

General Assembly First Committee

Background Guide 2020

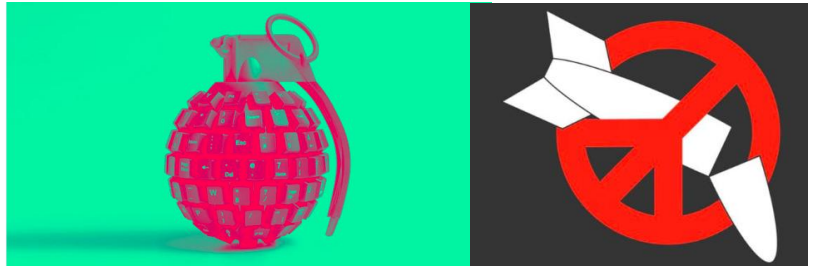
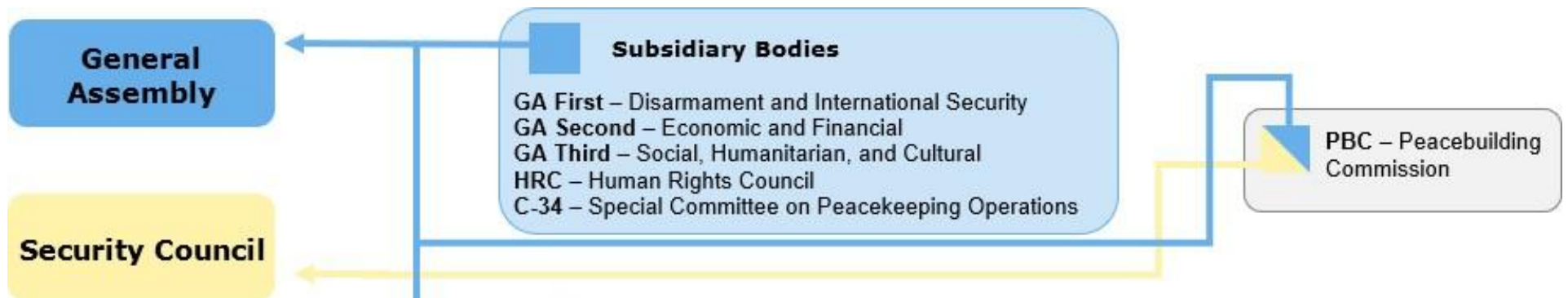


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United Nations System at TEXMUN•

This diagram illustrates the UN system simulated at TEXMUN 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

Introduction

The United Nations (UN) General Assembly has existed since the creation of the UN and is one of the six principal organs of the UN established by the *Charter of the United Nations* (1945).¹

The First Committee considers all matters related to disarmament and international security.² General Assembly resolution 1378(XIV) of 20 November 1959 on “General and Complete Disarmament” was the first resolution co-sponsored by all Member States and considered the question of disarmament the most important question facing the world at the time.³ Consequently, the General Assembly established the United Nations Disarmament Commission (UNDC) in 1952 with a general mandate to discuss topics related to disarmament.⁴ Furthermore, in its 26th session, the General Assembly declared the 1970s as a Disarmament Decade.⁵ During this time additional institutions to support disarmament were established; in 1979 the Conference on Disarmament (CD) was created as the international community’s multilateral negotiation forum on disarmament, and in 1980, the United Nations Institute for Disarmament Research (UNIDIR) was created with the purpose of undertaking independent research on questions related to disarmament.⁶ Several other disarmament-related entities and other 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.⁷

The ratification of the 1968 *Treaty on the Non-Proliferation of Nuclear Weapons* (NPT) in 1970 was a fundamental cornerstone in the field of nuclear disarmament.⁸ Efforts leading to this vital agreement started a decade earlier, and an important element in its development took place in the First Committee.⁹ In 1958, when nuclear non-proliferation was on the agenda for the first time, the First Committee recommended the creation of an ad hoc committee studying the dangers of nuclear dissemination, but this resolution failed to be adopted by the General Assembly Plenary.¹⁰ Over subsequent years, this subject was recurrent, and the First Committee adopted a series of resolutions including resolution 1576 (XV) of 1960, resolution 1665 (XVI) of 1961 and resolution 2028 (XX) of 1965, all recognizing the committee’s central role in pushing negotiations on non-proliferation forward.¹¹ These negotiations continued and culminated in the adoption of resolution 2373 (XXII) in 1968, requesting Member States to sign and ratify the *Treaty on the Non-Proliferation of Nuclear Weapons*.¹²

As the only main body with universal membership, the General Assembly is a unique forum for discussion within the UN system.¹³ As such, it represents the normative center of the UN and its central role in the maintenance of international peace and security can be summarized in three principal aspects: a generator of ideas, a place of international debate, and the nucleus of new concepts and practices.¹⁴

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

² UN General Assembly, *Disarmament and International Security (First Committee)*.

