have dedicated domestic offices and initiatives for cyber security.[148] Internationally, many developed states are investing in technical support and capacity-building projects aimed at strengthening developing states' ability to respond to cyber threats.[149] States have also signed regional and bilateral partnerships, such as the one between the United States and Canada, to increase cooperation, but these are generally with close regional partners and have not expanded to include a wider international context.[150] Additionally multilateral programs are playing a larger role in international cooperation, such as the Commonwealth Cybercrime Initiative (CCI), which was created at a multilateral forum of Commonwealth states in 2011.[151] The CCI aims to increase cooperation and information-sharing between Commonwealth states, as well as various international and regional organizations, to reduce cyber crime and strengthen accountability and enforcement mechanisms.[152]

Cyber security and cyber crime also have important implications for civil society, and many international organizations are taking steps which include private sector businesses and civil society organizations as key stakeholders in their programs and discussions.[153] Some civil society organizations, such as the Global Information Society Watch (GISWatch), monitor and interact with states to ensure equal access to ICTs; GISWatch also publishes reports on states' progress in reaching the WSIS goals.[154] Human rights organizations, including Human Rights Watch and Amnesty International, have also become engaged in this issue, raising discussions about the overlap between cyber security measures and human rights, such as ensuring the right to privacy and freedom of expression.[155]

Cyber Terrorism, Cyber Warfare, and Non-State Actors

The broad accessibility and reach of online networks has impacted the way non-state actors (NSAs) use technology to carry out cyber crime and cyber attacks against states and private entities. Many NSAs use technological networks to launch direct attacks against governments and international organizations.[156] Threats of violence or attack are often carried out through the Internet to preserve anonymity, which creates panic and fear among the populace.[157] Cyber networks may also be used to communicate details in the execution of a terrorist attack, as was

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[142] WSIS, *Tunis Agenda for the Information Society*, 2005.
[143] Internet Society, *Understanding the WSIS +10 Review Process*, 2015, p. 2.
[144] Lewis & Neuneck, *The Cyber Index: International Security Trends and Realities*, 2013.
[145] Ibid.
[146] Melzer, *Cyber Warfare and International Law*, 2011.
[147] UNODA, *Developments in the Field of Information and Telecommunications in the Context of International Security*, 2013.
[148] UNODA, *GGE Information Security*, 2015.
[149] Ibid.
[150] Ibid.
[151] Piscitello & Pace, *The Commonwealth Cybercrime Initiative: A multi-stakeholder approach to capacity building to combat crime*, 2013.
[152] Ibid.
[153] ITU Cybersecurity Gateway, *Introduction on Civil Society*, 2010.
[154] Global Information Society Watch, *GISWatch: About*, 2014.
[155] *China: Proposed Cybersecurity Law Will Bolster Censorship*, Human Rights Watch, 2015.
[156] UNODC, *The use of the internet for terrorist purposes*, 2012, p. 11.
[157] Ibid.

the case in the 11 September 2001 attacks against the United States or to directly to launch an attack.[158] Cyber attacks may specifically target computer and cyber networks to release sensitive information or disrupt essential infrastructure.[159] For example, in 2010, an attack code virus directed against a uranium-processing facility in Iran wreaked havoc, shutting down safety protocols and disrupting the functioning of the refinery.[160] States may also be intentionally complicit in non-state cyber attacks against other states, private enterprises or international organizations by knowingly allowing groups to operate unhindered within their territory.[161] Other states unwillingly harbor criminals due to a lack of security and monitoring mechanisms.[162] The broad access of cyber networks makes it difficult for any one state to successfully target and eliminate online terrorist activity.[163]

Links to Non-Cyber Crimes
Cyber warfare, cyber terrorism, and security breaches have very serious consequences for online networks and technology systems, but online activities can also have real implications for security threats that are carried out offline. Cyber crime, including hacking, identify theft, and illicit financing, can be used to fund terrorist activities that take place offline.[164] Reports have suggested that NSAs have been dealing in illicit online sales of human organs and counterfeit medicines to finance their organizations, in addition to more commonplace cyber crimes such as fraud, credit card theft, and money laundering.[165] In one instance, Younis Tsouli, an individual working with Al-Qaeda, stole $3.5 million USD through credit card theft, which was then used to fund 180 websites hosting Al-Qaeda propaganda videos.[166] Charities and non-profit organizations have also been used as covers for illicit activity, with some organizations infiltrating and overtaking existing charities.[167] The relative anonymity and high penetration of Internet financing tools, such as cell phone-driven transfers, make them an ideal way to raise funds globally.[168] Internationally, the International Criminal Police Organization (INTERPOL) is a key actor in coordinating criminal and judicial responses between states.[169] While on a national level many states have increased investigation and surveillance to capture these crimes, a lack of sufficiently detailed legislation specific to cyber crime presents challenges in prosecuting these crimes.[170]

Addressing the Threat
The interconnected and expansive nature of cyber-crime has meant numerous and varied initiatives by states in creating effective solutions to deal with both cyber warfare and cyber crime, as well as managing the offline impacts of online activities. Some states have responded to these threats with greater monitoring and law enforcement oversight to catch and prosecute cyber terrorism, but this is not universal due to the high cost and difficulty of implementation.[171] Other states have created and enforced stricter anti-money laundering legislation and monitoring to cut off financing, while others require identification to access certain computer networks.[172] Some states have been successful in harmonizing cyber crime and cyber security strategies and many more are working on implementing such strategies.[173] These strategies include a range of activities from establishing awareness programs for users, making cyber crime reporting mechanisms more accessible, and partnering with private financial institutions to increase security measures.[174] The development of a more unified approach to cyber crime represents a key opportunity for the international community to address.

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[158] UNODC, *The use of the internet for terrorist purposes*, 2012, p. 11.
[159] Ibid.
[160] Riley, *How Russian Hackers Stole the Nasdaq,* 2014.
[161] Rush et al., *Crime Online: Cyber Crime and Illegal Innovation*, 2008, p. 2.
[162] Ibid.
[163] Jacobson, *Terrorist Financing on the Internet*, 2009.
[164] UN DPI, *UN Congress Plenary Debate Focuses on Innovative Tools to Fight Cybercrime, Terrorism Recruitment, Wildlife Trafficking, among New, Emerging Threats (SOC/CP/365)*, 2015.
[165] Ibid.
[166] UNODC, *The use of the internet for terrorist purposes*, 2012, p. 7.
[167] Jacobson, *Terrorist Financing on the Internet*, 2009.
[168] Ibid.
[169] UNODC, *The use of the internet for terrorist purposes*, 2012, p. 79.
[170] Ibid., p. 14.
[171] Ibid., p. 29.
[172] Ibid., p. 83.
[173] UNODC, *Comprehensive Study on Cybercrime*, 2013, p. 228.
[174] Ibid., p. 227.

Securing Intelligence and Weapons Systems

Increasing reliability and capacity of ICTs has impacted the way military information and weapons systems are maintained and protected. Sensitive security information, such as the identities and locations of informants, strategic weapons depots, and military strategies are kept electronically and are therefore subject to attack and release, jeopardizing the security of these materials.[175] Cyber espionage and hacking are particularly salient due to releases of sensitive documents by organizations such as Wikileaks.[176] Many leaks were accessed due to hacking, which has revealed the inadequate network protections of many states and international organizations, including the UN.[177]

The linkage of many weapons systems to cyber networks also makes them vulnerable to hacking and cyber attacks. Nuclear weapons control systems can be attacked on an individual basis, such as a single missile, or on a broader level, by infiltrating overarching control structures.[178] Increasing reliance on computers for multi-step verification and security procedures are intended to further fortify these systems and prevent them from accidental activation or use; however, many computerized weapons systems controls include multiple-step processes, remote override, automatic shut-downs, and other safeguards as enhanced security measures.[179] However, the use of these complex cyber systems also increases the opportunity for hacks and security breaches.[180] The inadequacy of existing measures to protect nuclear weapons systems has raised public concern about the security of the weapons themselves and the possibility of them being used as a result of security breaches.[181] Drones are also controlled and secured by computer systems, making them equally vulnerable to infiltration and unauthorized access.[182] There has been evidence of military drones being hacked and picking up false signals meant to confuse the operating system.[183] One of the challenges of securing autonomous weapons systems (AWS) is their newness and the constantly evolving technology expanding their use and capabilities.[184] The rapid change in technology necessitates constantly updated security protocols, therefore there are no existing best practices to guide the development of cyber security strategies for these weapons.[185]

While many security breaches and cyber attacks are attributed to non-state entities, many states also attempt to breach and hack into others states' networks.[186] In 2013, cyber attacks on United States networks were attributed to operatives linked to the Chinese government.[187] In response, China accused the United States of conducting similar intelligence-gathering attacks, to which the US admitted responsibility.[188] State-sponsored cyber attacks can exacerbate existing tensions and create challenges in addressing cyber security in a collaborative manner.[189] While states have made some progress in initiating multilateral confidence-building measures to ease tensions and mistrust, they have largely been coordinated between states who are already cooperating on this issue, failing to address more pressing tensions and hostilities between states.[190] In order to create a climate of collaboration, CBMs at a bilateral or multilateral level will be an important step in increasing dialogue and cooperation on this issue.[191]

While the cyber vulnerabilities of weapons systems have been widely discussed internationally, the topic has not been formally addressed within the GA, thwarting open and productive conversations and the development of multilateral strategies.[192] While there is significant concern that a breach of sensitive information or weapons

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[175] Blake, Professional Cyber Spies Have Secrets Spilled in Major Hack, *Washington* Times, 2015.

[176] Peachey, Julian Assange: Wikileaks founder is a hacker fighting for freedom of information, *The Independent*, 2010.

[177] Dilanian, US Federal agencies are wide open for hackers and cyberspies, *Business Insider*, 2015.

[178] Futter, *Hacking the Bomb: Nuclear Weapons in the Cyber Age*, 2015, p. 5.

[179] Derene, *How Vulnerable is U.S. Infrastructure to a Major Cyber Attack?*, *Popular Mechanics*, 2009.

[180] Futter, *Hacking the Bomb: Nuclear Weapons in the Cyber Age*, 2015, p. 9.

[181] Ibid.

[182] Mick, Iran: Yes, We Hacked the US's Drone, and Here's How We Did It, *DailyTech,* 2015.

[183] Shalal, Nearly Every US Weapons System Has "Significant Vulnerabilities" To Cyber Attacks, *Business Insider*, 2015.

[184] Anderson et al., *Adapting the Law of Armed Conflict to Autonomous Weapons Systems*, 2014, p. 388.

[185] Ibid.

[186] Sanger, US Decides to Retaliate Against China's Hacking, *New York Times*, 2015.

[187] Riley, How the U.S. Government Hacks the World, *Bloomberg News*, 2013.

[188] Ibid.

[189] UNODA, *GGE Information Security*, 2015.

[190] Ibid.

[191] Lewis & Neuneck, *The Cyber Index: International Security Trends and Realities*, 2013, p. 121.

