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## General Assembly First Committee Background Guide 2020

Written by: Tyler Goudal and Angelo J. Bechara, Directors  
Martina Paoletti and Ahmad Ali Azari, Assistant Directors



# NATIONAL MODEL UNITED NATIONS



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Dear Delegates,

Welcome to the 2020 National Model United Nations New York Conference (NMUN•NY)! We are pleased to introduce you to our committee, the General Assembly, First Committee (GA1). This year's staff is: Directors Tyler Goudal (Conference A) and Angelo Bechara (Conference B), and Assistant Directors Martina Paoletti (Conference A) and Ahmad Azari (Conference B). Tyler is completing a Master of Arts in Human Rights Studies from Columbia University and works in data analytics for the United Nations Secretariat. Angelo recently earned his Master of Arts degree in Middle East Studies and U.S. Foreign Policy from the George Washington University. Martina is currently enrolled in the final year of a Master's program in International and European Politics at Università Cattolica del Sacro Cuore in Milan. This is her second year on staff. Ahmad is currently enrolled in a Masters in International Affairs with a concentration in Diplomacy at Frederick Pardee School in Global Studies at Boston University. This is his first year in staff.

The topics under discussion for General Assembly First Committee are:

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

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

This Background Guide serves as an introduction to the topics for this committee. However, it is not intended to replace individual research. We encourage you to explore your Member State's policies in depth and use the Annotated Bibliography and Bibliography to further your knowledge on these topics. In preparation for the Conference, each delegation will submit a Position Paper by 11:59 p.m. (Eastern) on 1 March 2020 in accordance with the guidelines in the [Position Paper Guide](#) and the [NMUN•NY Position Papers](#) website.

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

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

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

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

Sincerely,

**Conference A**

Tyler Goudal, *Director*  
Martina Paoletti, *Assistant Director*

**Conference B**

Angelo J. Bechara, *Director*  
Ahmad Azari, *Assistant Director*

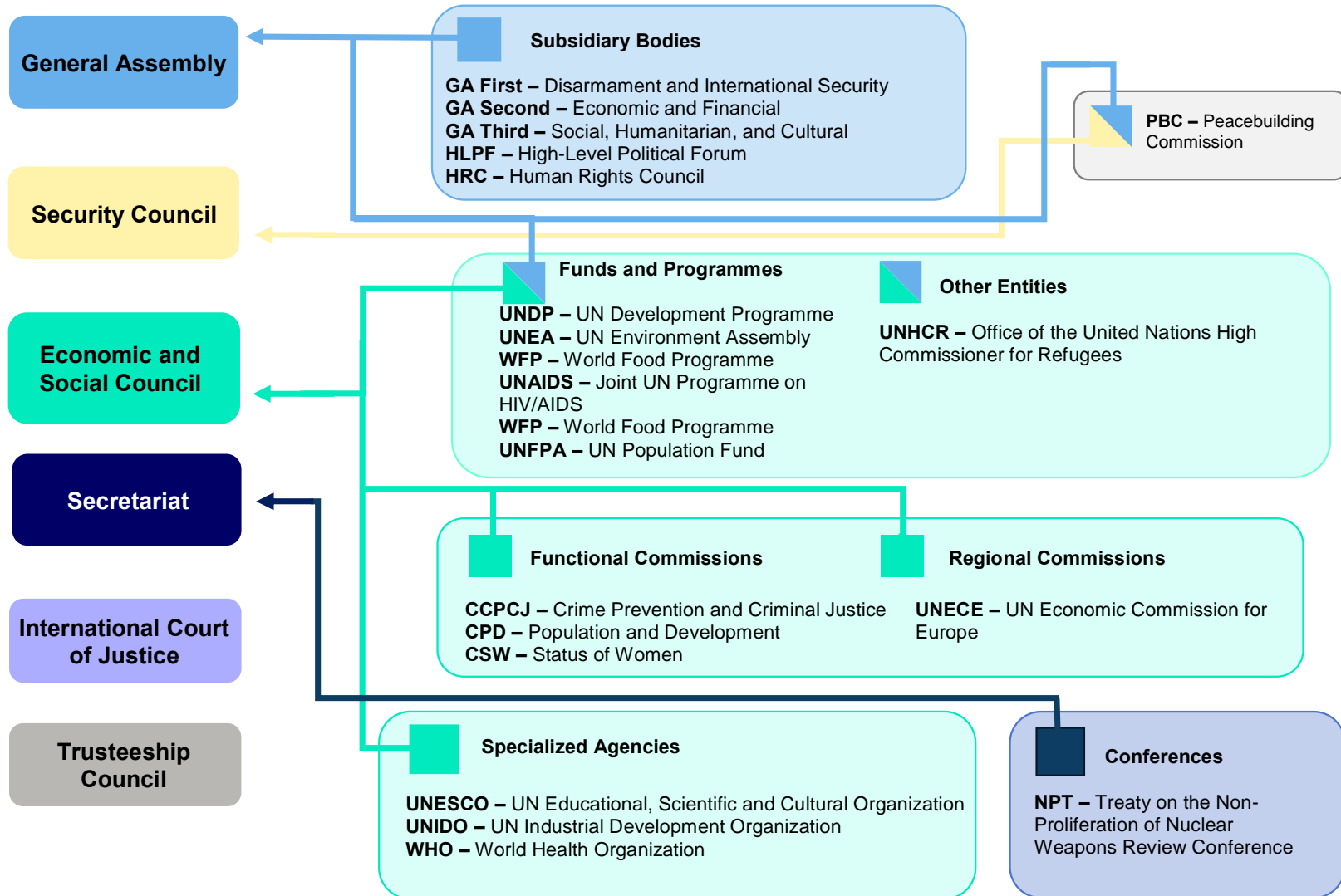


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## United Nations System at NMUN•NY

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



## Committee Overview

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

### Introduction

With universal membership, the United Nations (UN) General Assembly is the main deliberative and policymaking body of the UN.<sup>2</sup> The General Assembly is one of the six principal organs of the UN established by the *Charter of the United Nations* (1945).<sup>3</sup> The work of the General Assembly is undertaken in subsidiary committees, each of which debate and adopt draft resolutions on their particular topics and allocated agenda items.<sup>4</sup> The General Assembly First Committee considers matters related to disarmament and international security.<sup>5</sup> The first resolution adopted after the creation of the UN, which was on the topic of eliminating weapons of mass destruction, was submitted to the General Assembly Plenary by the First Committee.<sup>6</sup>

In 1978, the General Assembly held the first special session on disarmament and established the current UN disarmament machinery including: the Conference on Disarmament (CD), the international community’s multilateral negotiation forum on disarmament, and the second and current Disarmament Commission.<sup>7</sup> In 1980, the UN Institute for Disarmament Research was created to undertake independent research on questions related to disarmament.<sup>8</sup> Several other disarmament-related entities and organizations also report to the General Assembly through the First Committee, such as the regional centers on disarmament and the Comprehensive Nuclear-Test-Ban Treaty Organization.<sup>9</sup>

Historically, the General Assembly has adopted resolutions on key treaties to control weapons of mass destruction and conventional arms.<sup>10</sup> In 1959, General Assembly resolution 1378 (XIV) on “General and Complete Disarmament,” the first resolution sponsored by all Member States, stated that disarmament was the most important question facing the world at the time.<sup>11</sup> In 1968, General Assembly resolution 2373 (XXII) was adopted and requested that Member States sign and ratify the *Treaty on the Non-Proliferation of Nuclear Weapons* (1968).<sup>12</sup> In 1971 and 1980, the General Assembly adopted resolutions to commend the creation of the *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction* (1972) and the *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction* (1992).<sup>13</sup> The General Assembly has also adopted resolutions on conventional arms control treaties, such the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction* (1997), the *Arms Trade Treaty* (2013), and the *Convention on Cluster Munitions* (2008).<sup>14</sup> Most recently, during its Seventy-third session,

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<sup>1</sup> Executive Office of the Secretary-General, *Speech by Acting Secretary-General of the United Nations António Guterres on the Launch of the Disarmament Agenda at the University of Geneva on 24 May 2018*, in Geneva, 2018.

<sup>2</sup> UN General Assembly, *About the General Assembly*.

<sup>3</sup> *Charter of the United Nations*, 1945.

<sup>4</sup> UN General Assembly, *About the General Assembly*.

<sup>5</sup> UN General Assembly, *Disarmament and International Security (First Committee)*.

<sup>6</sup> UN General Assembly, *Establishment of A Commission to Deal with the Problems Raised by the Discovery of Atomic Energy (A/RES/1/(1))*, 1946; Gillis, *Disarmament: A Basic Guide Fourth Edition*, 2017.

<sup>7</sup> Gillis, *Disarmament: A Basic Guide Fourth Edition*, 2017.

<sup>8</sup> UN General Assembly, *Question of General and Complete Disarmament (A/RES/2602 E)*, 1969; *Resolutions and Decisions adopted by the General Assembly during its Tenth Special Session: 23 May – 30 June 1978 (S-10/2)*, 1978.

<sup>9</sup> Switzerland, *The PGA Handbook: A Practical Guide to the United Nations General Assembly*, 2017, p. 63.

<sup>10</sup> Gillis, *Disarmament: A Basic Guide Fourth Edition*, 2017.

<sup>11</sup> UN General Assembly, *General and Complete Disarmament (A/RES/1378 (XIV))*, 1959.

<sup>12</sup> UN Audiovisual Library of International Law, *Treaty on the Non-Proliferation of Nuclear Weapons*, 1968, 2012.

<sup>13</sup> Gillis, *Disarmament: A Basic Guide Fourth Edition*, 2017.

<sup>14</sup> *Ibid.*

six draft proposals were adopted by the First Committee that explicitly focus on regional disarmament in the Middle East, the role of information and telecommunications technology, and the illicit trade of small arms and light weapons.<sup>15</sup>

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

The General Assembly is comprised of all 193 UN Member States.<sup>16</sup> Observer status can also be granted to intergovernmental organizations and states without full UN membership.<sup>17</sup> During the Seventy-third session of the General Assembly, 102 intergovernmental organizations, and two non-Member States, the Holy See and the State of Palestine, were granted observer status.<sup>18</sup> In the General Assembly, each Member State has one equal vote.<sup>19</sup> Decisions on important matters require a two-thirds majority vote; such matters include the maintenance of international peace and security, the admission, suspension, and expulsion of Member States, and budgetary questions.<sup>20</sup> All other matters require a simple majority.<sup>21</sup> In 2018, 69% of resolutions were adopted without a vote, illustrating the consensus-based nature of the General Assembly.<sup>22</sup>

The First Committee receives substantive and organizational support from three entities: the General Committee, the United Nations Office for Disarmament Affairs (UNODA), and the Department for General Assembly and Conference Management (DGACM).<sup>23</sup> The General Committee is comprised of the President of the General Assembly, the 21 Vice-Presidents, and the Chairpersons of all six General Assembly Main Committees; all positions are elected every session on a non-renewable basis.<sup>24</sup> The General Committee's main duty is to determine the agenda of the General Assembly Plenary and the six Main Committees, and make recommendations on organizational issues.<sup>25</sup> After receiving a preliminary list of agenda items from the Secretariat, the General Committee allocates the different items to each Main Committee.<sup>26</sup> The First Committee then votes on its own agenda based on the allocated agenda items.<sup>27</sup> Within the Secretariat, UNODA provides "objective, impartial and up-to-date information on multilateral disarmament issues" and promotes the implementation of practical measures on nuclear disarmament and non-proliferation.<sup>28</sup> It further encourages norm-setting across the General Assembly, CD, and the United Nations Disarmament Commission (UNDC).<sup>29</sup> Additionally, the DGACM provides valuable technical Secretariat support and acts as the intersection between the General Assembly and the Economic and Social Council.<sup>30</sup>

The First Committee works in close cooperation with the CD and UNDC.<sup>31</sup> The CD is an independent entity that has a crucial role in addressing issues of disarmament as it is the only recognized "multilateral disarmament negotiating forum of the international community."<sup>32</sup> Unlike the CD, UNDC is a subsidiary

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<sup>15</sup> UN General Assembly, *List of Draft Proposals for the 73<sup>rd</sup> session*, 2019.

<sup>16</sup> *Charter of the United Nations*, 1945.

<sup>17</sup> UN DGC, *About Permanent Observers*; UN DGC, *Non-Member States*.

<sup>18</sup> UN General Assembly, *List of non-Member States, Entities and Organizations Having Received a Standing Invitation to Participate as Observers in the Sessions and Work of the General Assembly: Note by the Secretariat (A/INF/73/5)*, 2018.

<sup>19</sup> *Charter of the United Nations*, 1945, Art. 18.

<sup>20</sup> Switzerland, *The PGA Handbook: A Practical Guide to the United Nations General Assembly*, 2017, p. 54.

<sup>21</sup> *Ibid.*, p. 14.

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

<sup>23</sup> UN General Assembly, *Disarmament and International Security (First Committee)*.

<sup>24</sup> UN General Assembly, *General Committee*.

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*

<sup>28</sup> UN ODA, *About Us*.

<sup>29</sup> *Ibid.*

<sup>30</sup> UN DGACM, *Functions of the Department*, 2014.

<sup>31</sup> UN General Assembly, *Disarmament and International Security (First Committee)*.