³ UN General Assembly, *General and Complete Disarmament (A/RES/1378 (XIV))*, 1959.

⁴ UN General Assembly, *Regulation, Limitation and Balanced Reduction of all Armed Forces and all Armaments; International Control of Atomic Energy (A/RES/502 (VI))*, 1952.

⁵ UN General Assembly, *Question of General Disarmament (A/RES/2602 E)*, 1969; UN General Assembly, *Final Document of the Tenth Special Session of the General Assembly (S-102)*, 1978.

⁶ *Ibid.*

⁷ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 63.

⁸ Sciora & Stevenson, *Planet UN*, 2009, pp. 77-78.

⁹ UN Audiovisual Library of International Law, *Treaty on the Non-Proliferation of Nuclear Weapons, 1968*, 2012, p. 1.

¹⁰ *Ibid.*

¹¹ *Ibid.*, pp. 1-3.

¹² *Ibid.*

¹³ UN General Assembly, *Functions and Powers of the General Assembly*.

¹⁴ Thakur, *The United Nations, Peace and Security*, 2006, pp. 91, 162.

Governance, Structure, and Membership

As outlined in the Charter, the General Assembly is comprised of all 193 UN Member States.¹⁵ However, Observer status can also be granted to intergovernmental organizations such as the African Union and states without full UN membership: currently the Holy See and the State of Palestine are the only two non-Member States with permanent Observer status.¹⁶ In the General Assembly, each Member State has one equal vote.¹⁷

Since its 44th session in 1989, the General Assembly is considered in session the entire year, but the most important time is the General Debate, which takes place from mid-September to the end of December and is called the “main part of the General Assembly.”¹⁸ For the remainder of the year, called the “resumed part of the General Assembly”, working group meetings take place and thematic debates are held.¹⁹ Decisions on important matters such as the maintenance of international peace and security, the admission, suspension, and expulsion of members, and all budgetary questions require a two-thirds majority.²⁰ For all other matters, votes in the General Assembly require a simple majority and the majority of resolutions are adopted without a vote, illustrating the consensus-based nature of the General Assembly.²¹ Elaborated by the General Assembly Fifth Committee, the budget allocated to disarmament for the biennium 2018-2019 is \$25.6 million and is mainly allocated to multilateral negotiations and deliberations on disarmament and arms limitation.²²

The First Committee receives substantive and organizational support from three important entities: the General Committee, the United Nations Office for Disarmament Affairs (UNODA), and the Department for General Assembly and Conference Management.²³ The General Committee is comprised of the President of the General Assembly and the 21 Vice-Presidents of the General Assembly, as well as the Chairpersons of all the six General Assembly Main Committees; all positions are elected every session on a non-renewable basis.²⁴ The General Committee’s main duty, besides making recommendations on organizational issues, is to determine the agenda of the General Assembly Plenary and its six Main Committees.²⁵ After receiving a preliminary list of agenda items from the UN Secretariat, the General Committee allocates the different items to each Main Committee.²⁶ The First Committee then votes upon its own agenda based on the allocated agenda items.²⁷ Within the UN Secretariat, UNODA provides “objective, impartial and up-to-date” information and promotes the implementation of practical measures on nuclear disarmament and non-proliferation, disarmament in the field of conventional weapons, and the general strengthening of mechanisms and frameworks bolstering disarmament.²⁸ It further encourages norm setting at the General Assembly, CD, and UNDC.²⁹ Additionally, the Department for General Assembly and Conference Management also provides valuable technical secretariat support and acts as the intersection between the General Assembly and the Economic and Social Council.³⁰

The First Committee works in close cooperation with the UNDC and the CD.³¹ The CD has a crucial role in addressing issues of disarmament and has been central to negotiations of international agreements

¹⁵ *Charter of the United Nations*, 1945, Art. 9.

¹⁶ UN DPI, *About Permanent Observers*; UN DPI, *Non-member States*.

¹⁷ *Charter of the United Nations*, 1945, Art. 18.

¹⁸ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 14.

¹⁹ *Ibid.*

²⁰ *Ibid.*, p. 54.

²¹ *Ibid.*, p. 14.

²² UN General Assembly, *Proposed Programme Budget for the biennium 2018-2019 (A/72/6 (Sect. 4))*, 2017, p. 5.