[192] UN DPI, *Cyber Warfare, Unchecked, Could Topple Entire Edifice of International Security, Says Speaker in First Committee at Conclusion of Thematic Debate Segment (GA/DIS/3512)*, 2014.

systems could threaten international peace and security, there is no unified approach to protect against these attacks.[193] Strengthening protections for lethal autonomous weapons systems (LAWS) is especially challenging as the legal standing of the weapons themselves is still the subject of great international debate.[194] While the implications of LAWS are significant, there is pronounced disagreement on whether these weapons should continue to be developed, and whether any use of these weapons might contravene existing international law.[195] Multilateral efforts to protect these weapons from attack will be extremely difficult to accomplish until the weapons themselves have been adequately discussed and monitored.[196]

Accountability and Legal Instruments

There remain significant challenges in ensuring accountability for cyber crimes, both domestically and internationally. While many states have imposed strict legislation on cyber crime, cyber warfare, and cyber terrorism, the transnational nature of these crimes limits the effectiveness of varying national legislation and may also create challenges when tracking and prosecuting cyber crimes that are committed in, and affect multiple states.[197] Individuals or groups who find their cyber warfare activities limited or more heavily penalized in one state may move their activities to a state with weaker legislation against cyber warfare; however, the imposition of strict legislation in one state does not prevent that same state from remaining a target of cyber attacks.[198] While national initiatives and legislatures play an important role in increasing security measures tailored to their own needs, this approach also leads to inconsistencies between states, creating gaps in security.[199] Harmonizing national legislation between states and drafting a broader, global strategy to combat this issue will make it easier for different law enforcement agencies to work together to combat attacks originating from multiple states.[200] The ITU has published a Cybercrime Legislation Toolkit to guide states in creating consistent legislation to combat cyber crime, but states will also need to maintain open communication to ensure broader consensus on the way forward, particularly as new threats emerge and evolve.[201]

Determining jurisdiction is a significant challenge in prosecuting crimes of cyber warfare. Jurisdiction is the authority to apply and enforce a law; while it is usually based territorially, other features of a case, such as the location of the injured party or the origin of the perpetrator, may complicate and change jurisdiction.[202] When crimes are committed by individuals or groups based in various states against another state, the jurisdiction over the crimes committed may be challenging to determine.[203] Cyber crimes are generally understood to involve a "transnational dimension" if the crime in question is committed and/or substantially planned in more than one country, or if it occurs in one state and has direct ramifications upon or within another state.[204] Some international and regional instruments contain provisions on jurisdiction, but many make no explicit mention of jurisdiction; in these circumstances case territorial jurisdiction – when crimes are "carried out, affect property, or cause personal harm, within that state territory" – is used.[205] Additionally, between one-half to one-third of states believe their existing legislation is insufficient to address extraterritorial cyber crimes; in these cases, having jurisdiction over extraterritorial crimes is not enough to ensure accountability for crimes committed.[206]

The fragmented and disparate nature of cyber networks and cyber warfare also make evidence-gathering and prosecution of cyber crimes extremely difficult.[207] Using firewalls, IP address blocks, and other tools, individuals

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[193] Anderson et al., *Adapting the Law of Armed Conflict to Autonomous Weapons Systems*, 2014, p. 388.
[194] Geneva Academy of International Humanitarian Law and Human Rights, *Autonomous Weapons Systems under International Law*, 2014.
[195] Ibid.
[196] Ibid., p. 3.
[197] UNODC, *Comprehensive Study on Cybercrime*, 2013, p. xi.
[198] Ibid.
[199] Jacobson, *Terrorist Financing on the Internet*, 2009.
[200] Ibid.
[201] ITU, *ITU Toolkit for Cybercrime Legislation*, 2010.
[202] Rosenblatt, *Principles of Jurisdiction*.
[203] UNODC, *Comprehensive Study on Cybercrime,* 2013, p. 188.
[204] Ibid.
[205] Ibid., p. 192.
[206] Ibid., p. 189.
[207] Ibid., p. xi.

committing acts of cyber warfare can hide their true location and thereby avoid prosecution.[208] Without cooperation between various governments and agencies, individuals and groups can go undetected for years, continuing to launch attacks.[209] Even when the location of an individual or group can be located, evidence gathering, and therefore charging and prosecuting those responsible can be thwarted by the variation of laws across regions and states.[210] The nature of electronic evidence often means it can be tampered with or altered with relative ease, muddying investigations.[211] The inability to exercise effective control over evidentiary materials jeopardizes the admissibility of certain evidence, and thereby the strength of the case.[212] Inconsistent monitoring and regulation mechanisms can make investigations across borders extremely difficult to conduct via traditional means.[213]

Finally, while legal instruments to both prevent and prosecute acts of cyber warfare are essential to preserving peace and security, some of these instruments have raised concerns about possible breaches of human rights. While the *International Covenant on Civil and Political Rights* (1966) states that combatting incitement to terrorism is sufficient basis to limit free expression, restrictions must be both necessary and proportional to the threat posed by propaganda.[214] Some states have unjustly labeled controversial online content as a security threat, which has been used to silence political opposition and civil society.[215] The ambiguousness and difficulty in proving that certain content does, in fact, incite terrorism makes it more difficult to block legitimately dangerous content, but also to identify cases where governments are using security as a pretext to silence opposition.[216] In discussing a unified approach to cyber security, states must remain cognizant of their international human rights violations, and draft legislation with precision and respect for these rights.[217]

Conclusion

The increasing use of ICTs to carry out criminal activities, threats, and attacks make it a critical issue in the maintenance of international peace and security. While some regions and many states have adopted treaties on cyber crime and cyber security, reducing the threat of cyber warfare requires a unified global response. The technological innovation broadening access to global financial activity presents a catalyst for many forms of cyber warfare, and the anonymity of online networks thwarts many efforts to reduce financing and prosecute those responsible. The infiltration and disruption of military intelligence and weapons systems poses risks to innocent lives and at worst, risks a global catastrophe. Many states' secrecy and competitiveness regarding military security has prevented fruitful discussions on information-sharing and best practices for security measures. Finally, attributing accountability and prosecuting individuals and/or groups responsible for acts of cyber warfare remains difficult as state approaches vary significantly. The nature of cyber networks and information technology increases global interconnectedness, but this interconnectedness can also proliferate security threats between states and international actors. In order to address these challenges to cyber security, a cooperative, multilateral approach is needed.

Further Research

In preparing for this topic, delegates should consider how the General Assembly can address these challenges and build towards a more unified approach on cyber security. Specifically, delegates should consider: What legal frameworks would be helpful in drafting legislation on this topic? Delegates may also want to consider alternatives to legislation, such as capacity-building, CBMs, and the implementation of existing and new legislation. How can key challenges, including lack of coordination, multiple points of enforcement, and challenges of jurisdiction be overcome? Which UN organs and agencies would be well-suited to assist in strengthening cyber-security measures?

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[208] UNODC, *Comprehensive Study on Cybercrime*, 2013, p. 25.
[209] Ibid.
[210] Ibid.
[211] Ibid.
[212] Ibid.
[213] Ibid., pp. 53-54.
[214] *International Covenant for Civil and Political Rights*, 1966, Art. 19.
[215] UN HRC, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/HRC/17/27)*, 2011, p. 8.
[216] Ibid.
[217] UNODC, *Comprehensive Study on Cybercrime,* 2013, p. 108.

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Anderson, K., et al. (2014). Adapting the Law of Armed Conflict to Autonomous Weapons Systems. *International Law Studies*, 90 (2014): 386-411. Retrieved 23 August 2015 from: https://www.usnwc.edu/getattachment/a2ce46e7-1c81-4956-a2f3-c8190837afa4/dapting-the-Law-of-Armed-Conflict-to-Autonomous-We.aspx

> *This article provides an important introduction to AWS, and their unique status as a weapon without any international legislation governing its use. Additionally, it serves as an overview of the current status of AWS, and explains how they may fall under some categories of existing international law. Delegates unfamiliar with these weapon systems will find this article useful in explaining the weapons, and understanding their special relevance to cyber security.*

Futter, A. (2015). *Hacking the Bomb: Nuclear Weapons in the Cyber Age.* ISA Annual Conference. Retrieved 23 August 2015 from: https://www2.le.ac.uk/departments/politics/people/afutter/copy_of_AFutterHackingtheBombISAPaper2015.pdf

> *This conference paper provides a brief introduction into nuclear weapons and nuclear weapons support systems. The article provides contextual information on how hackers can gain access to these systems, and instances of hacking in the past. This article will help delegates understand the vulnerabilities of nuclear weapons systems to cyber threats, and how existing security measures might be improved.*

International Telecommunication Union. (2010). *ITU Toolkit for Cybercrime Legislation*. Retrieved 23 August 2015 from: http://www.cyberdialogue.ca/wp-content/uploads/2011/03/ITU-Toolkit-for-Cybercrime-Legislation.pdf

> *Cyber warfare and cyber security can be difficult to legislate; this handbook from the ITU provides some recommendations and tips on how to create strong legislation, and how to think through essential provisions. Delegates may find this helpful when developing recommendations and future actions. The guide also provides helpful definitions of key terms.*

Lewis, J.A. & G. Neuneck. (2013). *The Cyber Index: International Security Trends and Realities*. United Nations Institute for Disarmament Research. Retrieved 20 July 2015 from: http://www.unidir.org/files/publications/pdfs/cyber-index-2013-en-463.pdf

> *This book by UNIDIR investigates the key national, regional, and international security doctrines regarding cyber-security and assesses their relative efficacy, and where there is room to improve. The document also provides suggestions for expanding current networks and cooperative arrangements. This publication will help delegates understand the constantly evolving nature of this field, and the necessity to think innovatively and use new tools to address challenges.*

Melzer, N. (2011). *Cyber Warfare and International Law*. United Nations Institute for Disarmament Research. Retrieved 20 July 2015 from: http://unidir.org/files/publications/pdfs/cyberwarfare-and-international-law-382.pdf

> *This document summarizes some of the key debates surrounding international law and cyber security. The document provides a detailed definition of cyber warfare and how it fits into existing understandings and definitions of war and "force." This document provides a basic but detailed explanation of legal issues in cyber warfare and security, and gives delegates a starting point when considering legal gaps and the creation of additional mechanisms.*

Schreier, F. (2015). *On Cyberwarfare*. Geneva: Geneva Centre for the Democratic Control of Armed Forces. Retrieved 22 July 2015 from: http://www.dcaf.ch/Publications/On-Cyberwarfare

> *This document introduces the concept of cyber warfare and cyber security, and provides distinctions between different types of online criminal activity. Schreier provides details into how cyber attacks are carried out, which provides some insight into protections that can be levied against them. This document also presents the current challenges in ensuring cyber security and suggests other topic areas for further investigation and discussion.*

United Nations Counter-Terrorism Implementation Task Force. (2013). *Countering the Use of the Internet for Terrorist Purposes – Legal and Technical Aspects* [Report]. Retrieved 21 July 2015 from: http://www.un.org/en/terrorism/ctitf/pdfs/ctitf_interagency_wg_compendium_legal_technical_aspects_web.pdf

This document discusses different approaches and policy alternatives to combat terrorist-supported cyber crime. The document provides statistics and information to help contextualize and understand the scope of cyber warfare. Delegates may find this report useful for its concrete and actionable recommendations, particularly in applying existing legislation, attributing and prosecuting attacks, and tailoring responses to address evolving and emerging technologies.

United Nations, General Assembly, Sixty-eighth session (2013). *Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security: Note by the Secretary-General (A/68/98).* Retrieved 22 July 2015 from: http://undocs.org/A/68/98

The Group of Governmental Experts is a UN focal point for international cooperation and information-sharing on cyber security and cyber warfare, and the findings of the GGE may guide future UN resolutions and actions. The document highlights emerging threats to cyber security, and notes that international cooperation is critical as inconsistent security practices may threaten all networks. Delegates may find the specific recommendations on capacity-building, information-sharing, and state responsibility helpful actions in addressing central challenges.

United Nations Office on Drugs and Crime. (2012). *The Use of the Internet for Terrorist Purposes* [Report]. Retrieved 20 July 2015 from: http://www.unodc.org/documents/frontpage/Use_of_Internet_for_Terrorist_Purposes.pdf

This report outlines some of the key ways that cyber space and online activity may be used to support terrorist activities and organizations. The document also provides key international, regional, and UN mechanisms to fight cyber terrorism. Finally, the report provides some recommendations and policy options, particularly in the realm of international and public-private cooperation, that delegates may want to consider when drafting recommendations.

United Nations Office on Drugs and Crime. (2013). *Comprehensive Study on Cybercrime* [Report]. Retrieved 23 August 2015 from: https://www.unodc.org/documents/organized-crime/UNODC_CCPCJ_EG.4_2013/CYBERCRIME_STUDY_210213.pdf

This report is a great comprehensive resource that captures all the details about cybercrime, legislation, enforcement, and international cooperation. Delegates looking for a more detailed breakdown of each sub-topic, as well as concrete recommendations, will find this report helpful. This report also provides a synopsis of some national strategies, which may be a good starting point for state-specific research.