<sup>32</sup> UN Office at Geneva, *An Introduction to the Conference*, 2009.

organ of the First Committee and is composed of all 193 Member States.<sup>33</sup> The mandate of UNDC is to provide recommendations on disarmament issues to the First Committee and follow-up on the implementation of adopted decisions.<sup>34</sup> Both CD and UNDC report either annually, or even more frequently, to the First Committee.<sup>35</sup> Additionally, civil society organizations have an important relationship with the General Assembly First Committee in providing alternative research and perspectives on disarmament issues; they are often invited to participate in committee sessions with observer status.<sup>36</sup>

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

The General Assembly and its six Main Committees are the center of the UN System and represent its main deliberative, policymaking, and representative organ.<sup>37</sup> Although decisions adopted by the General Assembly are non-binding, they are often adopted as customary international law and serve as international policy norms.<sup>38</sup> Article 11 of the Charter states that the General Assembly may consider principles of international peace and security, including disarmament.<sup>39</sup> The question of disarmament is organized into seven clusters: nuclear weapons; other weapons of mass destruction; disarmament aspects in outer space; conventional weapons; regional disarmament and security; the disarmament machinery; and other disarmament measures and security.<sup>40</sup> The General Assembly may address any issue within the scope of the Charter; however, it cannot “take decisions on international situations or disputes that the Security Council is considering.”<sup>41</sup> In turn, it is not within the mandate of the First Committee to address threats to international peace and security related to issues of disarmament.<sup>42</sup> Rather, the First Committee is mandated to act as a forum for dialogue and cooperation to provide recommendations for how the international community can address disarmament issues that may pose a threat to international peace and security.<sup>43</sup>

One of the key strategic objectives of the General Assembly is to synchronize similarities of agenda topics between the six Main Committees to provide the Plenary Committee with more succinct and robust information.<sup>44</sup> Therefore, all Main Committees have placed a greater emphasis on technology and information-sharing, both among the Main Committees themselves and further encouraging Member States to do so.<sup>45</sup> The General Committee holds the responsibility for coordinating information-sharing to address cross-cutting issues between the Main Committees.<sup>46</sup> Within this context, and related to the work of the First Committee, during the Seventy-third session, the General Assembly adopted resolution 73/6 that encourages “stronger international cooperation in peacefully using outer space to address long-term sustainable development concerns.”<sup>47</sup> This resolution, adopted without reference to a Main Committee, is an example of coordination and cooperation between Main Committees through Member States to address an issue that has security, economic, political, and development impacts that would historically

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<sup>33</sup> UN ODA, *United Nations Disarmament Commission*.

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

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

<sup>36</sup> Switzerland, *The PGA Handbook: A Practical Guide to the United Nations General Assembly*, 2017, p. 31.

<sup>37</sup> UN General Assembly, *Functions and Powers of the General Assembly*.

<sup>38</sup> UN General Assembly, *About the General Assembly*; Switzerland, *The PGA Handbook: A Practical Guide to the United Nations General Assembly*, 2017, p. 13.

<sup>39</sup> *Charter of the United Nations*, 1945.

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

<sup>41</sup> *Ibid.*, pp. 13, 63.

<sup>42</sup> *Charter of the United Nations*, 1945; Switzerland, *The PGA Handbook: A Practical Guide to the United Nations General Assembly*, 2017, p. 13.

<sup>43</sup> Nuclear Threat Initiative, *United Nations First Committee*, 2019.

<sup>44</sup> UN General Assembly, *Biennial Programme Plan and Priorities for the Period 2018-2019 (A/71/6/Rev.1)*, 2017.

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

<sup>46</sup> UN General Assembly, *General Committee*.

<sup>47</sup> UN DGC, *General Assembly Adopts Resolution Encouraging Stronger International Cooperation for Peacefully Using Outer Space to Drive Sustainable Development*, 2018; UN General Assembly, *Fiftieth Anniversary of the First United Nations Conference on the Exploration and Peaceful Uses of Outer Space: Space as a Driver of Sustainable Development (A/RES/73/6)*, 2018.

be addressed in separate Main Committees focusing on their specific mandate, such as security and disarmament in the First Committee.<sup>48</sup>

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

The current work of the General Assembly is guided by resolution 71/6 (2018) that decided upon the *Biennial Programme Plan and Priorities for the Period 2018-2019*.<sup>49</sup> Under this program, there are eight priorities, one of which is disarmament.<sup>50</sup> This priority outlines five subprograms that are specific to the work of the First Committee: (1) multilateral negotiations and deliberations on disarmament and arms limitation; (2) weapons of mass destruction; (3) conventional arms; (4) information and outreach; and (5) regional disarmament.<sup>51</sup>

Prior to the start of the Seventy-third session, the Secretary-General, the CD, and the UNDC submitted reports and recommendations to the First Committee.<sup>52</sup> During this session, the First Committee adopted 68 draft proposals, all of which were subsequently adopted by the General Assembly on 5 December 2018.<sup>53</sup> While all thematic priorities were discussed, six draft proposals explicitly focus on regional disarmament in the Middle East, the role of information and telecommunications technology, and the illicit trade of small arms and light weapons.<sup>54</sup> Draft resolution 73/L.1 on the “Establishment of a nuclear-weapon-free zone in the region of the Middle East” urges all Member States to adhere to the *Treaty on the Non-Proliferation of Nuclear Weapons* while noting the importance of the ongoing peace process in the Middle East.<sup>55</sup> The largest obstacle identified by the First Committee in the establishment of a Nuclear-Weapon-Free Zone (NWFZ) in the Middle East is the lack of political will by interested Member States, which includes regional actors and nuclear-weapon possessing Member States.<sup>56</sup> The First Committee has provided recommendations for how to proceed with implementing the NWFZ once established, such as outlining the role of the International Atomic Energy Agency (IAEA).<sup>57</sup> Draft resolution 73/L.65/Rev.1 on the “Role of science and technology in the context of international security and disarmament” identifies the relationship between development, technology, and information-sharing for disarmament-related purposes.<sup>58</sup> The First Committee notes that Member States need “to remain vigilant in understanding new and emerging developments in science and technology that could imperil international security.”<sup>59</sup> Therefore, responsible state behavior in cyberspace includes that Member States not only need to be aware of potential unintended consequences of cyber actions on international security, but also cooperate with other Member States and civil society actors to research the potential impacts of science and technology in the field of cyberspace.<sup>60</sup> Draft resolution 73/L.63 on “The illicit trade in small arms and light weapons in all its aspects” explores the local, regional, and international implications of the illicit trade in small arms and light weapons while also noting the humanitarian and

<sup>48</sup> UN DGC, *General Assembly Adopts Resolution Encouraging Stronger International Cooperation for Peacefully Using Outer Space to Drive Sustainable Development*, 2018; UN General Assembly, *Biennial Programme Plan and Priorities for the Period 2018-2019 (A/71/6/Rev.1)*, 2017.

<sup>49</sup> UN General Assembly, *Programme Planning (A/RES/71/6)*, 2016; UN General Assembly, *Biennial Programme Plan and Priorities for the Period 2018-2019 (A/71/6/Rev.1)*, 2017.

<sup>50</sup> UN General Assembly, *Programme Planning (A/RES/71/6)*, 2016, p. 2; UN General Assembly, *Biennial Programme Plan and Priorities for the Period 2018-2019 (A/71/6/Rev.1)*, 2017, p. 70.

<sup>51</sup> UN General Assembly, *Biennial Programme Plan and Priorities for the Period 2018-2019 (A/71/6/Rev.1)*, 2017, p. 71-76.

<sup>52</sup> UN General Assembly, *Status of Documentation for the First Committee (A/C.1/73/INF/1\*)*, 2018.

<sup>53</sup> UN General Assembly, *List of Draft Proposals for the 73<sup>rd</sup> session*, 2019.

<sup>54</sup> *Ibid.*

<sup>55</sup> UN General Assembly, *Establishment of a Nuclear-Weapon-Free Zone in the Region of the Middle East (AC.1/73/L.1)*, 2018.

<sup>56</sup> Nuclear Threat Initiative, *United Nations First Committee*, 2019.

<sup>57</sup> UN General Assembly, *Establishment of a Nuclear-Weapon-Free Zone in the Region of the Middle East (AC.1/73/L.1)*, 2018.

<sup>58</sup> UN General Assembly, *Role of Science and Technology in the Context of International Security and Disarmament (A/C.1/73/L.65/Rev.1)*, 2018.

<sup>59</sup> *Ibid.*, p. 2.

<sup>60</sup> *Ibid.*



socio-economic impacts.<sup>61</sup> Particularly, the First Committee calls on all Member States to implement the International Tracing Instrument (ITI) outlined in the *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*.<sup>62</sup> The ITI provides a framework for weapons tracing that requires weapons to be marked and catalogued by Member States to combat the illicit trade of small arms and light weapons.<sup>63</sup>

### **Conclusion**

Since the establishment of the UN, the First Committee has acted as a global forum to foster dialogue and cooperation to create and implement mechanisms to achieve complete disarmament.<sup>64</sup> While disarmament is a key issue in achieving international peace and security, it is not within the mandate of the First Committee to act upon threats to international peace and security posed by issues related to disarmament.<sup>65</sup> The issues of regional disarmament in the Middle East, the illicit trade in small arms and light weapons, and promoting responsible state behavior in cyberspace are areas where the First Committee can act as a universal forum for promoting cooperation between Member States to provide recommendation to the entire UN system as to how these issues can be addressed.<sup>66</sup> As evidenced by a main objective of information-sharing and cooperation between Main Committees and Member States, it is imperative that these issues are addressed with the objective of achieving consensus to promote global cooperation.<sup>67</sup> Therefore, First Committee will continue to play an important role in settings standards and promoting treaties to advance disarmament and take steps toward establishing sustainable peace.<sup>68</sup>

### **Annotated Bibliography**

Gillis, M. (2017). *Disarmament: A Basic Guide Fourth Edition*. Retrieved 24 August 2019 from: <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2017/09/Basic-Guide-4th-Edition-web1.pdf>

*Produced in coordination with the United Nations Office for Disarmament Affairs, this guide provides an overview of major disarmament issues and analyzes current trends in multilateral disarmament efforts. This guide details the issues of small arms and light weapons, regional disarmament efforts, and the role of new and emerging technologies. In relation to these different disarmament issues, this guide also attempts to link these issues with cross-cutting global themes related to disarmament and development, including the role of women in security and children in armed conflict. With this guide, delegates will be quickly introduced to relevant disarmament issues and the major actors involved in multilateral disarmament efforts.*

Switzerland, Permanent Mission to the United Nations. (2017). *The PGA Handbook: A practical guide to the United Nations General Assembly*. Second Edition. Retrieved 24 August 2019 from:

[https://www.eda.admin.ch/dam/mission-new-york/en/documents/UN\\_GA\\_Final.pdf](https://www.eda.admin.ch/dam/mission-new-york/en/documents/UN_GA_Final.pdf)

*This publication, produced by the Permanent Mission of Switzerland to the UN, is meant to be a substantive introductory guide to the work of the General Assembly. Unlike the UN Handbook, which focuses on administrative matters and rules of procedure, this publication focuses on the mandate, functions, and powers of the General Assembly while also detailing the resolution adoption process, work of the Main Committees, and relationships of the General Assembly to other UN bodies. This handbook is a key source of information for delegates to understand not only the work of the General Assembly, but*

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<sup>61</sup> UN General Assembly, *The Illicit Trade in Small Arms and Light Weapons in all its Aspects (A/C.1/73/L.63)*, 2018.

<sup>62</sup> *Ibid.*, p. 3.

<sup>63</sup> UNODA, *Programme of Action on Small Arms and its International Tracing Instrument*.

<sup>64</sup> *Charter of the United Nations*, 1945; UN General Assembly, *About the General Assembly*.

<sup>65</sup> *Charter of the United Nations*, 1945; Switzerland, *The PGA Handbook: A Practical Guide to the United Nations General Assembly*, 2017, p. 13.

<sup>66</sup> Nuclear Threat Initiative, *United Nations First Committee*, 2019.

<sup>67</sup> UN General Assembly, *Biennial Programme Plan and Priorities for the Period 2018-2019 (A/71/6/Rev.1)*, 2017.

<sup>68</sup> Reaching Critical Will, *UN General Assembly First Committee*, 2014.