²³ UN General Assembly, *Disarmament and International Security (First Committee)*.

²⁴ UN General Assembly, *General Committee*.

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ UNODA, *About Us*.

²⁹ *Ibid.*

³⁰ UN DGACM, *Functions of the Department*, 2014.

³¹ UN General Assembly, *Disarmament and International Security (First Committee)*.

such as the NPT.³² Unlike the CD, the UNDC is a subsidiary organ of the First Committee and is composed of all 193 Member States.³³ Primarily suggesting recommendations to the General Assembly, it has been important in the formulation of principles and guidelines that have subsequently been endorsed by the committee in its own reports.³⁴ Both bodies report either annually or more frequently to the First Committee.³⁵ Additionally, as a crucial partner with the UN system, civil society organizations have an important relationship with the General Assembly and are often invited to speak at the General Assembly.³⁶

Mandate, Functions, and Powers

The mandate of the General Assembly is set in Chapter IV of the *Charter of the United Nations*; Article 11 requires the General Assembly to address questions of international peace and security, particularly disarmament.³⁷ This mandate has evolved over time and the growing range of issues facing the international community ultimately gave the First Committee its focus on disarmament and international security.³⁸ The question of disarmament is organized into seven clusters: nuclear weapons, other weapons of mass destruction (WMDs), disarmament aspects in outer space, conventional weapons, regional disarmament and security, the disarmament machinery, and other disarmament measures and security.³⁹ The mandate of the General Assembly allows it to be a conduit for ideas that can become the driver of new policies and shared norms through discussion and debate.⁴⁰ This can be regarded as one of the main differences between the General Assembly and the Security Council.⁴¹ The Security Council is more concerned with concrete threats to security including ongoing conflicts, whereas the General Assembly aims to create peace by forming habits and means of cooperation.⁴² It is important to note, however, that the General Assembly considers matters of international security only when the issue is not under the consideration of the Security Council.⁴³

The General Assembly and its six Main Committees are the center of the UN System and represent its main deliberative, policymaking, and representative organs; their outcomes thus define new norms that can become treaties or conventions among UN Member States.⁴⁴ The General Assembly is tasked with initiating studies and making recommendations to promote international cooperation in the political field; encouraging the development of international law; promoting the implementation of cultural, social, and human rights; and promoting fundamental freedoms free from discrimination.⁴⁵ The body “receives and considers reports” issued by “the other principal organs established under the Charter as well as reports issued by its own subsidiary bodies.”⁴⁶ The General Assembly Plenary receives recommendations from the six Main Committees.⁴⁷ Once the recommendations are sent to the Plenary Committee, the Plenary then votes on whether to adopt the resolutions as presented.⁴⁸ Although decisions reached by the

³² UNOG, *An Introduction to the Conference*, 2009.

³³ UNODA, *United Nations Disarmament Commission*.

³⁴ *Ibid.*

³⁵ UN General Assembly, *Disarmament and International Security (First Committee)*.

³⁶ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 31.

³⁷ *Charter of the United Nations*, 1945, Art. 11.

³⁸ UN General Assembly, *Revitalization of the Work of the General Assembly (A/RES/47/233)*, 1993.

³⁹ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 63.

⁴⁰ Thakur, *The United Nations, Peace and Security*, 2006, p. 10.

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 13.

⁴⁴ UN General Assembly, *Functions and Powers of the General Assembly*.

⁴⁵ *Charter of the United Nations*, 1945, Art. 12; UN General Assembly, *Functions and Powers of the General Assembly*; UN General Assembly, *Statement made by the Chairperson of the Fourth Committee*, 2013.

⁴⁶ *Ibid.*

⁴⁷ *Charter of the United Nations*, 1945, Art. 4; UN General Assembly, *Functions and Powers of the General Assembly*; UN General Assembly, *Statement by the Chairperson of the Fourth Committee*, 2013; UN General Assembly, *About the General Assembly*; Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 20.

⁴⁸ UN General Assembly, *About the General Assembly*.