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Anderson, K., et al. (2014). Adapting the Law of Armed Conflict to Autonomous Weapons Systems. *International Law Studies*, 90 (2014): 386-411. Retrieved 23 August 2015 from: https://www.usnwc.edu/getattachment/a2ce46e7-1c81-4956-a2f3-c8190837afa4/dapting-the-Law-of-Armed-Conflict-to-Autonomous-We.aspx

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Blake, A. (2015, July 7). Professional Cyber Spies Have Secrets Spilled in Major Hack. *Washington Times.* Retrieved 23 August 2015 from: http://www.washingtontimes.com/news/2015/jul/7/professional-cyber-spies-have-secrets-spilled-majo/

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II. The Threat of Transnational Organized Crime to International Security

"Today, the criminal market spans the planet: illicit goods are sourced from one continent, trafficked across another, and marketed in a third. Transnational crime has become a threat to peace and development, even to the sovereignty of nations."[218]

Introduction

Although the United Nations (UN) General Assembly (GA) First Committee is mandated to focus on issues of peace and security, financial proceeds from transnational organized crime (TOC), such as the illegal drug trade, illicit arms dealing, and forced labor, heavily fund terrorist and other criminal organizations, therefore making TOC a significant issue at the very core of peace and security.[219] Ultimately, not only are the economic and social consequences of TOC a threat, but countless lives are lost annually as a direct result.[220] This reflects how TOC "permeates the very fabric of the structures and institutions by which we define the international system."[221] Moreover, while TOC is not a new problem, it has changed over time into a much more dangerous issue; while at one point things such as spices and precious metals were traded illicitly, today's market deals with more ominous materials.[222] The nature of TOC today has evolved into a macroeconomic, multi-billion dollar industry funded by illicit trading in drugs, people, arms, and animals across not only borders, but also continents.[223] The likelihood of TOC yielding large payouts to its participants, coupled with high levels of poverty and unemployment within developing states leads to a particularly high number of criminal participants within those states.[224] Proceeds of TOC were worth $870 billion USD in 2014, which is more than six times the total amount of global official development assistance.[225] The evolution and expanding reach of TOC mean that while TOC was historically considered only a justice issue, TOC is now a threat to peace and human security, a violation of human rights, and a hindrance to the economic, social, cultural, political, and civil development of global society.[226] Specifically, TOC is a direct threat to "public safety, public health, democratic institutions, economic stability," and border control.[227]

TOC creates many challenges by thwarting security between states, allowing for the introduction of illicit funds into domestic political systems, creating an open door for unrestricted access to controlled and dangerous materials, and making tracking and tracing those materials nearly impossible.[228] The introduction of illegitimate funds into political systems can negatively impact the legitimacy of governments.[229] To work towards addressing this problem, the *United Nations Convention against Corruption* (UNCAC) encourages Member States to work directly to "promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption."[230] Weak governance leads to an increase in crime, including TOC.[231] However, a high level of TOC also lends itself to a higher amount of illegitimate money and power leaking back into the domestic systems, thus reinforcing its corruption.[232] Rampant mistrust in authoritative and political actors is created by the growth of corruption associated with areas highly involved in TOC.[233]

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[218] UNODC, *Organized Crime Has Globalized and Turned into a Security Threat*, 2015.
[219] Kegö, & Hedlund, *Europe and Afghan Heroin*, 2011.
[220] UNODC, *Organized Crime*, 2015.
[221] ISDP, *Transnational Threat Initiative-Overview*.
[222] UNODC, *Organized Crime Has Globalized and Turned into a Security Threat*, 2015.
[223] UNODC, *Transnational Organized Crime*.
[224] UNODC, *Organized Crime*, 2015.
[225] UNODC, *UNODC Annual Report*, 2014, p. 37.
[226] The Global Initiative Against Transnational Organized Crime, *Organized Crime: A Cross-Cutting Threat to Sustainable Development*, 2015, p. 12; UNODC, *Organized Crime*, 2015.
[227] The White House, National Security Council, *Transnational Organized Crime: A Growing Threat to National and International Security,* 2015.
[228] ISDP, *Transnational Threat Initiative-Overview*.
[229] UN General Assembly, *United Nations Convention against Corruption (A/RES/58/4)*, 2000.
[230] Ibid.
[231] Ibid..
[232] Ibid.
[233] ISDP, *Transnational Threat Initiative-Overview*.

Defining Transnational Organized Crime

The 2004 Report of the Secretary-General's High-level Panel on Threats, Challenges and Change listed TOC as one of the six ongoing threats and challenges to international peace and security.[234] In 1998, the GA created an Ad Hoc Committee designated to elaborate upon TOC and draft a binding convention toward its eradication.[235] Although TOC has a clear impact on peace and security, there is no concrete definition for it, even within the *United Nations Convention against Transnational Organized Crime* (UNCTOC), also known as the Palermo Convention (2000).[236] The Ad Hoc Committee chose to broadly and loosely define TOC so the Convention would remain widely applicable as crime changed over time.[237] As such, in general the UNCTOC defines what makes a crime or criminal enterprise rise to a level where it is recognized as TOC, but the Convention does not dictate the substance of the crime.[238] The UNCTOC defines a transnational offence as an offence that is: committed in multiple states, committed and planned in two separate states, committed in one state but by criminals who commit crimes in other states, or "committed in one State but has substantial effects in another State."[239]

International and Regional Framework

The UNCTOC is the only international convention that addresses organized crime, and with 185 States Party to the Convention it is also one of the most widely accepted international texts.[240] One of the most important principles it outlines is the principle of extradition in Article 31.[241] Extradition, the formal process in which a state gives up a fugitive or criminal at the request of another state, is a controversial topic within the international community, but it is particularly important to the eradication of TOC.[242] The nature of TOC involves its perpetrators travelling across borders; extradition treaties prevent criminals from escaping the consequences of their crimes simply by fleeing.[243] Several regional and international frameworks exist regarding extradition, but the UNCTOC and its Protocols provide the most thorough legal guidelines.[244] Specifically, this framework provides for the extradition of criminals for offenses such as money laundering, obstruction of justice, and human trafficking.[245] However, extradition laws can only be effective in states led by domestically and internationally respected governments willing to work alongside one another.[246] Reinforcing the authority of criminal justice systems assists in the ongoing fight against the expansion of TOC while enhancing both domestic and regional security.[247] The international community should therefore lend significant consideration to not only the eradication of existing TOC but also the future prevention of the problem by eliminating its root causes.

The UNCAC is a prime resource for countering the ways in which corruption can influence governance and undermine efforts to fight organized crime.[248] This is because the trafficking of goods and persons changes the value of the free market and can undermine political systems, particularly in the democratic process.[249] Distortions in a free market lead to an influx of illicit money, which, as it makes its way into a democratic system, can heavily influence the outcome of political elections.[250] The UNCAC therefore contains an entire chapter outlining preventative measures for both public and private sectors, including the promotion of transparency and sufficient internal auditing controls as well as the disallowance of tax deductions for expenses that constitute bribes.[251] In addition, the UNCAC requires states to agree upon multilateral legal assistance in the accumulation and transfer of

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[234] UN General Assembly, *Follow-up to the outcome of the Millennium Summit: Note by the Secretary-General (A/59/565)*, 2004, p. 2.
[235] UNODC, *Transnational Organized Crime*.
[236] UN General Assembly, *United Nations Convention against Transnational Organized Crime (A/RES/55/25)*, 2000.
[237] UNODC, *Organized Crime*, 2015.
[238] UN General Assembly, *United Nations Convention against Transnational Organized Crime (A/RES/55/25)*, 2000, Art. 2.
[239] Ibid., Art. 3.
[240] UN Treaty Collection, *Status of The United Nations Convention against Transnational Organized Crime*.
[241] UN General Assembly, *United Nations Convention against Transnational Organized Crime (A/RES/55/25)*, 2000. Art. 31.
[242] Ibid.
[243] Ibid.
[244] UNODC, *Combatting Transnational Organized Crime through Extradition*.
[245] Ibid.
[246] Ibid.
[247] UNODC, *UNODC Annual Report*, 2014, p. 54.
[248] UN General Assembly, *United Nations Convention against Corruption (A/RES/58/4)*, 2000.
[249] Ibid.
[250] UN General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.
[251] UN General Assembly, *United Nations Convention against Corruption (A/RES/58/4)*, 2000.

evidence for use in court.[252] The UNCAC also creates a concrete strategy for asset recovery, leaving little room to hide controlled goods and substances within corrupt systems.[253]

TOC is also particularly relevant to the achievement of the Sustainable Development Goals (SDGs), which were adopted by Member States on 25 September 2015; the SDGs outline key goals for the international community for "people, planet and prosperity."[254] Many threats such as those posed by TOC impact the feasibility of nearly all, if not every, SDG.[255] For example, SDG 15 aims to protect terrestrial environments, yet drug trafficking is a leading cause of deforestation of the Amazon and parts of Panama.[256] However, specifically in SDG 16, peace and governance was flagged by the January 2015 report of the Global Initiative against Transnational Organized Crime as an SDG directly impacted by organized crime, which cannot be reached without addressing criminal practices.[257] By identifying the outcomes of organized crime, the international community can be better prepared and informed when designing a response countering TOC.[258]

Role of the International System

At a global level, many UN actors are involved in the topic of transnational organized crime to coordinate on responses to crime and align on national laws, minimize its economic and social impacts, and establish broad global priorities. As its adoption of the *United Nations Convention against Transnational Organized Crime* illustrates, the General Assembly has the broadest overarching role in terms of establishing goals and priorities for the international community.[259] Historically, within the General Assembly, issues related to TOC have been associated with the General Assembly Third Committee, not the First Committee, as part of regular discussions on its agenda on "crime prevention, criminal justice and international drug control."[260] However, a gradual shift is discernable in terms of linking TOC not just to its negative social and economic outcomes, but also towards its relationship with terrorist activities and other threats to international peace and security.[261] The international community has become acutely aware of this fact due to the ability of terrorist organizations to increasingly receive funding to operate through TOC.[262] Because of this, even the Security Council has addressed this issue.[263]

Despite this, most of the work being done by the UN System on TOC continues to focus on economic, legal, and development-oriented actors; specifically, the United Nations Office on Drugs and Crime's (UNODC) and the Commission on Narcotic Drugs (CND) take leading roles on this issue towards working to curb the activities that fuel TOC. UNODC was the first UN organization to truly begin discussions on the issue of TOC when in 1997 it was established under CND to assist states' efforts in combating the trafficking of controlled substances, crime, and terrorism.[264] Today, CND acts as the governing body of UNODC to oversee its functions.[265] It has subsidiary bodies such as the "Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East and the meetings of the Heads of National Drug Law Enforcement Agencies (HONLEAs) for Africa, Asia and the Pacific, Latin America and the Caribbean, and Europe."[266] These meetings "coordinate activities to counteract illicit drug

[252] UN General Assembly, *United Nations Convention against Corruption (A/RES/58/4)*, 2000.
[253] Ibid.
[254] UN General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.
[255] The Global Initiative Against Transnational Organized Crime, *Organized Crime: A Cross-Cutting Threat to Sustainable Development*, 2015, p. 8.
[256] Ibid., p. 4.
[257] Ibid., p. 8.
[258] Ibid., p. 8.
[259] UN General Assembly, *United Nations Convention against Transnational Organized Crime (A/RES/55/25)*, 2000.
[260] UN DPI, *Transnational Organized Crime Extending Reach into New Areas — Cyber Crime, 'High Seas Poaching' — Which Needs Coordinated Response, Third Committee Told* (*GA/SHC/3976*), 2010.
[261] UN DPI, *On World Day, UN says efforts to combat illicit drugs must be linked to development*, 2015.
[262] Ibid.; UN DPI, *Security Council, Adopting Resolution 2195 (2014), Urges International Action to Break Links between Terrorists, Transnational Organized Crime(SC/11717)*, 2014.
[263] Ibid.
[264] UNODC, *Transnational Organized Crime*.
[265] UNODC, *Commission on Narcotic Drugs*.
[266] UNODC, *UNODC Annual Report*, 2014. p. 30.

trafficking and monitor new trends within each respective regions.[267] The recommendations from the subsidiary bodies are submitted to the sessions of CND for its consideration and follow-up action.[268]"