*the specific role and working methods of the First Committee on producing recommendations, related to disarmament, to the Plenary Committee.*

United Nations, General Assembly, Seventy-first session. (2017). *Biennial Programme Plan and Priorities for the Period 2018-2019 (A/71/6/Rev.1)*. Retrieved 25 August 2019 from: <https://undocs.org/A/71/6/Rev.1>

*This Biennial Programme plan guides the work of the General Assembly; there are eight priorities for the 2018-2019 period, one of which, specific to the First Committee, is disarmament. The disarmament priority has five main programs: multilateral negotiations and deliberations on disarmament and arms limitation; weapons of mass destruction; conventional arms; information and outreach; and regional disarmament. This source is fundamental for understanding the key priorities of the First Committee and to understand how the General Assembly is attempting to synchronize the work of the Main Committees in relation to cross-cutting, multidimensional issues, such as the relationship between development and disarmament.*

United Nations, General Assembly. (2019). *List of Draft Proposals for the Seventy-third session (as of 05 January 2019)*. Retrieved 22 July 2019 from: <https://www.un.org/en/ga/first73/pdf/draftproposals.pdf>

*This document is a key source for delegates as it provides links to draft proposals on agenda items that were submitted, and subsequently adopted, by the Plenary Committee. This source will allow delegates to research resolutions specific to the agenda topics for the conference, allow for insight on the type of language and wording used by the First Committee, and explore opportunities for advancement on particular disarmament issues. This documents also lists voting records, both in the First Committee, and Plenary Committee, which will assist delegates in researching their Member State's position on issues and look for areas of potential future cooperation.*

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

### **Introduction**

Nuclear-Weapon-Free Zones (NWFZ) are defined by the United Nations (UN) as regional approaches to “disarmament norms and consolidate international efforts towards peace and security.”<sup>69</sup> NWFZs support international non-proliferation and strengthen regional stability by decreasing the likelihood that a state will seek nuclear weapons to counterbalance a threatening neighbor.<sup>70</sup> According to Article VII of the *Treaty on the Non-Proliferation of Nuclear Weapons* (NPT) (1968), any Member State has the right to adopt regional treaties that move towards the total absence of nuclear weapons in their regions.<sup>71</sup> Latin America and the Caribbean was the first NWFZ, established by the 1967 *Treaty of Tlatelolco*, which entered into force in 1969.<sup>72</sup> Other NWFZs have been established since, including the *Treaty of Rarotonga* (1985) for the South Pacific; the *Treaty of Bangkok* (1995) for Southeast Asia; and the *Treaty of Pelindaba* (1996) for Africa.<sup>73</sup> The UN also differentiates between “disarmament” and “non-proliferation,” noting that while disarmament refers to the full eradication of nuclear weapons in the world system, non-proliferation simply aims to limit their spread.<sup>74</sup> The current state of global nuclear disarmament depends on the ability of various Member States to work together and decrease their nuclear arsenals.<sup>75</sup>

The term ‘Middle East’ defines a region that contains states located in both the Asian and African continents, and there continues to be disagreement on which countries belong to this strategic and uniquely positioned region.<sup>76</sup> The vast diversity of ethnicities and religions in the Middle East presents a challenge to the international community when proposing a region-specific policy.<sup>77</sup> Instituting a NWFZ in the Middle East region continues to be a challenge for Member States as they struggle to navigate the historical and political differences between Middle East and North African (MENA) countries and the influences from states outside the region.<sup>78</sup> As well, additional regional political challenges, including varied geopolitical interpretations as to which states belong to the Middle East versus to the North Africa region, as well as ongoing conflicts in West Iran, Iraq, Yemen, and Syria, present unique challenges to the establishment of a NWFZ in the Middle East.<sup>79</sup> The Guide will focus on the UN General Assembly’s efforts to establish a NWFZ in the Middle East and the challenges facing this process, including ongoing debates over defining the MENA region’s geography, and the tensions between Iran and Israel.

### **International and Regional Framework**

Since 1945, the global community has been acting to limit the impact of nuclear weapons and to achieve total global disarmament.<sup>80</sup> In 1968, the *Treaty on the Non-Proliferation of Nuclear Weapons* (NPT) became the foundation of global nuclear non-proliferation efforts.<sup>81</sup> The goal of the NPT is to strengthen global denuclearization undertakings and to cease the production and flow of nuclear weapons.<sup>82</sup> The NPT aims to achieve such tasks through non-proliferation, disarmament, and peaceful use of nuclear

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<sup>69</sup> UNODA, *Nuclear-Weapon-Free Zones*, 2019.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> UN General Assembly, *Treaty on the Non-Proliferation of Nuclear Weapons*, 1968.

<sup>75</sup> Ibid.

<sup>76</sup> Khalidi, *The “Middle East” as a Framework of Analysis: Re-mapping A Region in the Era of Globalization*, 1998.

<sup>77</sup> Ibid.

<sup>78</sup> Aboul-Enein et al., *Towards a Verified Nuclear Weapon Free Zone in the Middle East*, 2010.

<sup>79</sup> Khalidi, *The “Middle East” as a Framework of Analysis: Re-mapping A Region in the Era of Globalization*, 1998.

<sup>80</sup> UN DGC, *Addressing Security Council, Secretary-General Calls for Recommitment to Eradicating Weapons of Mass Destruction ‘Once and for All’* (SG/SM/17996-SC/12486-DC/3647), 2016.

<sup>81</sup> UN General Assembly, *Treaty on the Non-Proliferation of Nuclear Weapons*, 1968.

<sup>82</sup> Ibid.

energy.<sup>83</sup> It is expected for all states who are signatories to the treaty to fully comply with the NPT to promote greater trust and collaboration among actors in the world system.<sup>84</sup>

According to Article VIII of the NPT, States parties must meet every five years for the NPT Review Conferences to set the strategies for nuclear non-proliferation and disarmament as well as to review the current progress of the treaty's implementation.<sup>85</sup> The 1995 Review Conference of the NPT called for "the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems."<sup>86</sup> The 1995 Review Conference was also the meeting where the NPT was extended indefinitely, given the adoption of several decisions that reaffirmed the principles of the treaty, as well as strengthening its review process.<sup>87</sup> The 2015 Review Conference of the NPT was the most recent conference where States parties reviewed the implementation of the NPT over the previous five years.<sup>88</sup> Despite extensive negotiations, the conference was not able to reach a substantive agreement on the outcome document.<sup>89</sup> It is important to note, that the 2015 review Conference underscored the importance of the implementation of a NWFZ in the Middle East, although the Conference noted there was not any concrete achievement of progress on the matter.<sup>90</sup> The next NPT Review Conference is scheduled to be held at the UN Headquarters in New York in 2020.<sup>91</sup>

During the Cold War, the United States and the Soviet Union agreed on limiting nuclear proliferation through the Strategic Arms Limitation Talks (SALT), including SALT I in 1969 and SALT II in 1979.<sup>92</sup> These talks set the stage for future nuclear negotiations on a multilateral level, as the SALTs remained bilateral.<sup>93</sup> Both SALT I and SALT II and the agreements that followed led to the United Nations Office of Disarmament Affairs' (UNODA) creation of regional Nuclear-Weapon-Free Zones.<sup>94</sup> Additionally, the international community adopted the *Antarctic Treaty*, agreeing to keep Antarctica nuclear-free, and setting a strong precedent for future global nuclear disarmament initiatives.<sup>95</sup>

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

The General Assembly First Committee serves as the primary forum for the international community to discuss high-level disarmament efforts through methods such as mediating talks, facilitating agreements, establishing subsidiary bodies, and engaging Member States.<sup>96</sup> The First Committee also works uniquely to bring together various key actors, such as specialized UN agencies, non-government organizations (NGOs), and Civil Society Organizations (CSOs) in the international community to undertake the challenge of global nuclear disarmament.<sup>97</sup> In December of 1974, the First Committee endorsed calls for the establishment of a NWFZ in the MENA region following a proposal by Iran and Egypt.<sup>98</sup> This proposal led to adoption of UN General Assembly resolution (1974) on the "Establishment of Nuclear-Weapon-

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<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

<sup>85</sup> Nuclear Threat Initiative, *Treaty on the Non-proliferation of Nuclear Weapons*, 2019.

<sup>86</sup> Arms Control Association, *WMD-Free Middle East Proposal at a Glance*, 2019.

<sup>87</sup> Aboul-Enein et al., *Towards a Verified Nuclear Weapon Free Zone in the Middle East*, 2010.

<sup>88</sup> UN Non-Proliferation Treaty Review Conference, *2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)*, 2015.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> UN General Assembly, *2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its Preparatory Committee (A/RES/70/28)*, 2015.

<sup>92</sup> Nuclear Threat Initiative, *Strategic Arms Limitation Talks*, 2011.

<sup>93</sup> Ibid.

<sup>94</sup> UNODA, *Nuclear-Weapon-Free Zones*, 2014.

<sup>95</sup> UNODA, *Antarctic Treaty*, 1959.

<sup>96</sup> UN General Assembly, *General Assembly First Committee*, 2019.

<sup>97</sup> Ibid.

<sup>98</sup> Arms Control Association, *WMD-Free Middle East Proposal at a Glance*, 2019.

Free-Zone in the region of the Middle East”.<sup>99</sup> In 2017, the General Assembly adopted another resolution on the “Establishment of Nuclear-Weapon-Free Zone in the region of the Middle East”, with its first operative clause emphasizing the need for Member States in the region to adhere to the NPT.<sup>100</sup>

UNODA is a key subsidiary body that reports directly to the General Assembly First Committee with the goal of promoting nuclear disarmament and non-proliferation, as well as strengthening disarmament regimes such as those for landmines and small arms and light weapons in addition to supporting efforts to ban weapons of mass destruction.<sup>101</sup> UNODA also tackles issues related to the limiting of small arms and light weapons, banning landmines, and the limitation of other weapons in conventional warfare.<sup>102</sup> Furthermore, UNODA works closely with the General Assembly First Committee to ensure transparent and collaborative work among Member States throughout non-proliferation procedures.<sup>103</sup> While the UNODA has noted the continued conversation on NWFZs and the Middle East, without a concrete commitment to establishment from members, UNODA does not have the capacity to report or monitor the progress of a hypothetical NWFZ.<sup>104</sup>

In the NPT, the International Atomic Energy Agency (IAEA) was established as a UN specialized agency serving primarily as a mediator on nuclear related issues.<sup>105</sup> Acting in its role as a semi-independent body to manage on-the-ground support to Member States on disarmament, the IAEA deploys inspectors to states in order to evaluate the degree of nuclear capability each State possesses and to report back to the General Assembly on the status of those technologies.<sup>106</sup> The IAEA also mediates nuclear negotiations by verifying claims of nuclear misuse, providing valuable information, and inspecting Member States’ nuclear facilities.<sup>107</sup> The IAEA has repeatedly adopted resolutions over the past two decades calling for the application of full scope safeguards on all nuclear facilities in the region as a crucial step towards establishing a NWFZ in the Middle East.<sup>108</sup> From 1991 onwards, the IAEA General Conference unanimously adopted a resolution calling for the application of full scope safeguards on all nuclear facilities in the MENA region as a necessary step for the establishment of the NWFZ.<sup>109</sup>

The most recent IAEA inspection was that of the Iranian nuclear facilities by orders of the signatories of the *Joint Comprehensive Plan of Action (JCPOA)* as there were claims that Iran was developing highly enriched uranium to produce nuclear weapons.<sup>110</sup> The JCPOA was agreed in Vienna in 2015 amongst Iran, China, France, Russia, United Kingdom, United States, Germany and the European Union, and aimed at ensuring that Iran’s nuclear program had peaceful purposes and complied with NPT safeguards.<sup>111</sup> The drafters of the agreement called for guarantees regarding the peaceful nature of Iran’s program by enabling IAEA inspectors to access Iranian nuclear facilities and assess the country’s adherence to international non-proliferation standards.<sup>112</sup> After several months of negotiation, Iran agreed to abide by international norms on nuclear energy and in return the JCPOA would lift UN Security Council’s and other national and multilateral economic and trade sanctions on Iran.<sup>113</sup>

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<sup>99</sup> UN General Assembly, *Establishment of Nuclear-Weapon-Free-Zone in the Region of the Middle East (A/RES/3263/24)*, 1974.

<sup>100</sup> UN General Assembly, *Establishment of Nuclear-Weapon-Free-Zone in the Middle East (A/RES/72/24)*, 2017.

<sup>101</sup> UNODA, *About Us*, 2019.

<sup>102</sup> *Ibid.*

<sup>103</sup> *Ibid.*

<sup>104</sup> UNODA, *Nuclear-Weapon-Free Zones*, 2019.

<sup>105</sup> UN General Assembly, *Treaty on the Non-Proliferation of Nuclear Weapons*, 1968.

<sup>106</sup> Cochran et al., *Encyclopedia Britannica: Nuclear Weapon*, *Encyclopedia Britannica*, 2018.

<sup>107</sup> *Ibid.*

<sup>108</sup> Arms Control Association, *WMD-Free Middle East Proposal at a Glance*, 2019.

<sup>109</sup> *Ibid.*

<sup>110</sup> The Washington Post, *Joint Comprehensive Plan of Action*, 2015.

<sup>111</sup> *Ibid.*

<sup>112</sup> *Ibid.*

<sup>113</sup> *Ibid.*

CSOs are another key actor that plays a role in moving the global community towards nuclear non-proliferation.<sup>114</sup> For instance, the Arms Control Association (ACA) is a non-partisan, United States-based organization whose goals are to encourage the global reduction of arms trade and production, including nuclear arms.<sup>115</sup> The ACA publishes reports and factbooks that keep the international community updated and accountable on the status of global arms control initiatives.<sup>116</sup> More specifically on the topic of nuclear weapons, the Nuclear Threat Initiative (NTI) was established in 2001 as a non-profit CSO that informs the international community of various nuclear activities and their levels of development through publications and reports.<sup>117</sup> CSOs such as ACA and NTI help policymakers develop talking points and strategies for anti-proliferation advocates, as well as hold international organizations accountable for their commitments.<sup>118</sup> During the 2010 NPT Review Conference, a group of international CSOs including Green Peace International, The Daisy Alliance, and The World Council of Churches, delivered a set of recommendations along with their collective support for establishing a NWFZ in the Middle East.<sup>119</sup> This group of CSOs' recommendations included encouraging MENA region states to consider a 'Middle East No First Use of WMD' agreement, and also emphasized the necessity for peace talks among Member States in the region to move in parallel with WMD disarmament talks, as a means to ensure disarmament measures could be fully successful.<sup>120</sup> At this conference, the CSOs also urged all Member States in the region to adhere to NPT measures and standards as well as other WMD-related treaties moving forward.<sup>121</sup>

### ***Defining the Middle East for a NWFZ***

The IAEA and the draft final document of the 2015 NPT Review Conference define the Middle East as the 21 Member States of the Arab League of Nations in addition to Israel and Iran.<sup>122</sup> While some academic definitions of the Middle East include Turkey, Iran, Afghanistan, and Israel as part of the region, others do not.<sup>123</sup> For example, the IAEA and the draft final document of the NPT 2015 Review Conference exclude Turkey from their definition of the Middle East.<sup>124</sup> However, Turkey shares border with Syria, Iraq, and Iran, and is to some extent involved in the MENA region's geopolitics.<sup>125</sup> Ensuring regional consistency in the boundaries of the NWFZ and a unified definition of the Middle East would be a key part of negotiating the possible zone.<sup>126</sup> With complex geopolitical elements at play, the General Assembly First Committee has the potential to act as the appropriate forum to discuss and mediate the process of definition determination.<sup>127</sup>

### ***Israel, Iran, the Arab World, and the NPT***

The complex dynamics between neighboring states across the MENA region often presents obstacles for diplomats and lawmakers in enacting security solutions in this critical area.<sup>128</sup> During the 1995 Review Conference of the NPT, the *Resolution on the Middle East* was adopted along with the indefinite extension of the NPT, which reaffirmed the importance of creating a MENA region free of nuclear weapons.<sup>129</sup> According to UNODA, establishing a NWFZ in the Middle East has not been as high of a

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<sup>114</sup> International Campaign to Abolish Nuclear Weapons, *Campaign Overview*, 2019.