General Assembly are non-binding, they are often adopted as customary international law and serve as key international policy norms.⁴⁹ Additionally, the General Assembly can request the Secretary-General or other UN organs to issue a report to one of the Main Committees on a specified question such as the implementation of recommendations made by the General Assembly.⁵⁰

The First Committee is able to introduce resolutions that initiate new negotiations on arms control and disarmament.⁵¹ These, in turn, can lead to the creation and funding of agencies or meetings as well as ad hoc committees or working groups that consider a particular question with the purpose of reporting to the General Assembly.⁵² The General Assembly Plenary must also adopt resolutions adopted in the First Committee before they are put into effect.⁵³ Though these resolutions are non-binding, consensus reached in the First Committee often leads to more concrete initiatives at the UN.⁵⁴

Recent Sessions and Current Priorities

The strategic framework of the *Biennial Programme Plan*, adopted on 9 March 2016, covers the years 2018-2019 and consists of five subprograms: multilateral negotiations on arms limitation and disarmament, WMDs such as nuclear weapons, conventional arms, information and outreach, and regional disarmament.⁵⁵ In this regard, the main objectives of the First Committee are to: “promote and support efforts for disarmament and non-proliferation” of WMDs including nuclear weapons, and support Member States to meet existing relevant treaties, “advance greater mutual confidence and transparency among Member States in the field of conventional arms,” increase understanding of Member States and the public on disarmament issues, and promote regional disarmament as a path toward global disarmament.⁵⁶ At its 71st session in 2017, the General Assembly adopted resolution 71/323, which established an ad hoc working group to revitalize the work of the General Assembly through enhancing the efficiency of the General Assembly.⁵⁷ Most of this has been achieved through procedural measures to streamline the work of the various committees of the General Assembly.⁵⁸

Prior to the start of the session, a number of reports were submitted to the First Committee, both from the Secretary-General and the CD.⁵⁹ The majority of reports were from the Secretary-General and discussed issues such as the risk of nuclear proliferation in the Middle East and the illicit trade of small arms and light weapons (SALW).⁶⁰ Reports from the CD covered a variety of topics such as new WMDs and the use of weapons in outer space.⁶¹ At its 72nd session, the First Committee approved a total of 58 draft resolutions.⁶² Although topics across all clusters were discussed, the majority of draft resolutions focused on the nuclear weapons cluster.⁶³ Among the topics discussed were continuing activity on nuclear disarmament agreements and the establishment of a nuclear-weapon-free zone in the Middle East.⁶⁴ One of the most contentious was resolution 72/43 (2017) on “Implementation of the Convention on the

⁴⁹ UN General Assembly, *About the General Assembly*, Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 13.

⁵⁰ *Ibid.*, pp. 36, 47.

⁵¹ Weis, *The United Nations and Changing World Politics*, 2004, p. 161.

⁵² *Ibid.*

⁵³ UN General Assembly, *About the General Assembly*.

⁵⁴ *Ibid.*

⁵⁵ UN General Assembly, *Biennial programme plan and priorities for the period 2018-2019 (A/71/6/Rev.1)*, 2017, pp. 70 – 77.

⁵⁶ *Ibid.*

⁵⁷ UN General Assembly, *Revitalization of the work of the General Assembly (A/RES/71/323)*, 2017.

⁵⁸ *Ibid.*

⁵⁹ UN General Assembly, *Documents of the First Committee (A/C.1/72/INF/1)*, 2017.

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

⁶² UN DPI, *Closing Session, First Committee Approves Draft on Chemical Weapons Convention, Sending Total of 58 Texts to General Assembly (GA/DIS/3594)*, 2017.

⁶³ UN General Assembly, *Action on Draft Resolutions and Decisions Under Disarmament and International Security Agenda Items (Items 90 to 106) (A/C.1/72/CRP.3)*, 2017.

⁶⁴ *Ibid.*

Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction,” which reaffirms the General Assembly’s condemnation of the use of chemical weapons, referring particularly to the case of Syria.⁶⁵ Under Cluster four on Conventional Weapons, other draft resolutions address aspects such as transparency in armaments, the Arms Trade Treaty, and the illicit trade in SALW.⁶⁶ General Assembly resolution 72/76 (2017) on the “Prevention of an Arms Race in Outer Space” as well as resolution 72/27 (2017) both focus on preventing Member States from placing weapons in outer space and limiting usage of outer space to peaceful uses only.⁶⁷

In recent years, the First Committee has placed greater emphasis on information security as Member States become more and more interconnected through technology.⁶⁸ During the 70th session, General Assembly resolutions 70/273 (2015) and 70/21 (2015) both addressed the vital role of information technology in the context of international security and disarmament.⁶⁹ General Assembly resolution 71/28 of 9 December 2016 stressed the importance of maintaining the free flow of information while addressing the threats toward global information security.⁷⁰ Looking forward to the 73rd session, information and telecommunication security are important items on the agenda.⁷¹ Other topics that will be discussed include the reduction of military budgets, the role of science and technology in international security and disarmament, as well as women, disarmament, non-proliferation, and arms control.⁷²