Within CND, the UNODC serves as the Secretariat to the UNCTOC, with a mandate to assist domestic governments with the creation of legal investigative frameworks, including the adaptation of frameworks for extradition of criminals and multilateral cooperation between regional law enforcement agencies and those within domestic confines.[269] In this context, UNODC works to address the biggest problems preventing the prosecution of TOC.[270] One of these is displacement, which is a shifting of the members of an organization and its criminal activity to a new jurisdiction where the "crime" is legal or extradition laws are either nonexistent or unenforced.[271] The UNODC created the Networking the Networks initiative in 2014 as a direct countermeasure to fight displacement.[272] The criminal intelligence networks' information sharing capacities allow for the exchange of relevant information between domestic, regional, and international law enforcement agencies to better assist in tracking criminals, their illicit products, and the proceeds of those products.[273] Beyond this initiative, the UNODC helps domestic governments react to instability and insecurity caused by the trafficking of illicit goods, funds, and people across borders.[274] The UNODC also promotes the use of uniform policy, serves as a neutral means of communication between states, and helps to coordinate international efforts against drugs and crime.[275]

In addition to this UNODC initiative, several regional infrastructures similar to the Networking the Networks' criminal intelligence networks have been established, including the Central Asian Regional Information Coordination Center (CARICC), the Gulf Criminal Intelligence Centre (GCIC), the Joint Planning Cell (JPC), the Southeast European Law Enforcement Centre (SELEC), and the Asia-Pacific Information and Coordination Center for Combating Drug Crimes (APICC).[276] These small regional centers connect through larger regional entities like the International Criminal Police Organization (INTERPOL), Europol, and The Association of Southeast Asian Nations Association of Chiefs of Police (ASEANAPOL).[277]

Similarly, the Regional Joint Investigation Team was created by INTERPOL's Maritime Piracy Task Force in 2006 with the idea of bringing together police, customs and intelligence officers, and prosecutors from Member States neighboring one another.[278] These regional blocs facilitate investigative processes in multiple Member States at once, in much the same way that TOC operates.[279] With barricades lifted between state borders, everything from warrants to intelligence sharing can be simple, quick, and straightforward against TOC groups.[280] As an example, the West African Coast Initiative, in partnership with the UNODC and INTERPOL, supports Transnational Crime Units (TCUs) in Sierra Leone, Liberia, Côte d'Ivoire, and Guinea-Bissau.[281] The success of partnerships like this between agencies and states to facilitate information sharing is something upon which other regions can and should build.

Primary Forms of Transnational Organized Crime

One of the most recognizable forms of TOC is trafficking, which is the act of illegal trading.[282] Trafficking is not limited to the illegal trade of money and people, however, as it now also includes the illicit trade of minerals, precious metals, animal goods, medical supplies, and other resources.[283] States with large illicit markets suffer from

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[267] UNODC, *UNODC Annual Report*, 2014. p. 30.
[268] Ibid.
[269] Ibid., p. 37.
[270] Ibid.. p. 30.
[271] Ibid.. p. 30.
[272] Ibid.
[273] UNODC, *Remarks at the inter-agency meeting to launch 'Networking the Networks'*, 2013.
[274] UNODC, *Transnational Organized Crime*.
[275] Ibid.
[276] UNODC, *Remarks at the inter-agency meeting to launch 'Networking the Networks'*, 2013.
[277] Ibid.
[278] Kegö & Özkan, *Baltic Joint Investigation Team: A New Working Method Against Transnational Crime,* 2010.
[279] Ibid.
[280] Ibid.
[281] UNODC, *UNODC Annual Report*, 2014, p. 31.
[282] European Parliament, *The EU Role in Fighting Transnational Organized Crime*, 2009, p. 12.
[283] Fedtov, *The U.N. at 70: Drugs and Crime are Challenges for Sustainable Development*, 2015.

weakening economies as more products become available on those markets and the transaction of business moves from legitimate markets to illicit markets.[284]

Human Trafficking
Human trafficking is a global phenomenon; however, the Asian continent has been shown to have a particularly grave recurring problem with human trafficking and specifically smuggling of women and children.[285] As such, the challenges in Asia posed by human trafficking shed light on addressing the problem internationally.[286] The 2014 Global Slavery Index found that nearly two-thirds of human trafficking victims are from Asia.[287] Much of southeast Asia's human trafficking is interregional and a direct result of the high amount of forced labor into which victims are often tricked regarding job opportunities.[288] In order to minimize this problem, many states on the Asian continent have become stricter with their domestic business policies and employment agencies.[289] While helpful in preventing some forms of trafficking, this fails to address the victims who were enslaved or kidnapped rather than tricked, and leaves ample opportunity for improvement in the future.

Improvements to addressing human trafficking should stem from existing frameworks and improving state's adherence to them. Specifically, the UNCTOC *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (2000) became the first legally binding document to define trafficking in persons to mean "the recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation."[290] This definition supports Article 5 of the *Universal Declaration of Human Rights* (UDHR) (1948), which declares that, "no one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment."[291] The UNCTOC *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* outlines international and regional ways in which this situation must be handled.[292] According to this protocol, states are responsible for giving assistance to, and protecting victims of trafficking as well as establishing comprehensive policies to prevent victimization; however, considerable work is needed in this area.[293]

Illicit Weapons Trade
The illicit arms trade is nearly always related to specific events, and the flux of the market is dependent upon global conflict.[294] With the rise and fall of the market, UNODC estimates that illicit arms trade profits between $130 and $320 million per year.[295] Enacted in 2005, the *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts, and Components and Ammunition* was the first legally-binding global small arms and light weapons (SALW) initiative.[296] One of the ways in which the international community has fought weapons trafficking is international arms embargoes.[297] These embargoes, however, "create enormous opportunities for criminal organizations and unscrupulous entrepreneurs to circumvent restrictions and supply combatants with weapons."[298] Embargoes create supply and demand issues which become their own undoing because the shortage caused by the embargo makes the price go up and in turn creates a market in which new suppliers are eager to do

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[284] Fedtov, *The U.N. at 70: Drugs and Crime are Challenges for Sustainable Development*, 2015.
[285] Finckenauer & Chin, *Asian Transnational Organized Crime and Its Impact on the United States: Developing a Transnational Crime Research Agenda*, 2006.
[286] Ibid.
[287] Ibid.
[288] Ibid.
[289] Ibid.
[290] UN General Assembly, *United Nations Convention against Transnational Organized Crime (A/RES/55/25)*, 2003, Protocol 1.
[291] UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948.
[292] European Parliament, *The EU Role in Fighting Transnational Organized Crime*, 2009, p. 12; UN General Assembly, *United Nations Convention against Transnational Organized Crime: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (A/RES/55/25)*, 2000.
[293] Ibid.
[294] UNODC, *Organized Crime Has Globalized and Turned into a Security Threat*, 2015.
[295] Ibid.
[296] UNODC, *Transnational Organized Crime*.
[297] Williams, *Illicit Markets, and Money Laundering*, 2001, p. 143.
[298] Ibid.

whatever it takes to earn increased potential profits.[299] Additionally, economic and technological ties often stabilize relations between states, whereas isolation can lead to negative relations.[300] Thus, embargoes should be considered as part of broader diplomatic efforts to increase enforcement through treaties, multilateral agreements, and other cooperative methods, particularly in situations where embargoes alone have proven unsuccessful.

Drug Trafficking
Money from the illicit drug trade heavily funds the inner workings of terrorist and other criminal organizations.[301] As such, many programs attempt to curtail illicit drug trade.[302] UNODC recently recommended the enactment of four major changes to combat the growing number of drug dependent persons living on the streets to include treating drug use as an illness and providing treatment, improving urban conditions in order to make drug peddling more difficult, fully enforcing international agreements against organized crime, and prioritizing violent, high profile criminals above drug users.[303] The UNODC calls for states to better utilize domestic law enforcement to decrease production of these illicit drugs in order to prevent trafficking.[304] These ideas for change should be taken into account when discussing the future of combating and preventing the trafficking of narcotics. In addition, several developments can be anticipated from the UN General Assembly Special Session on the World Drug Problem to be held in April 2016 that will address supply and demand reduction.[305]

Money Laundering
Antonio Maria Costa, Executive Director of the United Nations Office for Disarmament Affairs (UNODA) succinctly summarized a key avenue for combating TOC in stating that "[c]riminals are motivated by profit: so let us go after their money."[306] All forms of TOC create an influx of funds for which domestic governments cannot adequately account.[307] Money laundering, the process by which original ownership and control of "dirty" money from illegal sources changes to appear to have come from a "clean," licit source, is a prevalent type and direct effect of trafficking in TOC.[308] Developing states are the most damaged by excess and illegitimate funds making their way into the economic system.[309] The excess funds gained from illegitimate activities can put the entire political system out of balance, particularly in a less developed state, and lead to a lengthy recovery process during which the government must exert time and money attempting to legitimize itself in the eyes of both its people and the international community.[310]

One of the most successful anti-money laundering strategies is the Third European Union Anti-Money Laundering (AML) Directive, which is widely praised for its risk-based system that makes banks liable for participating in money laundering schemes.[311] After a revision in May 2015, triggered by Financial Action Task Force (FATF) recommendations, the European Parliament adopted the Fourth AML Directive, amending the original directive.[312] Results continue to be seen: on 15 September 2015, the European Court of Justice issued a preliminary ruling against three credit institutions after the Audiencia Provinicial de Barcelona requested the opinion.[313] The court stated that "due diligence on customers" is also covered by the AML Directive, meaning that financial institutions can be held liable for money laundering that utilizes their services.[314] Unfortunately, many private institutions fail to

[299] Williams, *Illicit Markets, and Money Laundering*, 2001, p. 143.
[300] Ibid.
[301] Kegö & Hedlund, *Europe and Afghan Heroin*, 2011.
[302] Ibid.
[303] Ibid.
[304] Ibid.
[305] UNODC, *Organized Crime*, 2015.
[306] UNODC, *Organized Crime Has Globalized and Turned into a Security Threat*, 2015.
[307] UNODC, *Organized Crime*, 2015.
[308] Kegö & Georgieff, *Reassessing the Risk Based Money Laundering Strategy*, 2012.
[309] Ibid.
[310] Ibid.
[311] Ibid.
[312] European Parliament and the Council of the European Union, *Official Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC*, 2015.
[313] Money Laundering Bulletin, *Enhanced due diligence on customers also covered by EU ML Directive allowed-ECJ*, 2015.
[314] Ibid.

update their AML policies frequently enough and criminals work to change their methodology faster than the countermeasures adapt.[315]

Transnational Organized Crime and Peace and Security

As the above examples of TOC illustrate, and Deputy Secretary-General Jan Eliasson explains, "…links between transnational organized crime, terrorism and armed violence are growing, with wide-ranging negative effects on security, governance and development, not to speak about the devastating effect on people and communities."[316] TOC increasingly threatens peace and security on many levels, beginning by destabilizing economic development and democratic governance. To this end, the Global Initiative Against Transnational Organized Crime's 2015 research report, *Organized Crime: A Cross-Cutting Threat to Sustainable Development*, outlines six principles that are key to measuring the success of curbing the impact of organized crime on development.[317] These principles include: 1) establishing appropriate international legal and policy frameworks, 2) strengthening prosecution capacity, 3) focusing strategies on kingpins and controllers, 4) applying development approaches, 5) insulating democratic processes, and 6) emphasizing non-state actors.[318]

While TOC has an impact on governance and development, it is crucial to realize that there is an interdependent relationship between TOC and governance and TOC and development that means that addressing the way governance and development, or lack thereof can provoke or encourage TOC is crucial to breaking the link between TOC and its negative effects on peace and security. According to UNODC Executive Director Yury Fedotov, "weak rule of law is connected to lower levels of economic development."[319] Indeed, while TOC does occur within developed states, developing states without the resources to secure their goods and people are more likely to suffer substantial, noticeable loss from its practices.[320] Therefore, working in regional blocks with international solidarity to strengthen domestic governments, promote peaceful and inclusive societies, and build effective information sharing networks is essential to the eradication of trafficking and all forms of TOC.[321]

Beyond improving state capacities to address TOC through strengthening and improving governance and institutions, an increase in multilateral cooperation, communication, and trust between Member States is crucial to a successful international response to TOC.[322] This is because as TOC has diversified to macroeconomic proportions, it is entirely possible that controlled goods and substances could be sourced, trafficked, and marketed across multiple continents.[323] Regional areas lacking in security or legal protocols will continue to be attractive to criminal groups until these shortcomings are addressed.[324] By starting with those criminal groups that participate in TOC, more effective forward momentum can take place.[325]

As one example of building international cooperation and pursuant to Security Council resolution 2195 (2014) on terrorism and cross-border crime, the Secretary-General presented the Council with the *Report of the Secretary-General on the threat of terrorists benefitting from transnational organized crime* on the linkage between terrorism and TOC.[326] This report assesses the current situation and relationship between terrorism and TOC, while also

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[315] European Parliament and the Council of the European Union, *Official Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC*, 2015.