<sup>115</sup> Arms Control Association, *Arms Control Association*, 2019.

<sup>116</sup> *Ibid.*

<sup>117</sup> International Campaign to Abolish Nuclear Weapons, *Campaign Overview*, 2019.

<sup>118</sup> *Ibid.*

<sup>119</sup> Lindamood, *Middle East Nuclear Weapon Free Zone*, 2010.

<sup>120</sup> *Ibid.*

<sup>121</sup> *Ibid.*

<sup>122</sup> Goldschmidt, *A Realistic Approach Toward a Middle East Free of WMD*, 2016.

<sup>123</sup> Khalidi, *The "Middle East" as a Framework of Analysis: Re-mapping A Region in the Era of Globalization*, 1998.

<sup>124</sup> Malley, *Israel, Turkey, and Iran in the Changing Arab World*, 2012.

<sup>125</sup> *Ibid.*

<sup>126</sup> Aboul-Enein et al., *Towards a Verified Nuclear Weapon Free Zone in the Middle East*, 2010.

<sup>127</sup> *Ibid.*

<sup>128</sup> *Ibid.*

<sup>129</sup> *Ibid.*



priority for certain Arab states and for Israel, as it has been for other Member States outside the MENA region, creating a conflict between the UN Disarmament Commission's set of principles and guidelines for the establishment of a NWFZ.<sup>130</sup> Additionally, the differing perceptions of threat and security in the region between Israel and the Arab states have been an obstacle towards fruitful dialogue amid parties in the MENA region.<sup>131</sup> According to the ACA, Israel believes that there must be peace and dialogue first in order for the region to successfully establish a NWFZ, while the Arab states think that the process of negotiating an established NWFZ would contribute to the peace building process among states in the region.<sup>132</sup> The 1995 Review Conference also called on Israel to join the treaty, at the time, as a non-nuclear state.<sup>133</sup> Presently, Israel is known to possess a nuclear arsenal and is not a member of the NPT, even though other major states in the region are parties to the treaty including Iran.<sup>134</sup>

Relationships between states in the Middle East region have a lengthy and complicated history, but the issue of NWFZ deals directly with the Israeli-Iranian relationship.<sup>135</sup> This relation transformed from one of direct communication to backdoor cooperation during the period following the 1967 Arab-Israeli War and the 1970 Islamic Revolution in Iran until the 1990s.<sup>136</sup> Following the 1970 Islamic Revolution, the Islamic Republic of Iran still saw the strategic benefits of quietly cooperating with Israel as Iran faced Iraqi Baathists threats.<sup>137</sup> However from the 1990s onward the relationship between the two countries publically diminished.<sup>138</sup> Most recently in the 74<sup>th</sup> General Debate of the UN General Assembly, the Foreign Minister of Israel, Yisrael Katz, named Iran the "biggest threat to security and stability in the Middle East," calling on the international community to prevent Iran from developing nuclear weapons, clearly demonstrating continued tensions between these two states.<sup>139</sup> In their exercise of a right to reply, the President of Iran, Hassan Rouhani, expressed that the Israeli Foreign Minister made "baseless claims", reemphasizing that Iran is following international guidelines and supervision with their peaceful nuclear energy program.<sup>140</sup> This tension is an example of the larger lack of cooperation among Israel and Iran, which hinders the possibility of establishing a NWFZ in the region.<sup>141</sup>

Following the 2015 IAEA investigation of Iran's nuclear program prompted by the JCPOA, IAEA investigators concluded that there were no developments of nuclear weapons taking place.<sup>142</sup> The Iranian-Israeli relationship needs to be addressed primarily to stabilize the security apparatus between the two conflicting fronts in the region, in order for NWFZ preliminary talks to succeed.<sup>143</sup> Moreover, the lack of universality of the NPT in the MENA region and ensuring IAEA safeguards still remain major concerns for the international community.<sup>144</sup>

## **Conclusion**

While establishing a NWFZ in the Middle East has been a pressing topic in UN debates over the past two decades, progress on the matter is currently stalled.<sup>145</sup> Past discussions in the UN have not yielded concrete results due to the complexities of regional relations, creating a challenge for international

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<sup>130</sup> UNODA, *Nuclear-Weapon-Free Zones*, 2019.

<sup>131</sup> Arms Control Association, *WMD-Free Middle East Proposal at a Glance*, 2019.

<sup>132</sup> *Ibid.*

<sup>133</sup> Aboul-Enein et al., *Towards a Verified Nuclear Weapon Free Zone in the Middle East*, 2010.

<sup>134</sup> *Ibid.*

<sup>135</sup> Kaye, *A Brief History of Israeli-Iranian Cooperation and Confrontation*, 2011.

<sup>136</sup> *Ibid.*

<sup>137</sup> *Ibid.*

<sup>138</sup> *Ibid.*

<sup>139</sup> UN DGC, *Iran Cannot be Allowed to Develop Nuclear Weapons: Israeli Foreign Minister*, 2019.

<sup>140</sup> Rouhani, *General Assembly 74<sup>th</sup> Session General Debate Iranian Statement*, 2019.

<sup>141</sup> Kaye, *A Brief History of Israeli-Iranian Cooperation and Confrontation*, 2011.

<sup>142</sup> Arms Control Association, *Nuclear Weapons: Who Has What at a Glance*, 2019.

<sup>143</sup> International Atomic Energy Agency, *IAEA and Nuclear-Weapons-Free-Zones (NWFZ)*, 2011.

<sup>144</sup> *Ibid.*

<sup>145</sup> Aboul-Enein et al., *Towards a Verified Nuclear Weapon Free Zone in the Middle East*, 2010.

mediators and policymakers.<sup>146</sup> The modern day Middle East is still dealing with border tensions from the fall of the Ottoman Empire, which held rigid structure and order over the geopolitics of the region.<sup>147</sup> Since then, countless civil wars broke out throughout the region, never allowing a certain state to stabilize for more than at maximum a few decades.<sup>148</sup> From the aftermath of the 2003 conflict between the United States and Iraq, the 2011 uprisings in Syria and Iraq, and the increased rates of arms imports to the region from the West; the Middle East presents itself as a unique region with almost a century of instability and ever changing geopolitical dilemmas.<sup>149</sup> Therefore the Middle East is different from other regions where NWFZs are currently established, and Member States encounter a number of issues when referring to precedent from previous agreements in order to create a Middle Eastern NWFZ.<sup>150</sup>

Defining the Middle East would be one step forward towards establishing a NWFZ in the region, given that opposing viewpoints on which states fall within the region are one of the causes of the current NWFZ establishment gridlock.<sup>151</sup> Additionally, the establishment of a NWFZ in the Middle East would help the region move forward broader peace talks among Member States under the umbrella of negotiations on specific tactics to eliminate nuclear weapons from their midst.<sup>152</sup> Ultimately, the potential to use the Middle Eastern NWFZ negotiations as a regional unifier and as a mechanism to achieve more peace in the Middle East demonstrate the important role that the UN General Assembly has to play in supporting these discussions.<sup>153</sup>

### **Further Research**

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

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*This article was written to outline the need for a NWFZ in the Middle East and discusses its relevance to the 2010 NPT Review Conference. The paper highlights various viewpoints on the negotiation, such as Egypt taking initiative in international forums on MENA NWFZ and the history of Israel and the NPT. Delegates will find this paper useful as it also contains technical information on nuclear technology that exists in the Middle East, the means by which certain Member States use these technologies, and whether these means are aligned with international guidelines.*

Arms Control Association. (2018). *WMD-Free Middle East Proposal at a Glance*. Retrieved 16 July 2019 from: <https://www.armscontrol.org/factsheets/mewmdfz>

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<sup>146</sup> Arms Control Association, *WMD-Free Middle East Proposal at a Glance*, 2019.

<sup>147</sup> Cammack, *Fueling Middle East Conflicts- or Dousing the Flames*, 2018.

<sup>148</sup> Ibid.

<sup>149</sup> Ibid.

<sup>150</sup> International Atomic Energy Agency, *IAEA and Nuclear-Weapons-Free-Zones (NWFZ)*, 2011.

<sup>151</sup> Goldschmidt, *A Realistic Approach Toward a Middle East Free of WMD*, 2016.

<sup>152</sup> Lindamood, *Middle East Nuclear Weapon Free Zone*, 2010.

<sup>153</sup> Ibid.

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

International Atomic Energy Agency. (2011). *IAEA and Nuclear-Weapons-Free-Zones (NWFZ)*. Retrieved 16 July 2019 from: <https://www.iaea.org/newscenter/focus/nuclear-weapons-free-zones>

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

United Nations, General Assembly. (2017). *Establishment of Nuclear-Weapon-Free Zone in the Region of the Middle East (A/RES/72/24)*. Adopted on report of the First Committee (A/72/405). Retrieved 16 July 2019 from: <https://undocs.org/A/RES/72/24>

*This General Assembly resolution recalls all previous resolutions set forth by the General Assembly to establish a NWFZ in the Middle East. This resolution is crucial to the topic as it shows desire to establish a NWFZ in the Middle East. This resolution is key for delegates to understand, as it establishes the historical precedent of this topic being raised since 1974. The resolution serves as a backlog for delegates to track the changes and evolution of the document since its first conception in 1974 allowing them to track the progress and/or lack of in certain areas of establishing a NWFZ in the Middle East.*

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

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

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

*"We remain committed to an accessible, open, interoperable, reliable and secure cyberspace. We recognize the enormous benefits for economic growth and prosperity that we and all others derive from cyberspace as an extraordinary tool for economic, social and political development."<sup>154</sup>*

### **Introduction**

According to the International Telecommunication Union (ITU), 3.9 billion people, over half of the world population, were using the Internet at the end of 2018.<sup>155</sup> In the digital era, a free, open, and secure cyberspace is a necessary precondition for the exercise of human rights, both online and offline.<sup>156</sup> In recent years, the international community has made numerous efforts to agree on a set of norms regulating the behavior of Member States in cyberspace.<sup>157</sup> The General Assembly First Committee is a key forum for the discussion of the norms and customs of what responsible behavior in cyberspace is; it has largely contributed to the development of a set of standards for how Member States are to behave in cyberspace, especially by periodically establishing a Group of Governmental Experts (GGE).<sup>158</sup> The 2015 GGE consensus report elaborates on what norms and principles for responsible state behavior in cyberspace is in saying that "norms reflect the international community's expectations, set standards for responsible State behavior and allow the international community to assess the activities and intentions of States."<sup>159</sup> In particular, this report represents the basis for a globally accepted cyber code of conduct because it provides important recommendations regarding the use of information and communication technologies (ICTs) by Member States.<sup>160</sup> For example, it describes the necessary commitment of Member States to prevent an increase in malicious technologies while working to avoid that their territories may be used for criminal cyber-attacks.<sup>161</sup>

The development of new technologies, such as artificial intelligence (AI), have brought both new opportunities and challenges for the responsible state behavior in cyberspace due to the uncertainties of how such technologies can be applied.<sup>162</sup> Furthermore, it is difficult to understand potential unintended and destructive consequences of such technologies.<sup>163</sup> For example, the ungoverned nature of AI in cyberspace poses a distinction between offensive and defensive use of AI technologies where states may use AI to conduct cyber-attacks that may pose a threat to international peace and security.<sup>164</sup> Last year, the Secretary-General warned that, "malicious acts in cyberspace are contributing to diminishing trust among Member States," but the international community is committed to making cyberspace safer.<sup>165</sup> At its Seventy-third session, the General Assembly established two processes that focus on ICT-related issues in the context of international peace and security: a sixth GGE, and, for the first time, an Open-

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<sup>154</sup> G7, *G7 Declaration on Responsible States Behavior in Cyberspace*, 2017.

<sup>155</sup> ITU, *Statistics*, 2019.

<sup>156</sup> Kumar & Brown, *UN First Committee Processes on Responsible State Behavior in Cyberspace: An Explainer*, 2019.

<sup>157</sup> Kumar & Brown, *UN First Committee Processes on Responsible State Behavior in Cyberspace: An Explainer*, 2019.

<sup>158</sup> *Ibid.*; CCDCOE, *2015 UN GGE Report: Major Players Recommending Norms of Behaviour, Highlighting Aspects of International Law*, 2015.

<sup>159</sup> CCDCOE, *2015 UN GGE Report: Major Players Recommending Norms of Behaviour, Highlighting Aspects of International Law*, 2015.

<sup>160</sup> Chernenko, *Increasing International Cooperation in Cybersecurity and Adapting Cyber Norms*, 2018; CCDCOE, *2015 UN GGE Report: Major Players Recommending Norms of Behaviour, Highlighting Aspects of International Law*, 2015.

<sup>161</sup> *Ibid.*

<sup>162</sup> OECD, *Artificial Intelligence in Society*, 2019.