[316] UN DPI, *On World Day, UN says efforts to combat illicit drugs must be linked to development*, 2015.

[317] The Global Initiative Against Transnational Organized Crime, *Organized Crime: A Cross-Cutting Threat to Sustainable Development*, 2015, p. 8.

[318] Ibid., pp. 8-9.

[319] Fedtov, *The U.N. at 70: Drugs and Crime are Challenges for Sustainable Development*, 2015.

[320] Ibid.

[321] Ibid.

[322] UNODC, *Remarks at the inter-agency meeting to launch 'Networking the Networks'*, 2013.

[323] UNODC, *Organized Crime*, 2015.

[324] The Global Initiative Against Transnational Organized Crime, *Organized Crime: A Cross-Cutting Threat to Sustainable Development*, 2015, p. 8.

[325] Ibid., p. 9.

[326] UN Office of the Secretary-General, *Report of the Secretary-General on the threat of terrorists benefitting from transnational organized crime (S/2014/869)*, 2014.

providing concrete options for Member States to strengthen their capacity for combating terrorist financing.[327] The report stresses enhanced cooperation, implementation of existing legal instruments, and strengthening of border management, all of which will combat trafficking in all its forms.[328]

Conclusion

Organized crime is a constantly evolving enterprise, surpassing cultural, social, linguistic, and geographic bounds and therefore it is of the utmost importance that the GA's response to TOC be crafted with the same mindset. Moreover, although the GA has discussed TOC before, its rapid growth makes it a pressing issue that must now be further discussed.[329] In these discussions, the UN must address and combat TOC within the scope of individual state sovereignty while respecting territorial integrity as defined within the *Charter of the United Nations* (1945).[330] Solutions must forge bonds between Member States, across borders regardless of political, cultural, or socioeconomic differences. It also bears remembering that TOC comes in many forms, and that addressing one of them may not be a blanket solution for all. The examples of successful actions against TOC are those that are specific, detailed, and cooperative, not those intended to be a quick panacea. While the original and broad definition of TOC helped to keep the UNCTOC a useful document against multiple types of TOC as it formed and evolved, the GA must reassess its usefulness. For example, addressing the TOC from a top-down approach by starting with the ways in which it impacts the international community and working back to the crimes that cause the issues might bring a fresh light to the situation. Because the SDGs are a timely and important focus, the GA has the unique task of working toward the eradication of the peace and security risk of TOC that stands in the way of their completion.

Further Research

The GA First Committee has the unique opportunity of addressing TOC during a time when the international community appears to be on the verge of a breakthrough. The SDGs provide a call for new and stronger efforts to combat TOC through renewed focus on development, thus giving delegates in the GA the opportunity to broaden the scope of traditional debate in the committee. Delegates should consider numerous issues in researching the issue of TOC further. Given that domestic policies are the first step in combatting TOC but are limited in their success without international cooperation, delegates should consider: How has your state already addressed TOC? How can states partner with the private sector to increase adaptability of AML countermeasures? In what ways can regional information sharing or the replication of domestic policy at an international level help combat TOC while still respecting state sovereignty and security? What existing policies or strategies can be better enforced, and what frameworks do not yet exist but are still needed to move forward? What regional or lateral partnerships can be created in order to specifically help less developed countries implement existing programs? What can be done with criminals heavily involved in such wide-reaching illicit activity? In what ways can criminals found guilty of TOC be forced to pay restitution to multiple states? Are there other forms of TOC that can be addressed by the GA? In general, what preventative measures can be taken and in what ways can states respond?

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[327] UN Office of the Secretary-General, *Report of the Secretary-General on the threat of terrorists benefitting from transnational organized crime (S/2014/869),* 2014.
[328] Ibid.
[329] UN General Assembly, *Follow-up to the outcome of the Millennium Summit: Note by the Secretary-General (A/59/565)*, 2004, p. 1.
[330] *Charter of the United Nations*, 1945.

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> *This Directive is the most recent update of the EU's AML policy and addresses recommendations from the Financial Action Task Force to resolve existing issues in money laundering. Illicit funds are a significant contributor to the corruption within domestic governments and economic systems, and it is therefore important that the GA focus on it when addressing peace and security. Delegates will find this document helpful to understand recent money laundering countermeasures and the events that led to them.*

Institute for Security & Development Policy. (2015). *Organized Crime* [Website]. Retrieved 22 September 2015 from: http://www.isdp.eu/issues/organized-crime.html

> *The Institute for Security & Development Policy created a six-part research initiative designed to raise awareness of the negative social effects of organized crime. Broken up into each of the six individual parts of the study (Organized Crime in the Baltic Sea Region, Protecting Legitimacy in Politics, Drug Prevention, Human Trafficking for Labor Exploitation, Russian Organized Crime, and Financial Crime and Money Laundering), this user-friendly website contains both summaries of each topic and a list of relevant and academically sound publications pertinent to their latest developments. Delegates will find the breakdown of TOC by topic and, in some cases by region, useful when trying to better understand the implications of TOC in an international security context.*

United Nations, Department of Public Information. (2015, June 26). *On World Day, UN says efforts to combat illicit drugs must be linked to development* [News Article]. Retrieved 13 November 2015 from: http://www.un.org/apps/news/story.asp?NewsID=51266#.VkVSZ66rT2Q

> *This news article provides recent insight into current efforts to combat illicit drugs. While it highlights the need to do this to improve development, and offers specific examples of policies that should be pursued, the news article is also useful as is it also stresses the increasing relationship between TOC and terrorism. Additionally, this resource provides clear insight into how TOC affects sustainable development through a brief discussion of the recent summit that adopted the SDGs, and it also looks forward to the upcoming special session on the world's drug problem to be held April 2016. Ultimately, this resource is a simple overall introduction to the issue and impact of illicit drugs and therefore TOC globally.*

United Nations, General Assembly, Fifty-fifth session. (2000). *United Nations Convention against Transnational Organized Crime (A/RES/55/25)* [Resolution]. Retrieved 16 September 2015 from: http://undocs.org/A/RES/55/25

> *The only convention of its kind, this document provides the framework for any progress toward eradicating TOC. Its far-reaching and loose definition makes it timeless and widely applicable, while its three protocols supplement and ground it. The vast consensus of the General Assembly was to support and uphold this document at the time of its adoption, and states party to the Convention committed to a large number of crime fighting frameworks. Delegates will find this the primary document for understanding the international perspective on TOC and actions the GA can take to further aid in the fighting against TOC.*

United Nations, General Assembly, Fifty-eighth session. (2003). *United Nations Convention against Corruption (A/RES/58/4)* [Resolution]. Retrieved 24 September 2015 from: http://undocs.org/A/RES/58/4

> *The* United Nations Convention against Corruption *is a primary resource for understanding the ways in which corruption can undermine legitimate efforts to fight organized crime. As it can also be argued that corruption leads to a breeding ground for TOC to thrive, this document should be closely examined for ideas of how to prevent both corruption and any resulting TOC. Delegates should understand from this document that corruption and TOC create a self-perpetuating cycle and use this knowledge to break that cycle.*

United Nations, Office on Drugs and Crime. (2006). *Violence, Crime, and Illegal Arms Trafficking in Colombia* [Report]. Retrieved 19 July 2015 from: https://www.unodc.org/pdf/Colombia_Dec06_en.pdf

> *Published in 2006 by the UNODC, this report provides a comprehensive case study of the ways in which the illicit arms market, trafficking, and trade undermine legal regulations, destroy legitimately recognized authorities, and perpetuate conflicts. The report provides information on the points of entry along Colombia's borders by which arms travel into the country. Furthermore, the report provides insight into how the Colombian government has responded to illicit trafficking of arms and the mechanisms to prevent additional entry of arms. Delegates will find this document particularly useful when striving to understand the effects of the illicit arms market and ways in which the international community has responded in the past.*

United Nations, Office on Drugs and Crime. (2010). *UNODC addresses Security Council on small arms situation in Central Africa* [Website]. Retrieved 19 July 2015 from: http://www.unodc.org/unodc/en/frontpage/2010/March/unodc-addresses-security-council-on-small-arms-situation-in-central-africa.html

> *In response to the 19 March 2010 debate within the Security Council regarding the impact of small arms and light weapons trafficking, particularly in the Central African region, the then UNODC Executive Director Antonio Maria Costa briefed the Council on the scale to which small arms and light weapons trafficking could affect the region. Mr. Costa highlighted the differences of arms to that of drug trafficking and noted the predictable nature of arms trafficking. Moreover, Mr. Costa noted that corruption is an enabling factor of arms trafficking and urged the promotion of development and security in order to reduce the demand for arms. The trafficking of small arms and light weapons is an integral issue to combatting TOC, and delegates may use this source for a better understanding of this fact.*

United Nations, Office on Drugs and Crime. (2015). *Organized Crime* [Website]. Retrieved 19 July 2015 from: https://www.unodc.org/unodc/en/organized-crime/index.html

> *Published by the United Nations Office on Drugs and Crime, the website provides an introduction and explanation of organized crimes and transnational organized crimes. The website also provides additional resources to investigate further the international understanding of transnational organized crimes. UNODC is the Secretariat for another very important source, the UNCTOC. Therefore, delegates will find this website useful to gaining insight to the foundations upon which the UNCTOC is based, as well as to examine other similar documents for ideas moving forward.*

United Nations, Office on Drugs and Crime. (2015). *Transnational organized crime threat assessments* [Website]. Retrieved 19 July 2015 from: https://www.unodc.org/unodc/en/data-and-analysis/TOC-threat-assessments.html

> *This website explains the various transnational organized crimes tracked by the UNODC and provides various reports published by the UNODC in assessing the threat and risk levels of specific countries, regions, and types of crimes. This source provides an analysis of the crimes, preventative measures, and methods of responding to both the threats and the crimes. Delegates will find this website helpful when discussing TOC from a domestic or regional standpoint as it is a prime resource for understanding which kinds of TOC most heavily affect those states.*

United Nations, Office of the Secretary-General. (2015). *Report of the Secretary-General on the threat of terrorists benefitting from transnational organized crime (S/2014/869).* Retrieved 19 July 2015 from: http://undocs.org/S/2015/366

> *Pursuant to Security Council resolution 2195 (2014) on terrorism and cross-border crime, the Secretary-General presented the Council with this report on the linkage between terrorism and transnational organized crime. The report assesses the current situation and relationship between terrorism and transnational organized crime, while also providing concrete options for Member States to strengthen their capacity for combating terrorist financing. The report stresses enhanced cooperation, implementation of existing legal instruments, and strengthening of border management. When thinking ahead to possible solutions to TOC, the suggestions laid out within this document will be helpful to delegates.*

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III. Efforts to Control Weapons of Mass Destruction

"Weapons of Mass Destruction remain among the gravest security threats facing the world community…There are no 'right hands' that can handle these 'wrong weapons.'"[331]

Introduction

Controlling weapons of mass destruction (WMDs) has been a significant topic for the international community, as can be seen in the United Nations (UN) General Assembly's (GA) first resolution adopted in 1946.[332] In 1948, the Commission on Conventional Armaments defined WMDs as "atomic explosive weapons, radioactive material weapons, lethal chemical and biological weapons, and any weapons developed in the future which have characteristics comparable in destructive effect to those of the atomic bomb or other weapons mentioned above."[333]

WMDs have the potential to kill millions of civilians, harm the environment, and deeply change the world and lives of future generations. The advancement of technology in the 21st century has factored into increasing the WMD threat; for example, the modernization of biotechnology intensifies the potential threat of biological warfare.[334] Nuclear-weapon states, particularly the United States and Russia, continue to modernize their nuclear arsenals and delivery systems despite efforts to control WMDs.[335] Non-state actors (NSAs) also play a key role in the WMD threat, as they have shown they have the means to acquire and use WMDs.[336] Given the reality of these threats, it is necessary that the General Assembly First Committee and the international community work cooperatively towards controlling the use of, as well as the development, possession, and stockpiling of WMDs.[337]

International and Regional Framework

The first attempt at controlling WMDs was the *Hague Convention of 1889*, which banned the use of "poison or poisoned weapons" and "projectiles" with the purpose of releasing harmful gasses.[338] The *Second Hague Convention of 1907* reaffirmed these pledges, though neither of these agreements included implementation mechanisms.[339] The *1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare,* which entered into force in 1928, banned the use of chemical and biological weapons during warfare.[340] The General Assembly has since adopted several resolutions intended to uphold the authority of the 1925 Geneva Protocol.[341] The GA's first resolution, resolution 1(I), on the "establishment of a commission to deal with the problems raised by the discovery of atomic energy," established a commission aimed at eradicating atomic weapons from state weaponries.[342] The Geneva Conventions and the Additional Protocols, adopted in 1949, aim to prevent the use of inhumane weapons and indiscriminate treatment to soldiers and civilians in times of warfare.[343]

Since these initial frameworks, several international treaties have also been established to control WMDs. The *Treaty on the Non-Proliferation of Nuclear Weapons* (NPT), which came into force in 1970, is aimed at preventing the spread of nuclear weapons, and gives five states, known as the Nuclear Weapons States (NWS), the ability to possess nuclear weapons: China, France, Russia, the United Kingdom, and the United States.[344] Although the treaty

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[331] UN DPI, *'There are no Right Hands that can Handle These Wrong Weapons, 'Secretary-General says of Mass Destruction Weapons, at 1540 Event, Urging Their Elimination (SG/SM/14968-DC/3432),* 2013.

[332] UN General Assembly, *Establishment of a Commission to Deal with the Problems Raised by the Discovery of Atomic Energy (A/RESs/1/1),* 1946.

[333] Carus, *Defining Weapons of Mass Destruction*, 2012, p. 5.

[334] Younger, *Nuclear Weapons in the Twenty-First Century*, 2000; Graham & Talent, *Prevention of WMD Proliferation and Terrorism Report Card*, 2010, p. 2.

[335] Miasnikov, *Modernization and "Zero:" Compatible Tendencies*, 2015.

[336] Graham & Talent, *Prevention of WMD Proliferation and Terrorism Report Card*, 2010, p. 2.

[337] Sidel & Levy, *Proliferation of Nuclear Weapons: Opportunities for Control and Abolition*, 2007, p. 1589.

[338] Kort, *Weapons of Mass Destruction*, 2010, p. 22.

[339] Ibid.

[340] UNODA, *1925 Geneva Protocol*, 2015.

[341] Ibid.

[342] UN General Assembly, *Establishment of a Commission to Deal with the Problems Raised by the Discovery of Atomic Energy (A/Res/1/1)*, 1946.

[343] International Committee of the Red Cross, *The Geneva Conventions of 1949 and their Additional Protocols: Overview*, 2010.

[344] UN General Assembly, *Treaty on the Non-Proliferation of Nuclear Weapons (A/RES/2373 (XXII)),* 1968.

legitimizes the nuclear arsenals of the five NWS, Article VI of the NPT prohibits them from building and maintaining these weapons "in perpetuity."[345] Aside from the five NWS, India, Pakistan, and Israel are known to be in possession of nuclear arsenals, while Iran, Syria, and the Democratic People's Republic of Korea (DPRK) are alleged to possess nuclear stockpiles.[346] India, Israel, and Pakistan are not parties to the NPT.[347]

Regarding chemical weapons, the *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction* (CWC) (1997) bans states from producing, stockpiling, or using chemical weapons, and includes a classification system to distinguish three classes of chemical weapons.[348] The CWC is the main multilateral disarmament covenant that "provides for the elimination of an entire category of WMDs under universally applied international control."[349] Claims that various countries possess chemical stockpiles has amplified concerns and brought the use of chemical weapons into the international security spotlight.[350]

Concerning biological weapons, the *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BWC)* (1975), prohibits the development, stockpiling, or use of disease-causing organisms or toxins that are detrimental to humans, animals or plants.[351] The BWC also requires that States Parties destroy or "divert to peaceful purposes" their biological weapons and delivery systems within nine months of the treaty's entry into force.[352] Despite this effort, allegations have surfaced in recent years that various states parties, including Russia and the United States, have violated the BWC.[353]

The UN Security Council adopted resolution 1540 in 2004, which declares WMD proliferation to be a threat to global security, and prevents states from assisting NSAs in the proliferation of WMDs and their delivery systems.[354] The resolution also created the 1540 Committee, which is comprised of the five permanent UN Security Council members and ten non-permanent members, to monitor the implementation process of resolution 1540.[355] The work of the 1540 Committee has focused on communicating why the implementation process is important and in "facilitating the provision of assistance."[356]

Regional initiatives also exist to control WMDs, primarily through the establishment of nuclear-weapon free zones (NWFZs).[357] The General Assembly considers an NWFZ as a group of states in a zone that has established, through a treaty or convention, where there is a prohibition on nuclear weapons within the zone, as well as verification mechanisms to ensure adherence to the statute or treaty.[358] NWFZs have been established in Latin America, the South Pacific, Southeast Asia, Africa, and Central Asia.[359] In addition to these zones, GA resolution 55/33 of 2001 recognizes Mongolia's nuclear-weapon-free status, which is self-declared.[360] Further, the Antarctic Treaty bans the military use of Antarctica, maintaining that Antarctica is only to be used for "peaceful purposes."[361]

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[345] Arms Control Association, *Nuclear Weapons: Who Has What At A Glance*, 2015.
[346] Ibid.
[347] Ibid.
[348] OPCW, *Chemical Weapons Convention*.
[349] UNODA, *Chemical Weapons*, 2015.
[350] Arms Control Association, *Chemical and Biological Weapons Status at a Glance*, 2014.
[351] UN General Assembly, *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (A/RES/2826 (XXVI)),* 1971.
[352] UNODA, *The Biological Weapons Convention*, 2015.
[353] Arms Control Association, *The Biological Weapons Convention (BWC) At a Glance*, 2012.
[354] Heupel, *Surmounting the Obstacles to Implementing UN Security Council Resolution 1540*, 2008, p. 95; UNODA, *Disarmament in the Security Council,* 2015.
[355] Heupel, *Surmounting the Obstacles to Implementing UN Security Council Resolution 1540*, 2008, p. 96.
[356] Ibid.
[357] UNODA, *Nuclear-Weapon-Free Zones*, 2015.
[358] Ibid.
[359] Arms Control Association, *Nuclear-Weapon-Free Zones (NWFZ) At a Glance*, 2015.
[360] UN General Assembly, *Mongolia's International Security and Nuclear-Weapon-Free Status (A/RES/55/33)*, 2001.
[361] UNODA, *Antarctic Treaty*, 2015.

Role of the International System

The UN System

The GA First Committee is the primary UN body that deals with issues of WMD disarmament and adopts resolutions and decisions pertaining to disarmament and WMDs annually.[362] The recurrence of the WMD issue on the First Committee's agenda exemplifies the importance WMDs pose to international security as well as the Committee's responsibility to address the issue.[363] One of the First Committee's highlights was in 1959 when resolution 1378 (XIV) on General and Complete Disarmament was co-sponsored by all Member States at the time.[364] Nuclear non-proliferation was the primary concern of the First Committee during the sixty-ninth session, with the issue being the subject of the highest number of adopted resolutions by the GA on the Committees' recommendation.[365] Further, on the recommendation of the First Committee, the GA adopted a resolution urging States Parties to the CWC to fulfill their implementation obligations to the Organisation for the Prohibition of Chemical Weapons (OPCW), and taking a recorded vote urging continued cooperation between the OPCW and Syrian authorities.[366] The First Committee is limited in its scope of work, as the opportunity for united action is hindered by the challenge of creating consensus, which in some cases has resulted in repetitive resolutions without significant progress.[367]

The UN Office for Disarmament Affairs (UNODA) serves as one of the key support and research bodies that works to strengthen disarmament regimes and promote non-proliferation.[368] In addition to serving as an information hub for stakeholders on multilateral disarmament issues, UNODA fosters dialogue and implements confidence-building measures to support practical disarmament activities.[369] UNODA works in collaboration with various organizations, including the United Nations Disarmament Commission (UNDC) and the Conference on Disarmament (CD).[370] The UNDC, a deliberative body established in 1978 as a subsidiary group of the GA with a broad mandate to make recommendations on disarmament, focuses on two disarmament issues per session, one of which is always dedicated to nuclear disarmament.[371] In addition, the CD, which is limited to 65 Member States, represents the sole "multilateral disarmament negotiating forum" in the international community, has a more specific focus on ending the nuclear arms race, nuclear proliferation, preventing a nuclear war, WMDs, and new delivery systems of WMDs.[372] In its most recent session, the CD did not adopt a programme of work due to formal objections from Pakistan, as well as agitation from a number of other Member States.[373] The failure to move forward on action items puts the conference's effectiveness at risk, and has serious implications for disarmament in the international community, possibly forcing Member States to look elsewhere for a productive multilateral forum on disarmament.[374]

The WMD treaties are supported by various international organizations, responsible for overseeing provisions and monitoring of the treaties. The International Atomic Energy Agency (IAEA) is responsible for ensuring state compliance with the NPT and implementing safeguards, while also promoting the safe application of nuclear technology for development purposes.[375] According to Article 3 of the NPT, each non-NWS must have an

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[362] UN General Assembly, *Disarmament and International Security*.

[363] UN General Assembly, *Allocation of Agenda Items to the First Committee (A/C.1/70/1)*, 2015.

[364] UN General Assembly, *Disarmament and International Security*.

[365] UN DPI, *General Assembly Adopts 63 Drafts on First Committee's Recommendation with Nuclear Disarmament at Core of Several Recorded Votes (GA/11593),* 2014.

[366] Ibid.

[367] Reaching Critical Will, *UN General Assembly First Committee,* 2015.

[368] UNODA, *About Us*, 2015.

[369] Ibid.

[370] Ibid.

[371] UNODA, *United Nations Disarmament Commission*, 2015.

[372] UN Office at Geneva, *An Introduction to the Conference*, 2009.

[373] Reaching Critical Will, *CD Fails to Adopt a Programme of Work for its 2015 Session*, 2015.

[374] Reaching Critical Will, Conference on Disarmament, 2015; UN General Assembly, *Introductory Remarks at the Follow-up to the High-Level Meeting on Revitalizing the Work of the Conference on Disarmament and Taking Forward Multilateral Disarmament Negotiations,* 2011.