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

<sup>164</sup> INFOSEC, *Introduction to AI and Cybersecurity*, 2019; OECD, *Artificial Intelligence in Society*, 2019.

<sup>165</sup> UNODA, *Securing Our Common Future: An Agenda for Disarmament*, 2018, p. 56; INFOSEC, *Introduction to AI and Cybersecurity*, 2019.

Ended Working Group (OEWG).<sup>166</sup> The creation of these new bodies represents a further step for the General Assembly to deal with new cybersecurity-related issues and broaden the scope of discussions, with the aim of reducing potential disagreements among states.<sup>167</sup> Many regional organizations, such as the Shanghai Cooperation Organization (SCO), have made numerous efforts to preserve the stability of cyberspace, especially by defining common codes of conduct for Member States to avoid cybersecurity abuses, which could escalate into cyber-conflict.<sup>168</sup>

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

Conflicts related to ICTs have been on the agenda of the United Nations (UN) since 1998, when the General Assembly First Committee resolution 53/70 on the “Development in the field of information and telecommunications in the context of international security” was adopted.<sup>169</sup> This resolution recognized for the first time both the benefits of ICTs for development and the threats to international peace and security that may result from the malicious use of them.<sup>170</sup>

The *Convention on Cybercrime of the Council of Europe* (2001), known as the Budapest Convention, is the only binding international mechanism on cybercrime and offers a comprehensive model for further steps in the context of responsible state behavior in cyberspace.<sup>171</sup> This Convention brings together those states, both members and non-members of the Council of Europe, who strongly believe that a common criminal policy is required in order to protect society against cybercrime, and therefore are committed to strengthening international cooperation and setting appropriate common norms in cyberspace.<sup>172</sup> Consequently, at the UN level, the Budapest Convention is considered as an important consulting tool and a benchmark for the establishment of mutual global customs guiding the responsible state behavior in cyberspace.<sup>173</sup> The Budapest Convention is supplemented by a *Protocol Concerning the Criminalization of Acts of a Racist or Xenophobic Nature Committed Through Computer Systems* (2003), which considers how the misuse of ICTs can spread forms of racism and xenophobia, and affirms the necessity for the States parties to adopt legislative and other measures to address such issues.<sup>174</sup> Similarly, in 2014, the African Union adopted the *Convention on Cybersecurity and Personal Data Protection*, also known as the Malabo Convention.<sup>175</sup> This Convention aims to set the essential rules for establishing a safe cyberspace and addresses the gaps in regulation on this topic, including issues related to e-commerce, digital privacy, and cybercrime.<sup>176</sup>

The *2030 Agenda for Sustainable Development* (2015) recognizes that ICTs are an important pillar for the achievement of all the Sustainable Development Goals (SDGs).<sup>177</sup> SDG 17 (peaceful and inclusive societies) reflects the importance of ICTs in achieving the SDGs, in particular targets 17.7, 17.8, and

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<sup>166</sup> Kavanagh, *The United Nations, Cyberspace and International Peace and Security: Responding to Complexity in the 21<sup>st</sup> Century*, 2017, p. 1.

<sup>167</sup> Kumar & Brown, *UN First Committee Processes on Responsible State Behavior in Cyberspace: An Explainer*, 2019.

<sup>168</sup> Kizekova, *The Shanghai Cooperation Organization: Challenges in Cyberspace – Analysis*, 2012.

<sup>169</sup> Kumar & Brown, *UN First Committee Processes on Responsible State Behavior in Cyberspace: An Explainer*, 2019.

<sup>170</sup> UN General Assembly, *Developments in the Field of Information and Telecommunications in the Context of International Security (A/RES/53/70)*, 1999; Tikk-Ringas, *Developments in the field of information and telecommunications in the context of international security: Work of the UN First Committee 1998-2012*, 2012.

<sup>171</sup> Council of Europe, *Convention on Cybercrime*, 2011.

<sup>172</sup> *Ibid.*

<sup>173</sup> Pawlak, *A Wild Wild Web? Law, Norms, Crime and Politics in Cyberspace*, *European Union Institute for Security Studies*, 2017.

<sup>174</sup> Council of Europe, *Additional Protocol to the Convention on Cybercrime, Concerning the Criminalization of Acts of a Racist and Xenophobic Nature Committed Through Computer Systems*, 2003.

<sup>175</sup> African Union, *African Union Convention on Cyber Security and Personal Data Protection*, 2018.

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

<sup>177</sup> ITU, *2030 Agenda for Sustainable Development*.



17.9.<sup>178</sup> Target 17.7 promotes the responsible use of cyberspace between Member States by supporting the advance of new technologies and support capacity-building programs to promote environmentally sound technologies in developing countries.<sup>179</sup>

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

General Assembly resolution 73/27 on the “Developments in the Field of Information and Telecommunications in the Context of International Security” was adopted by the First Committee in 2018 and it underlines how the misuse of ICTs could represent a threat to international peace and security.<sup>180</sup> Resolution 73/27 further decided to establish an OEWG, which started its work in June 2019, and is expected to present its report at the 75<sup>th</sup> General Assembly session.<sup>181</sup> The OEWG provides a forum for the discussion on the norms, rules, and principles of responsible state behavior, including the ways to implement such norms.<sup>182</sup> In addition, the OEWG is called to analyze the threats related to information security, and to give suggestions on how to advance confidence-building measures and capacity-building measures.<sup>183</sup> Also in 2018, the General Assembly adopted the resolution 73/266 on “Advancing responsible State behavior in cyberspace in the context of international security”, which accentuates the necessity for Member States to implement cooperative measures to address the threats emerging in cyberspace.<sup>184</sup> The current GGE has a mandate for the period of 2019-2021 and is in charge of studying more possible joint measures to address threats in the field of international information security, including rules and norms of responsible state behavior, and the application of international law to the use of ICT by Member States.<sup>185</sup>

Many other UN bodies work on cyberspace-related issues, such as the ITU and the United Nations Institute for Disarmament Research (UNIDIR).<sup>186</sup> As the leading UN agency on ICTs, the ITU has a predominant role in implementing UN resolutions regarding technologies and cyberspace.<sup>187</sup> Among several initiatives, the ITU has launched the *Global Cybersecurity Agenda (GCA)*, which serves as a framework for international cooperation to promote a safer information society.<sup>188</sup> Since 2007, the GCA has accomplished many results, such as facilitating the creation of multi-stakeholder partnerships to promote cybersecurity and shaping a common understanding of cybersecurity risks among Member States.<sup>189</sup> UNIDIR works to implement ways to reinforce cyber stability and therefore ensure the advance of a more secure cyberspace.<sup>190</sup> Among the ongoing projects, UNIDIR has organized series of International Security Cyber Issues Workshops, as well as Cyber Stability Conference Series.<sup>191</sup> One of the most recent conferences was held in New York in June 2019 and focused on how to strengthen

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<sup>178</sup> SDG Compass, *SDG 17: Strengthen the Means of Implementation and Revitalize the Global Partnership for Sustainable Development*.

<sup>179</sup> Ibid.; GRI & UN Global Compact, *Business Reporting on the SDGs*.

<sup>180</sup> UN General Assembly, *Developments in the Field of Information and Telecommunications in the Context of International Security (A/RES/73/27)*, 2018.

<sup>181</sup> GIP Digital Watch, *UN GGE and OEWG*, 2019; Kumar & Brown, *UN First Committee Processes on Responsible State Behavior in Cyberspace: An Explainer*, 2019.

<sup>182</sup> Ibid.

<sup>183</sup> Stadnik, *Discussing State Behavior in Cyberspace: What Should we Expect?*, 2019.

<sup>184</sup> UN General Assembly, *Advancing Responsible State Behavior in Cyberspace in the Context of International Security (A/RES/73/266)*, 2019.

<sup>185</sup> Stadnik, *Discussing State Behavior in Cyberspace: What Should we Expect?*, 2019; Kumar & Brown, *UN First Committee Processes on Responsible State Behavior in Cyberspace: An Explainer*, 2019.

<sup>186</sup> ITU, *Cybersecurity Programme*; UNIDIR, *Cyber Stability Conference: Strengthening Global Engagement 2019*, 2019.

<sup>187</sup> Wamala, *The ITU National Cybersecurity Strategy Guide*, 2011, pp. 18-19.

<sup>188</sup> ITU, *Global Cybersecurity Agenda*, 2019.

<sup>189</sup> Ibid.

<sup>190</sup> UNIDIR, *Cyber Stability*.

<sup>191</sup> Ibid.

international commitment in the field of cyberspace.<sup>192</sup> Discussions included the mandates of the GGE and OEWG, and the need to harmonize international practices in the context of cyberspace.<sup>193</sup>

The European Union (EU) has made significant progress around EU cyber-safety and transparency.<sup>194</sup> For example, the *EU Cybersecurity Act* created a set of common rules for EU Member States in cyberspace.<sup>195</sup> With regards to AI, the EU has introduced a set of guidelines and standards to be considered in developing AI systems starting from 2020, which include privacy and data governance, transparency, and diversity, nondiscrimination, and fairness.<sup>196</sup>

Among many independent bodies, the Global Commission on the Stability of Cyberspace has undertaken several initiatives to strengthen awareness between cyberspace communities and support policy norms in the context of cyberspace's security.<sup>197</sup> These norms represent a clear step to advance a responsible state behavior in cyberspace by referring to what Member States should do to avoid foreign tampering in domestic cyber-products, and to respond to potential offensive cyber operations by non-state actors.<sup>198</sup>

The SCO, which has had Observer Status in the General Assembly since 2005, has broadened its agenda to include topics related to cyberspace.<sup>199</sup> The SCO has made efforts to develop a set of norms regulating state behavior in cyberspace by submitting the proposal of the *International Code of Conduct for Information Security* to the General Assembly in 2011, followed by an updated version in 2015.<sup>200</sup> The objective of this Code of Conduct is to recognize the rights and responsibilities of Member States, foster responsible state behavior and cooperation in cyberspace in order to cooperatively address the potential threats and challenges and create a peaceful, secure, and open cyberspace.<sup>201</sup>

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

The nature of AI is continuously evolving and therefore, the potential future uses and threats posed by AI are uncertain.<sup>202</sup> However, the link between AI and cybersecurity is well established as there are many AI-based systems being used by Member States, civil society, and the private sector to defend against cyber-threats and potentially be used for offensive capabilities.<sup>203</sup> The appeal to use AI in the cyber-domain is that it involves little human interaction.<sup>204</sup> AI systems are able to detect and deter threats automatically, including threats that may have been missed by a human analyst.<sup>205</sup> While AI can be used to defend against cyber-threats, AI systems themselves also pose a threat to Member States as cyber-criminals can use these technologies to launch advanced cyber-attacks.<sup>206</sup> Furthermore, due to the ungoverned nature of AI technologies, states may be able to use AI technology for offensive, instead of defensive, purposes to launch cyber-attacks against other states.<sup>207</sup> Therefore, due to the unknown possibilities, potential challenges, and unintended consequences of AI, creating a mechanism to govern and regulate the use of AI technologies is an ongoing challenge in the international community.<sup>208</sup>

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<sup>192</sup> UNIDIR, *Cyber Stability Conference: Strengthening Global Engagement 2019*, 2019.

<sup>193</sup> *Ibid.*

<sup>194</sup> European Commission, *The EU Cybersecurity Act*, 2019.

<sup>195</sup> *Ibid.*

<sup>196</sup> Segal, *Cyber Week in Review: April 12, 2019*, *Council on Foreign Relations*, 2019.

<sup>197</sup> GCSC, *The Commission*.

<sup>198</sup> GCSC, *Norm Package Singapore*, 2018.

<sup>199</sup> Albert, *The Shanghai Cooperation Organization*, *Council on Foreign Relations*, 2015.

<sup>200</sup> McKune, *An Analysis of the International Code of Conduct for Information Security*, 2015; Albert, *The Shanghai Cooperation Organization*, *Council on Foreign Relations*, 2015.

<sup>201</sup> McKune, *An Analysis of the International Code of Conduct for Information Security*, 2015.

<sup>202</sup> INFOSEC, *Introduction to AI and Cybersecurity*, 2019.

<sup>203</sup> *Ibid.*

<sup>204</sup> *Ibid.*

<sup>205</sup> *Ibid.*

<sup>206</sup> Etzioni & Etzioni, *Should Artificial Intelligence Be Regulated?*, 2017.

<sup>207</sup> *Ibid.*

<sup>208</sup> Etzioni & Etzioni, *Should Artificial Intelligence Be Regulated?*, 2017.