[375] IAEA, *Key Roles*, 2014.

agreement with the IAEA that allows it to verify compliance of non-proliferation.[376] The IAEA has had non-compliance issues with the DPRK, Syria, and Iran.[377] The OPCW is an independent international organization working in cooperation with the UN, and is responsible for implementing the CWC, including the destruction of chemical weapons stocks and fostering international cooperation on the issue.[378] The OPCW has faced issues of non-compliance from Iraq, Libya, Syria, and the DPRK.[379] Until 2006, the BWC did not have an international organization dedicated to its implementation.[380] The Sixth Review Conference of the BWC resulted in the creation of the Implementation Support Unit, which reports to the UNODA and ensures adherence to the provisions of the Convention.[381]

Regional Organizations
Regional organizations, such as the Organization for Security and Cooperation in Europe (OSCE) and the North Atlantic Treaty Organization (NATO) are important in dealing with disarmament issues.[382] The OSCE, made of 57 Member States from North America, Europe, and Asia, contributes to efforts to control WMDs by developing norms and principles addressing non-proliferation, and assists states in establishing action plans tailored towards non-proliferation.[383] Another important organization is NATO, which uses its political agenda for promoting disarmament and non-proliferation, and also works towards improving preparedness in response to the use of WMDs amongst NATO Allies.[384]

Civil Society
Civil society plays a critical role in promoting public awareness, providing research on WMDs and highlighting the dangers of WMDs through non-governmental organizations (NGOs) and intergovernmental organizations (IGOs).[385] Such NGOs and IGOs include the Arms Control Association, the International Campaign to Abolish Nuclear Weapons (ICAN), and Reaching Critical Will, among others.[386] Several organizations, such as Arms Control Association and Reaching Critical Will, report on the progress of various disarmament processes, including those of WMDs.[387] ICAN is a universal campaign working towards mobilization action and pressuring governments towards developing a complete ban on nuclear weapons.[388]

Combatting WMD Proliferation and Working towards Disarmament

As nuclear weapons are the only WMD not yet legally prohibited, civil society and states continue to push for an international ban treaty.[389] While the NWS have a commitment to disarmament under the NPT, they continue to modernize rather than eliminate their nuclear arsenals.[390] The humanitarian consequences of nuclear weapons have also been critical in discussions among governments and international organizations on advancing nuclear disarmament.[391] The Humanitarian Pledge that invites states to close the legal gap for the abolition of nuclear weapons was issued by Austria in 2014 and is now endorsed by more than 120 states.[392]

Safeguards and Monitoring
The IAEA and OPCW serve crucial roles in the implementation of international safeguards for WMDs, yet limitations exist in each treaty. IAEA safeguards lapse if a State Party leaves the NPT, meaning the state may

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[376] IAEA, *Key Roles*, 2014.
[377] Varjoranta, *Meeting Safeguards Challenges*, 2015.
[378] OPCW, *About OPCW*.
[379] Arms Control Association, *The Chemical Weapons Convention: Has it Enhanced US Security*, 2001.
[380] UNODA, *The Biological Weapons Convention*, 2015.
[381] UN Office at Geneva, *Implementation Support Unit*.
[382] UNIDR, *Implementing Resolution 1540: The role of regional organizations*, 2008.
[383] OSCE, *Who We Are*, 2015; OSCE, *Forum for Security Cooperation*, 2015; OSCE, *Non-Proliferation of Weapons of Mass Destruction*, 2015.
[384] NATO, *Weapons of Mass Destruction*, 2015.
[385] Johnson, *Conference on Disarmament: Experts, Advocates and Partners: Civil Society and the Conference on Disarmament*, 2011.
[386] Ibid.
[387] Ibid.
[388] International Campaign to Abolish Nuclear Weapons, *Campaign Overview*.
[389] International Campaign to Abolish Nuclear Weapons, *The Case for a Ban Treaty*.
[390] International Campaign to Abolish Nuclear Weapons, *Nuclear Arsenals*, 2015.
[391] International Campaign to Abolish Nuclear Weapons, *The Case for a Ban Treaty*.
[392] International Campaign to Abolish Nuclear Weapons, *Humanitarian Pledge*, 2015.

produce nuclear weapons with previously safeguarded nuclear materials and facilities without violating an international treaty.[393] To this end, it has been suggested that a legal requirement for irreversible safeguards to remain in force following a states' withdrawal be created to prevent this from occurring, like in the instance of the DPRK's withdrawal from the NPT in 2003.[394] One of the key limitations in the implementation of safeguard procedures is that they are solely based on state declarations; the IAEA does not have the power to freely investigate nuclear weapons programs or to request access to information obtained by other states.[395] Where information has been obtained by other states, it remains unclear whether the IAEA is allowed to use the information delivered as a reason to investigate under existing safeguards procedures.[396]

On chemical weapons control, the OPCW sets timelines for states to destroy their chemical weapons, inspects former chemical weapons production facilities to guarantee they are shut down or transformed for peaceful use, and monitors the destruction of chemical weapons.[397] While IAEA safeguards do not allow third states the right to prompt verification measures, under the CWC, states are permitted to use the OPCW to trigger verification measures if they are doubtful of other states' adherence to the CWC.[398] This gives states the ability to impact the OPCW's mandate, and thus to impact chemical weapons control.[399]

Controlling WMDs through Delivery Systems
A crucial part of controlling WMDs is the non-proliferation of delivery systems. Delivery systems include low-technology approaches, such as artillery, boats, or trucks, as well as advanced methods such as cruise missiles, ballistic missiles, and combat aircraft.[400] Over 30 countries currently have ballistic or cruise missile-producing capabilities.[401] Delivery systems are widely traded internationally as there is currently no binding treaty in effect that controls their proliferation.[402] While Security Council resolution 1540 recognizes the threat of WMD delivery systems to international security, it does not have specific provisions which ban the proliferation of delivery systems.[403] One example of a regional attempt to control delivery systems is the Missile Technology Control Regime (MTCR), a voluntary association established by the U.S. and several other Western states to regulate the sale of ballistic or cruise missiles.[404] The creation of the MTCR shows an awareness amongst Member States in recognizing that further action must be taken on the proliferation of delivery systems, but the lack of enforcement mechanisms illustrates clear gaps and loopholes in creating international legally binding obligations.[405] The only countries at present that have made efforts in controlling delivery systems are the U.S. and Russia, who are also the two major missile producers and owners, through the ratification of the Intermediate-range Nuclear Forces Treaty (INF) and unilateral declarations on a reduction of their nuclear arsenals since the end of the cold war.[406] The GA has adopted several resolutions on the issue, including resolution 55/33 of 2001 and resolution 69/440 of 2014, which encourage the non-proliferation of ballistic missiles through adoption of the *Hague Code of Conduct against Ballistic Missile Proliferation* (HCOC).[407] The HCOC is a confidence-building tool aimed at regulating ballistic missiles capable of carrying WMDs, though is not legally binding on Member States.[408]

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[393] Goldschmidt, *Securing Irreversible IAEA Safeguards to Close the Next NPT Loophole,* 2015.

[394] Ibid.

[395] Lohmann, *The Law of IAEA Safeguards: A Framework for the Legal Problems of Chemical Weapons Verification*, 1998, p. 103.

[396] Ibid., p. 104.

[397] OPCW, *Destruction of Chemical Weapons*, 2013.

[398] Lohmann, *The Law of IAEA Safeguards: A Framework for the Legal Problems of Chemical Weapons Verification*, 1998, p. 103.

[399] Ibid.

[400] Nuclear Threat Initiative, *Understanding Delivery Systems, 2015.*

[401] Ibid.

[402] Federation of American Scientists, *The Proliferation of Delivery Systems*, p. 198; Nuclear Threat Initiative, *Understanding Delivery Systems, 2015.*

[403] UN Security Council, *Resolution 1540 (S/RES/1540),* 2004.

[404] Federation of American Scientists, *The Proliferation of Delivery Systems*, p. 199; Trezza, *Controlling Proliferation of WMD Delivery Means: Necessary Next Steps*, 2013.

[405] Missile Technology Control Regime, *Frequently Asked Questions.*

[406] Trezza, *Controlling Proliferation of WMD Delivery Means: Necessary Next Steps*, 2013.

[407] UN General Assembly, *Mongolia's International Security and Nuclear-Weapon-Free Status (A/RES/55/33)*, 2001; UN General Assembly, *The Hague Code of Conduct against Ballistic Missile Proliferation (A/RES/69/440),* 2014.

[408] The Hague Code of Conduct, *The Hague Code of Conduct Against Ballistic Missile Proliferation (HCOC)*, 2015.

Use of WMDs by State Actors

India, Pakistan, and Israel are the only states known to possess nuclear weapons other than the five NWS.[409] There has been progress in international disarmament, including South Africa abolishing its nuclear weapons program in 1989 and Belarus, Kazakhstan, and Ukraine transferring their nuclear stockpiles to Russia following the fall of the Soviet Union.[410] A number of states are also believed to be in possession of chemical and biological weapons, particularly Israel, Syria, and the DPRK, while the U.S. and Russia are presently in the process of destroying their chemical weapons stockpiles.[411] Syria is accused of using chemical weapons in its ongoing civil war, and is alleged to have over 1,000 tonnes of chemical agents and precursor chemicals.[412] Unlike nuclear and chemical weapons, biological weapons have rarely been used by states in warfare, except for research purposes.

Non-State Actors and Use of WMDs

One of the biggest security risks within the issue of WMD control is the access to, and use of WMDs by NSAs; NSAs have used WMDs successfully in the past.[413] The use of chemical weapons by NSAs is a serious concern because of a lack of any enforceable monitoring mechanisms or incentives towards disarmament, which multiplies the danger posed to civilians.[414] The OPCW's safeguarding mechanisms were not designed to fight the use of toxic materials by NSAs.[415] International law offers few mechanisms to ensure non-state actors comply with "humanitarian norms," and when monitoring and verification mechanisms do appear in multilateral treaties they are weak and not implemented.[416] Safeguarding mechanisms and controlling chemicals in states with unstable regimes is difficult and new approaches are needed to deal with the problems chemical weapons pose to international safeguarding efforts.[417]

The most significant example of international action on preventing NSAs from obtaining and using WMDs is Security Council resolution 1540.[418] Implementation of the resolution has faced obstacles, including weakness in its capacity, the lack of political will from states to make implementation a priority, and the absence of a link between disarmament and non-proliferation.[419] The GA also passed resolution 67/44 in 2013, outlining measures to prevent terrorists from acquiring WMDs.[420] Aside from these measures, the majority of international action against NSA acquisition and possession of WMDs is illustrated in the form of counter-terrorism measures and committees, including the UN Global Counter-Terrorism Strategy and the Counter-Terrorism Implementation Task Force (CTITF).[421] The CTITF Working Group on Preventing and Responding to WMD Attacks developed a plan to analyze the response system of the international community as well as the level of coordination involved in the case of a WMD attack.[422]

WMDs in the Middle East

The proliferation and use of WMDs in the Middle East is a concern to global security and has led the international community to continually try to establish a Middle East NWFZ.[423] The GA first endorsed the proposition for a NWFZ in the Middle East in 1974 in resolution 3263(XXIX) and has continued incorporating the creation of a

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[409] Arms Control Association, *Nuclear Weapons: Who Has What at a Glance*, 2015.

[410] Nuclear Threat Initiative, *Understanding Delivery Systems, 2015.*

[411] Arms Control Association, *Chemical and Biological Weapons Status at a Glance*, 2014.

[412] *Syria's Chemical Weapons Stockpile*, BBC News, 2014.

[413] Delhi Policy Group, *Weapons of Mass Destruction: State and Non-State Actors*, 2013, p. 1.

[414] OPCW, *Director General Concerned Over Alleged Chemical Weapons Use in Iraq*, 2015.

[415] Chowdhury Fink, *Meeting the Challenge: A Guide to the United Nations Counterterrorism Activities*, 2012, p. 107.

[416] Bongard & Somer, *Monitoring Armed Non-State Actor Compliance with Humanitarian Norms: A look at International Mechanisms and the Geneva Call Deed of Commitment*, 2011, p. 673.

[417] Kibaroglu, *Dealing with the Threat Posed by Non-State Armed Groups Aspiring to Weapons of Mass Destruction*, 2008, pp. 39-40; Oppenheimer, *The Threat of Chemical Weapons: Use by Non-State Actors*, 2008.

[418] UN 1540 Committee, *United Nations Security Council Resolution 1540 (2004)*, 2015.

[419] Heupel, *Surmounting the Obstacles to Implementing UN Security Resolution 1540*, 2008, p. 96.

[420] UN General Assembly, *Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction (A/RES/67/44),* 2013.

[421] UN DPI, *United Nations Action to Counter Terrorism*, 2015.

[422] UN CTITF, *Working Group on Preventing and Responding to WMD Terrorist Attacks.*

[423] Amini, *Weapons of Mass Destruction in the Middle East*, 2003.