The First Committee has been debating about how new technologies may pose risks to international security.<sup>209</sup> Among many initiatives, the UN Office for Disarmament Affairs (UNODA) has recently launched the ‘Youth4Disarmament’ Initiative to discuss on the implications of AI for international peace and security.<sup>210</sup> Such implications include the role of AI in modern warfare, its strategic implications, and moral and ethical questions linked to the weaponization of AI technology.<sup>211</sup> During the first Youth4Disarmament dialogue, which took place in August 2019, the panelists highlighted the potential impact of AI on strategic stability and nuclear command-and-control systems, the proliferation risks associated with AI technologies, and the ethical and moral concerns of delegating life-or-death decisions to machines.<sup>212</sup>

With regards to new technologies, the Secretary-General has launched the “Strategy on New Technologies” in October 2018.<sup>213</sup> This Strategy defines the way in which the UN system will support the use of new technologies, such as AI, to achieve the SDGs.<sup>214</sup> The Strategy introduces some main guiding principles for UN activities by promoting global standards, supporting the development of partnerships in the use of new technologies, and fostering inclusion and new forms of cooperation in the field of technologies.<sup>215</sup> These principles can further be applied as guidelines for responsible state behavior in cyberspace.<sup>216</sup>

Another important initiative aimed to promote the responsible use of AI in cyberspace was the launching of the Organisation for Economic Co-operation and Development (OECD) *Recommendation of the Council on AI* by the OECD Member States in May 2019, which was the first intergovernmental standard document on AI to be ever approved.<sup>217</sup> These principles set standards in areas such as privacy, digital security risk management, and responsible business conduct, which were used as a benchmark by the G20 Leaders who welcomed G20 AI Principles in June 2019.<sup>218</sup> While all of these initiatives and strategies are attempting to bring light to the potential uses and challenges of AI and cybersecurity, there has been no dialogue to create an international mechanism to govern the use of AI technologies in cyberspace.<sup>219</sup> Therefore, responsible state use of AI in cyberspace, combined with the continuously evolving nature of AI technology, may pose a threat to international peace and security if used inappropriately.<sup>220</sup>

### ***The Shanghai Cooperation Organization and the Challenges in Cyberspace***

The SCO is an example of a regional organization taking an active role in addressing issues related to responsible state behavior in cyberspace.<sup>221</sup> In 2009, with the signing of the *Agreement among the Governments of the SCO Member States on Cooperation in the Field of Ensuring International Information Security*, the SCO underlined the “digital gap”.<sup>222</sup> This gap is put in place where more developed Member States produce greater amounts of ICT technologies, which in turn forces less-developed

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<sup>209</sup> UN, *First Committee Weighs Potential Risks of New Technologies as Members Exchange Views on How to Control Lethal Autonomous Weapons, Cyberattacks*, 2018.

<sup>210</sup> Bianco, *UNODA Launches ‘Youth4Disarmament’ Initiative with Dialogue on Artificial Intelligence and International Security*, 2019.

<sup>211</sup> Ibid.

<sup>212</sup> Ibid.

<sup>213</sup> UN EOSG, *Secretary-General’s Strategy on New Technologies*, 2018.

<sup>214</sup> Ibid.

<sup>215</sup> Ibid.

<sup>216</sup> Ibid.

<sup>217</sup> OECD, *What are the OECD Principles on AI?*, 2019.

<sup>218</sup> Ibid.

<sup>219</sup> Etzioni & Etzioni, *Should Artificial Intelligence Be Regulated?*, 2017; INFOSEC, *Introduction to AI and Cybersecurity*, 2019.

<sup>220</sup> Ibid.

<sup>221</sup> Kizekova, *The Shanghai Cooperation Organization: Challenges in Cyberspace – Analysis*, 2012.

<sup>222</sup> Ibid.

Member States to become dependent on these products and not have an opportunity to develop such technologies themselves.<sup>223</sup> This Agreement also affirmed the necessity for SCO Member States to establish mutual codes of conduct in cyberspace to prevent the escalation of cyber threats.<sup>224</sup>

In recent years, an international consensus has emerged on the need to define general norms of conduct for Member States in order to address common challenges in the field of information security.<sup>225</sup> Some SCO Member States submitted a draft code of the *International Code of Conduct for Information Security* before the 66<sup>th</sup> session of the General Assembly in September 2011 and further gave suggestions on how to develop a code of responsible conduct for Member States.<sup>226</sup> The SCO replaced this document in 2015, when its Member States submitted a revised draft to the General Assembly, stressing the necessity to identify the rights and responsibilities of states in the information space and explicitly acknowledge that states must play the same role in governing cyberspace.<sup>227</sup> However, the diverging views regarding the concept of “international information security” have made it impossible to reach a consensus.<sup>228</sup> Whereas the SCO Member States underline the necessity of regulation in cyberspace, many other UN Member States consider this level of content regulation to be a threat to fundamental human rights.<sup>229</sup> The 2015 GGE took note of this proposal, but the code has not been further negotiated and has not gained a full support from the international community.<sup>230</sup> However, during the meeting of the Council of Heads of the SCO held in October 2018, leaders reaffirmed their commitment to cooperate in the field of ICTs by developing international principles and norms for the responsible state behavior in cyberspace.<sup>231</sup> Among these norms, SCO Member States are called not to use ICTs to interfere in the internal affairs of other states; to develop confidence-building measures, such as voluntary exchange of information about national strategies and organizational structures; and to assist developing countries in their efforts to close the “digital gap.”<sup>232</sup>

## Conclusion

Concerns about cybersecurity have increased as Member States increasingly depend on the Internet while the number of cyber-attacks expands.<sup>233</sup> While ICTs can drive economic and social development, malicious use of these new tools could be a risk for global security.<sup>234</sup> The international community is therefore committed to continue to explore ways that commit countries to respect laws, rules, or norms in cyberspace.<sup>235</sup> Past GGE reports have established a strategic framework for responsible state behavior, which is based on the development of new norms of responsible state behavior, as well as the

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<sup>223</sup> Ibid.

<sup>224</sup> Ibid.

<sup>225</sup> UN General Assembly, *Letter dated 9 January 2015 from the Permanent Representatives of China, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan to the United Nations addressed to the Secretary-General (A/69/723)*, 2015.

<sup>226</sup> The Embassy of the Russian Federation to the United Kingdom of Great Britain and Northern Ireland, *International code of conduct for information security*, 2011.

<sup>227</sup> UN General Assembly, *Letter dated 9 January 2015 from the Permanent Representatives of China, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan to the United Nations addressed to the Secretary-General (A/69/723)*, 2015.

<sup>228</sup> CCDCOE, *Shanghai Cooperation Organisation*.

<sup>229</sup> Ibid.

<sup>230</sup> CCDCOE, *2015 UN GGE Report: Major Players Recommending Norms of Behaviour, Highlighting Aspects of International Law*, 2015.

<sup>231</sup> SCO, *Information Report Following the Meeting of the Council of Heads of State of the Shanghai Cooperation Organization Member States*, 2018.

<sup>232</sup> UN General Assembly, *Letter dated 9 January 2015 from the Permanent Representatives of China, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan to the United Nations addressed to the Secretary-General (A/69/723)*, 2015.

<sup>233</sup> Lété & Chase, *Shaping Responsible State Behavior in Cyberspace*, 2018.

<sup>234</sup> Ibid.

<sup>235</sup> Ibid.

implementation of already existing ones.<sup>236</sup> Throughout the Seventy-fourth session of the General Assembly, the First Committee, in particular through the GGE and the OEWG, continued to work on supporting and advancing effective implementation of the norms, principles and rules of responsible state behavior in cyberspace, and promote possible cooperative measures to address cyber-threats.<sup>237</sup>

### **Further Research**

Moving forward, delegates should consider the following questions: What can the First Committee do, within its mandate, to reconcile the diverging views of Member States on cyberspace-related issues, such as the digital gap and the ungoverned space of AI? How can regional frameworks regarding policy and normative expectations for Member States in cyberspace can be adapted at the UN level? How does the private sector respond to UN resolutions on cyberspace? How can the First Committee set policy norms to govern the responsible use of AI in cyberspace?

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*This report offers a great starting point for research about how the United Nations has adapted and responded to developments in information and communication technologies. It focuses primarily on the norm-setting work of the General Assembly, its underlying processes, and challenges related to the use of ICTs by Member States. Delegates will also find information about linkages and complementarities with other non-UN processes and comparisons with other items on the UN agenda, which are linked to international peace and security. The report also includes figures that are very helpful to better understand the topic, such as an illustrative explanation of the principal organs of the UN dealing with ICTs-related issues and a representation of GGE members since 2004.*

Kumar, S. & Brown, D. (2019, May 1). UN First Committee Processes on Responsible State Behavior in Cyberspace: an explainer. *Global Partners Digital*. Retrieved 14 July 2019 from: <https://www.gp-digital.org/un-first-committee-processes-on-responsible-state-behaviour-in-cyberspace-a-briefing/>

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

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*This report offers well-explained information regarding the work of the First Committee with regards to international peace and security between 1998 and 2012. Delegates will find guiding sources for their research, including important explanations about the work of the Groups of Governmental Experts, Annual Reports of the Secretary-General, and the*

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<sup>236</sup> Kumar & Brown, *UN First Committee Processes on Responsible State Behavior in Cyberspace: An Explainer*, 2019.

<sup>237</sup> Kumar & Brown, *UN First Committee Processes on Responsible State Behavior in Cyberspace: An Explainer*, 2019.

*Secretary-General's Agenda for Disarmament. This source can be used to better understand the historical background of the topic under discussion, and therefore provide delegates with a better contextual understanding of the most recent developments in the field.*

United Nations, Executive Office of the Secretary-General. (2018). *UN Secretary-General's Strategy on New Technologies*. Retrieved 23 August 2019 from:

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*The objective of this strategy is to define how the UN system should aim to support new technologies to accelerate the achievement of the 2030 Agenda for Sustainable Development. Therefore, it is a good source to understand how the Secretariat envisions a UN approach in the use of new technologies in the context of the SDGs. Delegates will find a list of recent initiatives undertaken by many parts of the UN, especially at the national level. Additionally, this strategy identifies four major commitments for the UN: deepening the UN's internal capacities and exposure to new technologies; increasing understanding, advocacy and dialogue; supporting dialogue on normative and cooperation frameworks; and enhancing UN system support to government capacity development.*

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

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

*“The death toll from small arms dwarfs that of all other weapons systems – and in most years greatly exceeds the toll of the atomic bombs that devastated Hiroshima and Nagasaki. In terms of the carnage they cause, small arms, indeed, could well be described as ‘weapons of mass destruction.’”<sup>238</sup>*

#### **Introduction**

The United Nations (UN) defines Small Arms and Light Weapons (SALW) as “any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, excluding antique small arms and light weapons or their replicas.”<sup>239</sup> Specifically, “small arms” are weapons which are mainly designed for individual use only, including revolvers and self-loading pistols, whereas “light weapons” are designed to be used by multiple individuals, and can include heavy artillery machine guns, grenade launchers, self-loading launchers, and anti-tank guns with a caliber less than 100 millimeters.<sup>240</sup> General Assembly report 60/88 (2005) of the “Open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons” was the first to outline a method for tracing SALW by proposing system devised to track any illicit SALW from their manufacture to seizure.<sup>241</sup> In this key document, the term “illicit” was applied to SALW when they had been transferred, marked, manufactured or assembled without the notice or authorization of a national authority and without ensuring the adequate application of provisions from the Member State.<sup>242</sup> These weapons may also be illicit if they violate the arms embargoes which were set by the UN Security Council in any manner.<sup>243</sup>

The illicit trade of SALW has been recognized as one of the most pressing peace and security issues facing the international community, as their misuse threatens human rights, can start violent engagements, and can extend existing conflict.<sup>244</sup> SALW’s relatively cheap manufacturing costs and portability also make them easily transportable, making them suitable weapons in mobile violence, such as terrorist attacks, armed conflict, and transnational organized crimes.<sup>245</sup> Reports by the UN Security Council, including Security Council resolutions 255 (2011), 503 (2013), and 1025 (2017) show that the widespread availability of SALW have exacerbated acts of terrorism-related violence in Iraq, Libya, the Syrian Arab Republic, and Yemen.<sup>246</sup>

The General Assembly First Committee has therefore placed a significant importance on preventing the illicit trade of SALW to mitigate the substantial threat to the safety and security of people they present, as well as to prevent further human rights violations.<sup>247</sup> The *Trade Update 2017: Out of the Shadows* (2017) report by the Small Arms Survey reported that small arms accounted for nearly 38% of global transfers

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<sup>238</sup> UN Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, *Small Arms Review Conference 2006*, 2006.

<sup>239</sup> UN General Assembly, *Report of the Open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (A/60/88)*, 2005, p. 7.

<sup>240</sup> Ibid.

<sup>241</sup> Ibid.

<sup>242</sup> Ibid.

<sup>243</sup> UN Security Council, *1718 Sanctions Committee (DPRK): Arms Embargo*, 2019.

<sup>244</sup> UN Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, *Small Arms Review Conference 2006*, 2006.

<sup>245</sup> Small Arms Survey, *Geneva Declaration on Armed Violence and Development*, 2006, p. 1.

<sup>246</sup> UN Security Council, *Small arms and light weapons – Report to the Secretary General (S/2017/1025)*, 2017.

<sup>247</sup> UN DGC, *Human Cost of Illicit Flow of Small Arms, Light Weapons Stressed in Security Council Debate (SC/11889)*, 2015.

and accounted for nearly 535,000 deaths.<sup>248</sup> This guide will therefore focus on the international efforts for the prevention of the illicit trade of SALW and will focus on how the illicit trade of SALW caused instability in South Sudan as a case study. Finally, the guide will discuss the current measures for tracing and tracking SALW to prevent their illicit trade, as means to discuss best practices.