Middle East NWFZ in resolutions annually since the 1980s, the most recent being resolution 69/29 of 2014.[424] The First Committee also adopted a draft resolution in its 70th session on the issue.[425] Further, the IAEA adopted a resolution urging Member States in the Middle East to allow the application of safeguards in order to move closer towards a NWFZ in the region.[426] States Parties to the NPT addressed NWFZs and safeguards at the 2015 NPT Review Conference.[427] However, the final draft document of the 2015 Conference was not supported by the United States, the United Kingdom, and Canada, and was therefore not adopted due to lack of consensus.[428] The inability to reach consensus is a setback for disarmament and reflects the discrepancies and shortfalls of global non-proliferation and disarmament.[429]

Syrian Chemical Weapons
The use of sarin gas against civilians in 2013 during the Syrian conflict shed light on the dangers of Syria's chemical weapons stockpiles.[430] Following the attack, Bashar al-Assad recognized Syria's accession to the CWC and Syria submitted a declaration of its chemical weapons stockpile to the OPCW.[431] Destruction has been ongoing since October 2013.[432] However, implementation of the resolution has faced challenges, such as a lack of trust and skepticism over Syria's commitment to the process.[433] The mutual mistrust between Syria and external powers gives way for flaws in the verification process.[434] The wording of the resolution has not only led to geopolitical disputes, but has also left room for interpretation, specifically when discussing the use of force if Syria fails to comply with the resolution.[435]

Israel and Iran WMDs, and Potential Security Impacts
Israel's nuclear program was developed in the 1950s as a means to deter aggression from states within the region; however, to date Israel has avoided declaring its nuclear weapons stockpile and capabilities as well as accepting IAEA safeguards.[436] Israel's "nuclear opacity" has provided Israel with nuclear deterrence, granting it ability to defend against threats without political obstacles of having nuclear weapons.[437] Israel's nuclear opacity conflicts with the global nuclear disarmament agenda as well as regional disarmament efforts, in particular when it comes to creating a NWFZ in the Middle East.[438] Arab states have held the stance that peace in the Middle East will only be achieved when Israel renounces its right to possess nuclear weapons.[439] For Israel, peace in the region is a precondition to a NWFZ.[440] Israel has also refused to ratify the CWC until the region is more involved in implementing the treaty; many have questioned Israel's refusal to ratify the treaty after Syria's accession to it in 2013.[441] This has resulted in a stalemate in the region on creating a NWFZ, as neither Israel nor the Arab states will concede their conditions.

Iran, a non-NWS party to the NPT since 1970, possesses an advanced nuclear program it declares to be peaceful.[442] Since Iran failed to report parts of the program to the IAEA, concerns were raised about Iran's intentions in acquiring nuclear weapons.[443] The P5+1 states have been negotiating a settlement with Iran to resolve concerns, and

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[424] UN General Assembly, *Establishment of a Nuclear-Weapon-Free Zone in the Region of the Middle East (A/RES/3263(XXIX))*, 1974; Christiansen & Plesch, *Disarmament Education and Epistemic Community: A Weapons of Mass Destruction-Free Zone in the Middle East*, 2010; UN General Assembly, *Establishment of a nuclear-weapon-free zone in the region of the Middle East (A/RES/69/29)*, 2014.
[425] UN General Assembly, *Establishment of a Nuclear-Weapon-Free Zone in the Region of the Middle East (A/C.1/70/L.1)*, 2015.
[426] IAEA, *Applications of IAEA Safeguards in the Middle East (GC(56)/RES/15)*, 2012.
[427] Arms Control Association, *WMD-Free Middle East Proposal at a Glance*, 2015.
[428] Ibid.
[429] Jaramillo, *NPT Review Conference: No Outcome Document Better than a Weak One*, 2015.
[430] Arms Control Association, *Timeline of Syrian Chemical Weapons Activity*, 2015.
[431] Ibid.
[432] UN Security Council, *Middle East (S/RES/2118(2013)*, 2013.
[433] Yoon & Gaoutte, *Syria Chemical-Arms Resolution Passes UN Security Council*, 2013.
[434] *International: Syrian Chemical Weapons Remain a Threat*, Oxford Analytica Daily Brief Service, 2014.
[435] Lehmann, *Critical Review of Security Council Resolution 2118 (2013) on Syria*, 2013.
[436] Nuclear Threat Initiative, *Israel: Nuclear*, 2014; Nuclear Threat Initiative, *Israel: Missile*, 2013.
[437] Cohen & Miller, *Bringing Israel's Bomb Out of the Basement*, 2010.
[438] Ibid.
[439] Nuclear Threat Initiative, *Iran: Overview*, 2015.
[440] Cohen, *Israel's Nuclear Future: Iran, Opacity, and the Vision of Global Zero*, 2010.
[441] Nuclear Threat Initiative, *Israel: Chemical*, 2015.
[442] Nuclear Threat Initiative, *Iran: Nuclear*, 2015.
[443] Ibid.

a deal that restricts Iran's nuclear capability was reached in July 2015.[444] The nuclear deal with Iran impacts nuclear proliferation in that it could potentially result in regional peace, which is Israel's precondition for a NWFZ.[445] Yet, there are also concerns that the deal could give way to a nuclear arms race in the Middle East.[446]

Conclusion

While significant progress has been made in controlling WMDs since their creation, this issue continues to pose a serious threat to international peace and security. The advancement in technologies has significantly added to this threat, creating more avenues for states and NSAs to develop and transfer WMDs and their delivery systems. The threat of NSAs possessing and using WMDs is especially concerning, given they are less concerned with the international repercussions of WMDs. It is important the international system work towards establishing a NWFZ in the Middle East, as the potential of a nuclear war in the region is especially concerning to global peace and security. With cooperation and diligence, the international community, specifically the First Committee, has the ability to prevent the horrific humanitarian consequences of WMDs, extend safeguards and monitoring mechanisms to include NSAs, and develop a ban on nuclear weapons to achieve global disarmament.

Further Research

Looking forward, delegates are encouraged to consider the following questions: What can be done to establish a treaty prohibiting the development, stockpiling, and use of nuclear weapons? How can the international community develop safeguarding mechanisms for dealing with non-state actors? What steps are necessary in encouraging cooperation between Arab states, particularly in the creation of a NWFZ in the region (i.e. addressing Israel's nuclear stockpile, the role of neighboring states, and promote implementation of resolution 2118)? Keeping in mind the sovereignty of Member States, what can the First Committee do to promote the implementation of the WMD treaties? Delegates should keep in mind the roles of NGOs and regional bodies. Considering these questions will assist delegates in the course of their research and towards developing viable solutions for weapons of mass destruction.

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[444] Nuclear Threat Initiative, *Iran: Nuclear,* 2015.
[445] Mohseni, *Iran and the Arab World after the Nuclear Deal: Rivalry and Engagement in a New Era*, 2015.
[446] Ibid.

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> *This journal article provides delegates with a resource on Israel's nuclear weapons stockpile, and more specifically on the influence Iran's nuclear program has on its nuclear policy. Israel, which has adopted a policy of "nuclear opacity," is a key player in the establishment of a NWFZ in the Middle East. The article is useful for delegates wishing to gain knowledge on Israel and Iran's nuclear programs and understand the complexities in establishing solutions within the region.*

Delhi Policy Group. (2013). *Weapons of Mass Destruction: State and Non-State Actors*. Retrieved 18 August 2015 from: http://www.delhipolicygroup.com/uploads/publication_file/1040_WMD-Brief.pdf
> *This issue brief by the Delhi Policy Group looks at states and non-state actors in regards to WMDs. The brief provides insight into the progress made by international measures taken to promote non-proliferation. It also highlights the recent threat that has arisen: non-state actors possessing WMDs. It is useful as it provides recommendations for what can be done next to reach complete non-proliferation by both states and non-state actors.*

Federation of American Scientists. (n.d.). *The Proliferation of Delivery Systems*. Retrieved 17 August 2015 from: http://fas.org/spp/starwars/ota/934407.pdf
> *This report by the Federation of American Scientists outlines delivery systems of WMDs, specifically focusing on advanced delivery systems. The proliferation of delivery systems is key to the proliferation of WMDs, as it would prevent WMDs from being transferred from one actor to another. This report examines the availability of delivery systems, the technological barriers to proliferation of delivery systems, and the effectiveness of different types of delivery systems. Delegates should use this resource to gain an understanding of delivery systems and the importance they pose to controlling the spread of WMDs.*

Goldschmidt, P. (2015, March 2). Securing Irreversible IAEA Safeguards to Close the Next NPT Loophole. *Arms Control Today*. Retrieved 19 September 2015 from: https://www.armscontrol.org/ACT/2015_03/Features/Securing-Irreversible-IAEA-Safeguards-to-Close-the-Next-NPT-Loophole
> *This article focuses on loopholes in IAEA safeguards mechanism, specifically the lack of a provision discussing irreversible safeguards in the case a state leaves the NPT. The author highlights previous attempts at targeting and fixing this issue, offers suggestions on what can be done to close the loophole, and notes possible objections states may have to addressing this. Delegates should familiarize themselves with this article, as IAEA safeguards are a crucial aspect in not only the NPT, but in achieving global disarmament of nuclear weapons.*

Heupel, M. (2008). Surmounting the Obstacles to Implementing UN Security Resolution 1540. *Nonproliferation Review,* 15(1): 95-102. Retrieved 18 September 2015 from: http://www.tandfonline.com/doi/pdf/10.1080/10736700701852936
> *Resolution 1540 is the international framework that provides broad non-proliferation commitments for states; it is also dedicated to preventing the proliferation of WMDs and their delivery systems by non-state actors. This article examines the shortfalls of the resolution's implementation while focusing on the role of the 1540 Committee and non-state actors. The article also provides recommendations on ways to efficiently implement the provisions of the resolution. This is useful for delegates wishing to examine the effectiveness of the resolution and the 1540 Committee regarding WMD non-proliferation.*

International Campaign to Abolish Nuclear Weapons. (n.d.). *The Case for a Ban Treaty* [Website]. Retrieved 16 August 2015 from: http://www.icanw.org/why-a-ban/the-case-for-a-ban-treaty/
> *Given the legal anomaly associated with the proliferation of nuclear weapons versus chemical and biological weapons, the International Campaign to Abolish Nuclear Weapons is working towards establishing a global ban on nuclear weapons. The campaign aims to achieve an international version of a nuclear-weapon-free zone. The campaign provides recommendations for how a ban treaty can be achieved and how it would work. Delegates are encouraged to use this webpage as a starting point to on what a ban treaty would mean for states and how it can be achieved.*

Lohmann, T. (1998). The Law of IAEA Safeguards: A Framework for the Legal Problems of Chemical Weapons Verification. In M. Bothe, N. Ronzitti & A. Rosas (Eds.), *The New Chemical Weapons Convention: Implementation and Prospects* (pp. 79-118). Kluwer Law International.

> *This chapter compares IAEA safeguards with OPCW verification mechanisms, highlighting the actors and procedures involved in each. The legalities involved in the mechanisms of each institution are also discussed. Delegates should familiarize themselves with the strengths and weaknesses of the safeguarding and verification mechanisms, as this will be useful in drafting working papers.*

Mohseni, P. (2015). *Iran and the Arab World after the Nuclear Deal: Rivalry and Engagement in a New Era.* Belfer Center for Science and International Affairs. Retrieved 24 October 2015 from: http://belfercenter.ksg.harvard.edu/publication/25645/iran_and_the_arab_world_after_the_nuclear_deal.html

> *This report from the Belfer Center for Science and International Affairs offers delegates information about the Iran Nuclear Deal; particularly the impact the deal has on the Middle East. The publication includes a summary of the nuclear deal and conveys the analysis of Middle East experts. Delegates are encouraged to have an understanding of the deal and the potential impact it has on the region given that it is such a significant step in the non-proliferation agenda.*

United Nations Office for Disarmament Affairs. (2015). *Nuclear-Weapon-Free Zones* [Website]. Retrieved 13 August 2015 from: http://www.un.org/disarmament/WMD/Nuclear/NWFZ.shtml

> *This resource provides delegates with an overview of nuclear-weapon-free zones, notably a brief background on nuclear-weapon-free zones, guidelines for a nuclear-weapon-free zone, and treaties involved in nuclear-weapon-free zones. The steps taken by the UN to establish a nuclear-weapon-free zone in the Middle East are also highlighted on this website. Delegates can navigate through the website to find information on the General Assembly's role in disarmament, counter-terrorism strategies in relation to WMDs, etc. Delegates should consult this link to familiarize themselves with nuclear-weapon-free zones and WMD disarmament action being taken by the UN.*

United Nations Office for Disarmament Affairs. (2015). *United Nations Disarmament Commission* [Website]. Retrieved 18 August 2015 from: http://www.un.org/disarmament/HomePage/DisarmamentCommission/UNDiscom.shtml

> *This webpage brings to light the United Nations Disarmament Commission (UNDC), a subsidiary body of the UN that works to support disarmament. The UNDC provides the General Assembly with recommendations annually on disarmament issues. This website provides delegates with information on the past sessions of the UNDC, which includes statements by countries and groups, reports, and press releases. Delegates will find this useful in understanding the role of the UNDC and how it can serve as a forum for multilateral engagement on the topic.*

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