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

The *Universal Declaration of Human Rights* (UDHR) (1948) established the framework for global human rights, and serves as a key document for understanding the need to mitigate the impact of SALW.<sup>249</sup> Articles 3 and 5 of the UDHR highlight the importance of right to life, liberty, security, which are all threatened by illicit trade and usage of SALW.<sup>250</sup>

Supporting the central framework that the UDHR established, the General Assembly First Committee then adopted several key resolutions to prevent the continued spread of these weapons.<sup>251</sup> The *UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects* (PoA SALW) (2001) remains the most important arms framework adopted by the UN.<sup>252</sup> The PoA SALW calls for the establishment of measures to prevent the illicit trade and stockpiling of illegal SALW, as well as enhanced methods for SALW tracking and tracing on the national, regional, and global levels.<sup>253</sup> It is further supported by the *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition* (2001), also known as the Firearms Protocol, a supplementary report to the *United Nations Convention against Transnational Organized Crime* (2000).<sup>254</sup> The Firearms Protocol was adopted to support the fight against transnational organized crime and is currently the only legally binding document which combats the illicit trade of SALW on the international level.<sup>255</sup> The Firearm Protocol's main objective was to create a framework upon which Member States can work together to regulate SALW, prevent SALW diversion into illicit trade, and enable investigations and prosecutions to be carried out with relations to the illicit SALW without hindering legal transactions.<sup>256</sup> The General Assembly also adopted the *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons* in 2005, which laid groundwork for the formation of the International Tracing Instrument (ITI).<sup>257</sup> The ITI is a politically binding instrument that was designed in accordance to the recommendations framework proposed by the PoA SALW with respect to the marking, record-keeping, stockpile management, and tracing of SALW, and builds on the tenets of the Firearms Protocol.<sup>258</sup> Additionally, the ITI also references the Firearms Protocol.<sup>259</sup> However, leveling of national ITI reporting on their efforts to prevent illicit trade of SALW have been decreasing over the years.<sup>260</sup>

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<sup>248</sup> Small Arms Survey, *Armed Violence*, 2019; Holtom et al., Trade Update 2017 – Out of the Shadows, *Small Arms Survey*, 2017.

<sup>249</sup> UN General Assembly, *Universal Declaration of Human Rights (A/RES/217A (III))*, 1948.

<sup>250</sup> Ibid.

<sup>251</sup> Council of the European Union, The UN Role and Efforts in Combating the Proliferation of Small Arms and Light Weapons, *UN Chronicle*, 2011.

<sup>252</sup> UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, *Report of the United Nations on the Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/15 (2001))*, 2001.

<sup>253</sup> Ibid.; Small Arms Survey, *What the National Reports Reveal: Trends in UN PoA and ITI Reporting*, 2015.

<sup>254</sup> UNODC, *The Firearms Protocol*, 2019.

<sup>255</sup> Ibid.

<sup>256</sup> Ibid.

<sup>257</sup> UN PoA-ISS, *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, 2016.

<sup>258</sup> Weaponslaw, *2005 International Tracing Instrument*, 2019.

<sup>259</sup> Ibid.; UN General Assembly, *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Organized Crime (A/RES/55/255)*, 2001.

<sup>260</sup> NATO, *10 years of action on Small Arms: Where are we now?*, 2019.

The UN General Assembly also adopted the *Arms Trade Treaty* (ATT) in 2013, which called on Member States to commit to the establishment of effective measurements and strategies to regulate the trade of conventional weapons internationally.<sup>261</sup> This key treaty calls on Member States to commit to the establishment of effective measurements and strategies to regulate the international trade of conventional weapons.<sup>262</sup> As of August 2019, only 104 Member States have joined and ratified the treaty.<sup>263</sup> Some Member States claim that the treaty might interfere with their domestic gun law regulations.<sup>264</sup> The ATT aims to enhance Member States' current efforts of maintaining records of exports and imports of conventional weapons, specifically SALW.<sup>265</sup> According to the ATT, exporters of conventional weapons are obligated to conduct a risk analysis to the importing Member States to assess the impact of the weapons, and to ensure that both exporters and importers take the necessary measures to ensure thorough tracking.<sup>266</sup> Moreover, the ATT helps ensure that SALW do not enable acts of terrorism through regulation and monitoring of their import and export.<sup>267</sup>

Finally, the Sustainable Development Goals (SDGs), a collection of 17 global goals set by the UN General Assembly for the 15 year-period between 2015-2030, remain a key framework for global progress.<sup>268</sup> In particular SDG 16 (peace, justice and strong Institutions) plays a key role in this topic, as Target 16.4 specifically calls on governments to “significantly reduce illicit financial and arms flows” by 2030.<sup>269</sup> In support of this Target, the Swedish Ministry of Foreign Affairs has released a briefing paper titled “Arms Control 2.0: Operationalizing SDG Target 16.4” which discusses future measures for implementation.<sup>270</sup>

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

For over two decades the General Assembly First Committee has been addressing the illicit trade of SALW and has been closely working alongside related UN offices to mitigate the trafficking and impact of these arms.<sup>271</sup> The General Assembly First Committee most recently adopted 3 resolutions in its Seventy-third session (2018) relating to SALW.<sup>272</sup> Firstly, the General Assembly resolution 73/69 on “The illicit trade in small arms and light weapons and all its aspects” (2018) focuses upon the importance of combating the illicit trade of SALW on national, regional and international platforms, and proposes cooperation between Member States, and international and regional organizations to find better methods of implementing the PoA.<sup>273</sup> The First Committee also adopted resolution 73/52 on “Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them” (2018) aimed at reducing the illicit trade of SALW by encouraging cooperation between Member States and international organizations, as well as to set the provisional agenda for the seventy-fourth session on “General and complete disarmament.”<sup>274</sup> General Assembly resolution 73/52 also calls upon the Secretary-General to pursue efforts regarding the implementation of resolution 49/75 by providing recommendations to better

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<sup>261</sup> UN General Assembly, *Arms Trade Treaty*, 2013.

<sup>262</sup> *Ibid.*

<sup>263</sup> *Ibid.*

<sup>264</sup> Scheinert, *Why Has Canada Not Signed the Global Arms Trade Treaty?*, *OpenCanada*, 2014.

<sup>265</sup> UN General Assembly, *Arms Trade Treaty*, 2013.

<sup>266</sup> *Ibid.*

<sup>267</sup> *Ibid.*

<sup>268</sup> UN Sustainable Development Goals, *About the Sustainable Development Goals*, 2019.

<sup>269</sup> UNODA, *Arms Control 2.0: Operationalizing Sustainable Development Goals Target 16.4*, 2017.

<sup>270</sup> *Ibid.*

<sup>271</sup> UN General Assembly, *Disarmament and International Security (First Committee)*, 2019.

<sup>272</sup> UN General Assembly, *The Illicit Trade in Small Arms and Light Weapons and all its Aspects (A/RES/73/69)*, 2018; UN General Assembly, *The Illicit Trade in Small Arms and Light Weapons and all its Aspects (A/RES/73/52)*, 2018; UN General Assembly, *Consolidation of Peace through Practical Disarmament measures (A/RES/73/53)*, 2018.

<sup>273</sup> UN General Assembly, *The Illicit Trade in Small Arms and Light Weapons and all its Aspects (A/RES/73/69)*, 2018.

<sup>274</sup> *Ibid.*

combat the illicit trade of SALW through the UN Regional Center for Peace and Disarmament in Africa.<sup>275</sup> Thirdly, General Assembly resolution 73/53 (2018) on “Consolidation of peace through practical disarmament measures” calls for disarmament for the purposes of instating international peace and also calls for Member States to financially support the ATT to prevent further acts of illicit trade of SALW.<sup>276</sup>

The United Nations Office for Disarmament Affairs (UNODA) supports the implementation of the PoA SALW and ITI by ensuring regional organizations’ cooperation.<sup>277</sup> Due to the similar goals of both PoA and the ITI, the Member States’ national reports through both forums are communicated to the UNODA, and then used to propose recommendations for improving the preventative measures of illicit trade of SALW to the General Assembly.<sup>278</sup> The UNODA also has Regional Disarmament Branches that operate in Africa, Latin America and the Asia-Pacific, which provide support and advisory services to Member States, regional, and sub-regional organizations on SALW trade as well as the monitoring of global arms trade policies.<sup>279</sup> The UNODA also acts as the focal point for the United Nations Coordinating Action on Small Arms (UN CASA) which articulates efforts with 23 other UN agencies on addressing the issue of SALW and their illicit trade.<sup>280</sup> CASA has also led the development of the *International Small Arms Control Standards* (ISACS) which act as the standard model that policymakers and experts use to regulate all aspects of small arms control.<sup>281</sup> The ISACS has been designed to follow standards set by the UN regarding mine action and disarmament, and demobilization and reintegration, meaning that Member States can utilize the ISACS to establish consistent guidelines on these key issues.<sup>282</sup> Additionally, the UNODA maintains the UN Register of Conventional Arms, which is crucial in combating the illicit trade of SALW as it aims to increase transparency in arms transactions through the reporting of arms trade sales.<sup>283</sup> Ensuring transparency in arms transactions also helps monitor the function of SALW in specific regions, which would be essential for decision-making processes should any illegal activity ensue.<sup>284</sup>

Several regional organizations have also taken the initiative to create specially tailored framework to eradicate the illicit transfer of SALW and help control their global impact.<sup>285</sup> Some of these regional tools include the *Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials* (1997), and the *Inter-American Convention on Transparency in Conventional Weapons Acquisitions* (1999), which act to provide a regional framework and are also Confidence-Building Measures (CBM).<sup>286</sup> In Africa, a similar CBM includes the *Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons* (2000), which is a regional declaration that calls for the establishment of national coordination agencies with the purposes of monitoring, tracking and controlling the trade of illicit SALW, as well as to conduct research into the policymaking of any security and safety-related policies.<sup>287</sup> In 2006, the League of Arab States adopted resolution 6625, *Arab Coordination for Combating the Illicit Trade in Small Arms and Light Weapons*, which aims to encourage Arab states to improve their methods in combating illicit trade of SALW by information-sharing across the region on the latest developments.<sup>288</sup> Finally, the European Union adopted the *EU Strategy to Combat Illicit Accumulation and Trafficking of*

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<sup>275</sup> Ibid.

<sup>276</sup> UN General Assembly, *Consolidation of peace through practical disarmament measures (A/RES/73/53)*, 2018.

<sup>277</sup> UNODA, *Structure*, 2019; Small Arms Survey, *Regional Organizations and the UN Programme of Action on Small Arms (PoA)*, 2019.

<sup>278</sup> Ibid.

<sup>279</sup> UNODA, *Structure*, 2019.

<sup>280</sup> UN PoA SALW, “Reviving the Coordinating Action on Small Arms (CASA) is one of my priorities in the field of disarmament for 2008” Secretary Ban Ki-moon, 2019.

<sup>281</sup> Small Arms Standards, *About ISACS*, 2019.

<sup>282</sup> Ibid.

<sup>283</sup> UNODA, *UN Register of Conventional Arms*, 2019.

<sup>284</sup> Ibid.

<sup>285</sup> UNODA, *Regional Disarmament Overview*, 2019.

<sup>286</sup> Small Arms Survey, *Regional instruments and organizations*, 2016.

<sup>287</sup> African Union, *Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons*, 2000.

<sup>288</sup> League of Arab States, *Arab Coordination for Combating the Illicit Trade in Small Arms and Light Weapons*, 2006.

*Small Arms and Light Weapons and Their Ammunition (2005)*, which aimed to provide financial support to programs and agencies related to combating any security threats posed by the illegal trade of SALW.<sup>289</sup>

In addition to the work of the UN and regional organizations, civil society organizations (CSOs) have been significant contributors to combating the illicit trade of SALW.<sup>290</sup> The Small Arms Survey (SAS), a non-governmental organization (NGO) based in Geneva, carries out relevant research on all aspects of SALW, providing the public with regional and international data on global violent deaths and global firearms holdings.<sup>291</sup> Moreover, the SAS reviews global issues concerning SALW including production, stockpiling, legal and illegal arms transactions, brokering, and evaluating any national, regional and international measure against the illicit trade of SALW to hold international partners accountable.<sup>292</sup> The International Committee of the Red Cross (ICRC) is another key civil society organization that focuses on the promotion and development of laws for the regulation of all weapons.<sup>293</sup> The ICRC reports and conducts relevant research on the impact of illicit trading of SALW on civilian violence and gender violence, as well as producing recommendations through humanitarian aid approaches on better ways to utilize the current measures to stop the illicit trade of SALW.<sup>294</sup>

### **Case Study: The Exacerbation of Conflict by the Illicit Small Arms and Light Weapons Trade in South Sudan**

By nature, SALW are portable, cheap to acquire, and readily available, so there has been an increase in the number of civilians possessing and using SALW from 650 million people in 2006 to 857 million in 2017.<sup>295</sup> This increase in illicit trade of SALW poses a serious threat to local, national, regional and international security, as the UN has recognized SALW as being one of the main causes of death in armed conflict.<sup>296</sup> The presence of SALW in conflicts consistently contributes to an increased level of violence and longer periods of violence, and makes the process of reaching peaceful resolutions more challenging.<sup>297</sup> South Sudan is key example of this phenomenon.<sup>298</sup> After decades of conflict in Sudan, followed by the *Comprehensive Peace Agreement* in 2005 which was signed by Sudan People's Liberation Movement and the Government of Sudan, South Sudan gained independence in 2011.<sup>299</sup> However, conflicts between smaller groups such as farmers and pastoralists continued to erupt over resources such as water and cattle, despite the Peace Agreement.<sup>300</sup> The ongoing trafficking and illicit trade of SALW has caused these minor conflicts to become more violent, causing the deaths of around 2,500 individuals and the displacement of nearly 350,000 people, and threatening the long-term effectiveness of the peace accord.<sup>301</sup>

The long-term effects of SALW can also be noticed in conflict regions where SALW reside with former combatants and civilians.<sup>302</sup> Widespread SALW in post-conflict regions worsen ethnic, political, and

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<sup>289</sup> European Union, *EU Strategy to Combat Illicit Accumulation and Trafficking of Small Arms and Light Weapons and Their Ammunition*, 2005.

<sup>290</sup> UNODA, *Advocacy by Non-Governmental Organizations to Strengthen the United Nations Programme of Action on Small Arms and Light Weapons*, 2018.

<sup>291</sup> Small Arms Survey, *About the Small Arms Survey*, 2019.

<sup>292</sup> Ibid.

<sup>293</sup> ICRC, *Use of Weapons*, 2019.

<sup>294</sup> Ibid.

<sup>295</sup> Small Arms Survey, *Illicit Trafficking*, 2019; Small Arms Survey, *Estimating Global Civilian-held Firearms Numbers*, 2018.

<sup>296</sup> Saferworld, *Impact of small arms and light weapons on conflict, security, and human development*, 2006; UN DGC, *Human Cost of Illicit Flow of Small Arms, Light Weapons Stressed in Security Council Debate*, 2015.

<sup>297</sup> Saferworld, *Impact of Small Arms and Light Weapons on Conflict, Security, and Human Development*, 2006.

<sup>298</sup> Ibid.

<sup>299</sup> Ibid.

<sup>300</sup> Ibid.; BICC, *Annual report 2006/2007*, 2007.

<sup>301</sup> Saferworld, *Impact of Small Arms and Light Weapons on Conflict, Security, and Human Development*, 2006.

<sup>302</sup> Ibid.

religious rivalries which drastically increase the chances of these weapons being mishandled.<sup>303</sup> Untrained personnel using unregulated SALW contribute directly to human rights and international humanitarian law violations.<sup>304</sup> The abundance of SALW has supported the efforts of rebel groups, such as the Lord's Resistance Army (LRA) and the White Army, in causing violence in local populations, as well as enlisting and radicalizing recruits through threat of further civilian violence.<sup>305</sup> The LRA were also primarily instigators of terrorism around the South Sudan borders, and have resorted to kidnapping and theft to consolidate power and resources in the region in 2014.<sup>306</sup> In addition, the illicit trade of SALW has a harmful effect on the economic and social development in these already marginalized regions.<sup>307</sup> Limited access to water and grazing area for cattle can result in increasing tensions among the tribes leading to an armed conflict where SALW are used, in addition to the threat already presented by armed groups.<sup>308</sup> Additionally, the unavailability of proper infrastructure and roads, as well as the presence of food instability and land disputes exacerbate tensions in the region, and meaning that increased presence of SALW can have a damaging effect on regional stability.<sup>309</sup>

The UN has responded to the growing threat that SALWs represent to the region by imposing a 2018 arms embargo on South Sudan, which was renewed in 2019.<sup>310</sup> Under the embargo, Member States are required to prevent arms and related equipment from shipping to South Sudan, supported by an existing travel ban and asset freeze.<sup>311</sup> However, this approach only combats the flow of legal weapons, and to quote the United States' statement to the Security Council in 2016: "we can only imagine how many weapons made their way to parties in South Sudan, and how many more people had to die."<sup>312</sup> The UN Security Council further noted the need to continue supporting the African Union's "Silencing the Guns in Africa by the Year 2020" initiative, while expressing concerns about the ongoing regional violence and political fragility, exacerbated by the continued flow of SALW.<sup>313</sup>

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

#### *Licensing*

Oxfam International states that licensing of conventional weapons provides a framework to which legal transactions of weapons can be conducted, which makes licensing of arms an essential part of controlling the illicit trade of SALW.<sup>314</sup> Licensing of SALW is utilized when weapons are imported, exported, transited and inspected, and licensing can therefore minimize the possibility to which weapons can be diverted into illicit trade, by providing a transparent platform for all parties involved in the transaction of arms trade.<sup>315</sup> Ensuring the correct licensing of SALW also provides the end user with the International Import Certificate (IIC).<sup>316</sup> The IIC provides the receiving party's information and why it is legally being possessed.<sup>317</sup> However, while effective when used, licensing fails when there is a lack of an internationally unified

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<sup>303</sup> Ibid.

<sup>304</sup> Ibid.

<sup>305</sup> Ibid.

<sup>306</sup> Ibid.

<sup>307</sup> Ibid.

<sup>308</sup> Ibid.

<sup>309</sup> Ibid.

<sup>310</sup> UN DGC, *Security Council imposes arms embargo on South Sudan*, 2018; UN DGC, *Security Council Renews Sanctions against South Sudan, Adopting Resolution 2471 (2019) by 10 Votes in Favour, with 5 Abstentions (SC/13827)*, 2019.

<sup>311</sup> UN DGC, *Security Council imposes arms embargo on South Sudan*, 2018.

<sup>312</sup> Ibid.

<sup>313</sup> UN DGC, *Security Council Renews Sanctions against South Sudan, Adopting Resolution 2471 (2019) by 10 Votes in Favour, with 5 Abstentions (SC/13827)*, 2019.

<sup>314</sup> Oxfam International, *National Implementation of the Proposed Arms Trade Treaty: A Practical Guide, Summary*, 2010.

<sup>315</sup> Ibid.

<sup>316</sup> Bromley et al., *End-User Certificates: Improving Standards to Prevent Diversion*, 2010.

<sup>317</sup> Wassenaar Arrangement Plenary, *End-Use Assurances Commonly Used Indicative List*, 1999.

standard on who can acquire such licenses for SALWs.<sup>318</sup> The NGO International Action Network on Small Arms has noted in the UN chronicle that in addition to inconsistent standards on licensing, lack of limits on the number of weapons that an individual can own, as well as exemptions from licensing requirements, such as for civil servants, soldiers, or police, can open the gate for guns to move from legal to illegal networks.<sup>319</sup>

### *Marking and Tracing*

Within the system of monitoring and tracking of SALW, the UN recommends that each weapon should undergo the marking process for their tracing to be functional.<sup>320</sup> The ITI identifies marking as an agreement by which individual firearms can be differentiated among any parties or Member States involved in the transfer of these arms; whereas tracing is the process of tracking SALW which is found in illicit trade or tracking SALWs from the point of manufacture to the point where they became involved in illicit trade.<sup>321</sup> The ITI's main objective for marking and tracing is to prevent SALWs from entering the illicit trade.<sup>322</sup> The ITI calls for Member States to enforce marking of firearms at manufacture, import, and transfer of ownership.<sup>323</sup> However, there are some obstacles to fully effective global marking and tracing, including that peacekeeping staff for "Arms Embargo missions" are often not trained adequately to maintain correct records for weapons at production.<sup>324</sup> Additionally, ammunition does not usually carry a unique marking, therefore its tracing and monitoring is not accurate.<sup>325</sup> Civil society has recommended that the UN help provide finance and expertise to help developing countries set up their own consistent marking and tracing systems as a practical step towards preventing the illicit trade of SALW, but notes that lack of resources and consistency continues to be an obstacle.<sup>326</sup>

### *Brokering*

One of the biggest issues with the illicit trade of SALW globally is the presence of "brokers," who act as private intermediaries performing the tasks previously conducted by government officials.<sup>327</sup> Brokers help in facilitating the transaction of SALWs and act as the facilitator, for some form of financial benefit.<sup>328</sup> Due to their personal interests, brokers can often be found working outside a legal framework, subverting arms embargo and fueling conflict, which is why the General Assembly First Committee adopted resolution 71/36 (2016) on "Preventing and combating illicit brokering activities."<sup>329</sup> This resolution focuses on encouraging international cooperation and information-sharing for the purposes of preventing illicit brokering activities.<sup>330</sup> While the UN is monitoring results, they also note that an estimated 75% of SALW still remain in civilian hands, leading to ongoing risk of semi-legal (grey) SALWs becoming brokered, as grey SALWs are less accountable, less strictly guarded, and plentiful.<sup>331</sup>

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<sup>318</sup> Bolvin, Complicity and beyond: International law and the transfer of small arms and light weapons, *International Review of the Red Cross*, 2005.

<sup>319</sup> Peters, Small Arms: No Single Solution, *United Nations: UN Chronicle*, 2005.

<sup>320</sup> PoA-ISS, *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, 2016.

<sup>321</sup> Ibid.

<sup>322</sup> Ibid.

<sup>323</sup> Ibid.

<sup>324</sup> UNODA, *Small Arms: Tracing*, 2019.

<sup>325</sup> Ibid.

<sup>326</sup> Peters, Small Arms: No Single Solution, *United Nations: UN Chronicle*, 2005.

<sup>327</sup> Small Arms Survey, *Brokering*, 2019.

<sup>328</sup> Ibid.

<sup>329</sup> Ibid.; UN General Assembly, *Preventing and combating illicit brokering activities (A/RES/71/36)*, 2016.

<sup>330</sup> UN General Assembly, *Preventing and Combating Illicit Brokering Activities (A/RES/71/36)*, 2016.

<sup>331</sup> Ibid.; Peters, Small Arms: No Single Solution, *UN Chronicle*, 2005.



## Conclusion

The illicit trade of SALWs has fueled conflict and hindered the implementation of already fragile peace in many regions, as well as exacerbated violence and promoted terrorism.<sup>332</sup> The PoA currently serves as the mainframe to regulate the trade of SALW, as it is being supported by the ITI, the UN Firearms Protocol and the ATT, and all overseen by the General Assembly First Committee.<sup>333</sup> However, these tools can only be useful if Member States focus on ratifying the guidelines and adapting the correct implementation of the policies, and if existing risk networks can be mitigated through expertise and resources.<sup>334</sup> Despite efforts by the UN to increase the tracking and tracing of SALW in order to prevent them falling into the illicit trade, due to lack of transparency and information sharing, the illicit trade of SALW nevertheless continues.<sup>335</sup> Comprehensively addressing the illicit trade of SALW remains a key issue for the UN General Assembly First Committee in order to prevent further violations of human rights, and provide fragile regions with peace and stability.<sup>336</sup>

## Further Research

Through their research on the illicit trade of SALW, delegates should consider the following questions: How can methods of tracking and tracing SALW be further enhanced to prevent the SALW from entering the illicit trade? In post-conflict regions, what should Member States consider in order to prevent the emergence of illicit trade of SALW in the region? What further actions should regional and international organizations take in order to prevent the illicit trade of SALW in conflict zones? How can Member States better utilize the current national, regional and international resources present to combat the illicit trade of SALW? How can Member States further enhance international cooperation towards tackling the illicit trade in conflict regions?

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*The International Small Arms Control Standards (ISACS) effectively helps Member States combat the rising issue of small arms and light weapons through standards that were created by the United Nations Coordinating Action on Small Arms (CASA) in agreement with the Programme of Action, International Tracing Instrument, Firearms Protocol, and Arms Trade Treaty. A list can be found on this resource of the different Member States, Civil Societies as well as various International Regional and Sub-Regional Organization that partner to help in the development, maintaining, and applying of ISACS. Delegates will also find the training resources available at this link helpful for conceptualizing what international work and standards have been applied to eradicate the illicit trade of SALW.*

Small Arms Survey. (2015). *What the National Reports Reveal: Trends in UN PoA and ITI Reporting*. Retrieved 20 July 2019 from: <http://www.smallarmssurvey.org/fileadmin/docs/G-Issue-briefs/SAS-IB13-PoA-ITI.pdf>

*This report is crucial for delegates to read as it shows how current resources and tools are being used towards combating SALW. It will also be an important resource as it explains the process of yearly communication between Member States and the PoA, as well as the ITI. In addition, it provides an analysis of the reporting trends within the PoA*

<sup>332</sup> UN General Assembly, *Report of the Sixth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF.192/BMS/2016/2)*, 2016.

<sup>333</sup> UNODA, *Arms Trade Treaty Implementation Toolkit: Module 2, Overview and Obligations*, 2015; UNODA, *ATT: States Parties*, 2017.

<sup>334</sup> UNODA, *Arms Trade Treaty Implementation Toolkit: Module 2, Overview and Obligations*, 2015.

<sup>335</sup> UNODA, *UN Register of Conventional Arms*, 2019.

<sup>336</sup> UN DGC, *Human Cost of Illicit Flow of Small Arms, Light Weapons Stressed in Security Council Debate*, 2015.

*which is can be utilized to pin-point regional specific issues on illicit SALW. Delegates may also find this report useful in understanding the resistance concerning reporting of illicit SALW, feedback which can be used to improve the existing framework.*

United Nations General Assembly. (2001). *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (A/RES/55/255)*. Adopted without reference to a Main Committee (A/55/383/Add.2). Retrieved 19 July 2019 from: <http://undocs.org/A/RES/55/255>

*The United Nations Convention against Transnational Organized Crime had a supplemental protocol to enforce its standards and motives, including this protocol, often referred to as the “Firearms Protocol.” This protocol is the legally binding global instrument which aims towards small arms after being ratified by 95 Member States. This protocol contains the four pillars to which Small Arms regulations was founded upon, including definitions, control measures, substantive criminal law, and information exchange. Delegates are encouraged to understand the four pillars of Small Arms regulations and to be able to view its development and how they can create policies to further prevent illicit trade of SALW.*

United Nations, General Assembly, Sixty-seventh session. (2013). *Arms Trade Treaty*. Retrieved 20 July 2019 from: <https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/06/English7.pdf>

*The Arms Trade Treaty has been adopted in the General Assembly after years of discussion on the eradication of Small Arms and Light Weapons. It was considered a milestone treaty, as the document is legally binding and it plays a strong role in shaping the future of illicit trade of SALW by prohibiting Member States from transferring arms to any country that violates Chapter VII of the UN Charter. Delegates are highly encouraged to study this treaty and to discuss feasibility of universal membership, particularly for those Members who have signed but not yet ratified the treaty.*

United Nations Office for Disarmament Affairs. (2019). *Small Arms: Use & Misuse*. Retrieved 20 August 2019 from: <https://www.un.org/disarmament/convarms/salw/>

*The UNODA’s website provides extensive informational and data on small arms concerning its disarmament. The sections include tracking, tracing, border control and law enforcement, marking and record-keeping among others. This website also provides previous reports and resolution and regional initiatives with regards to prevention the illicit trade of SALW. It is highly recommended that delegates use this source to understand the previous work that has been done by the international community with respect to preventing the illicit trade of SALW.*

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