Conclusion

Disarmament has been an important issue for the UN and for the achievement of international peace since its founding.⁷³ As new threats arise and complicate the question of disarmament, addressing nuclear disarmament, the use of arms in outer space, and cyber security threats have become even more important. Efforts such as those made in the field of combating the illicit trade of SALW and strengthening global counter-terrorism efforts are a testimony of the General Assembly’s dedication to a safer world.⁷⁴ As a place where new ideas are shaped, the General Assembly can introduce standards and norms to promote disarmament and take steps toward establishing sustainable peace.⁷⁵ Although it has been argued that the First Committee has not been able to achieve its full potential in recent years, it continues to play a critical role in achieving advancements toward the pursuit of international peace and security.⁷⁶

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Sciara, R. & A. Stevenson. (2009). *Planet UN: The United Nations Confronting the Challenges of the 21st Century*. Geneva: Editions du Tricorne.

⁶⁵ UN General Assembly, *Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (A/RES/72/43)*, 2017.

⁶⁶ UN General Assembly, *Action on Draft Resolutions and Decisions Under Disarmament and International Security Agenda Items (Items 90 to 106) (A/C.1/72/CRP.3)*, 2017.

⁶⁷ UN DPI, *First Committee Submits Six Drafts to General Assembly, One Calling for Immediate Start of Negotiations on Treaty Preventing Outer Space Arms Race*, 2017.

⁶⁸ UNODA, *Developments in the Field of Information and Telecommunications in the Context of International Security*, 2016.

⁶⁹ UN General Assembly, *Developments in the Field of Information and Telecommunications in the Context of International Security (A/RES/70/237)*, 2015; UN General Assembly, *Objective Information on Military Matters, Including Transparency of Military Expenditures (A/RES/70/21)*, 2015.

⁷⁰ UN General Assembly, *Developments in the Field of Information and Telecommunications in the Context of International Security (A/RES/71/28)*, 2016.

⁷¹ UN General Assembly, *Developments in the field of information and telecommunications in the Context of international security (A/C.1/72/L.44)*, 2017.

⁷² UN General Assembly, *Provisional agenda of the seventy-third regular session of the General Assembly (A/73/150)*, 2018, pp. 12 – 16.

⁷³ *Charter of the United Nations*, 1945, Art. 7.

⁷⁴ UN General Assembly, *Documents of the First Committee (A/C.1/72/INF/1)*, 2017.

⁷⁵ UN General Assembly, *Functions and Powers of the General Assembly*.

⁷⁶ *Reaching Critical Will, UN General Assembly First Committee*, 2014.

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

Switzerland, Permanent Mission to the United Nations. (2011). *The PGA Handbook: A practical guide to the United Nations General Assembly*. Retrieved 23 August 2018 from: http://www.unitar.org/ny/sites/unitar.org/ny/files/UN_PGA_Handbook.pdf

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

Thakur, R. (2006). *The United Nations, Peace and Security*. Cambridge: Cambridge University Press. *Ramesh Thakur, a renowned commentator on the UN, examines the UN from a contemporary perspective and looks at it from new angles such as discussing human security by examining questions on international peace and security. By doing so, he critically analyzes the use of force by the UN with the intention of making it more effective in the light of today's threats, with a particular focus on security and how it has evolved over the years and the role of the UN system, including the General Assembly. His book is a valuable guide to the UN and will be of useful reading to delegates and offers an interesting perspective on international peace.*

United Nations, General Assembly, Seventy-first session. (2016). *Proposed Strategic Framework for the Period of 2018-2019, Part Two: Biennial Programme Plan, Programme 3: Disarmament (A/71/6(Prog.3))*. Retrieved 16 September 2018 from: [http://www.undocs.org/A/71/6\(prog.3\)](http://www.undocs.org/A/71/6(prog.3))

The Proposed Strategic Framework is drafted biennially and outlines the priorities of each year. In the section on disarmament, there are two main segments that discuss overall orientation and legislative mandates. Under the overall orientation, five priority subprograms are listed, which include multilateral negotiations on arms limitations and disarmament, WMD, conventional arms, information and outreach, and regional disarmament. Delegates will gain more knowledge on the General Assembly's current priority for the year from this document, and have a clearer direction on moving the research forward.

United Nations, General Assembly, Seventy-second session. (2017). *Documents of the First Committee (A/C.1/72/INF/1)* [Note by the Secretariat]. Retrieved 9 July 2018 from: <http://undocs.org/A/C.1/72/INF/1>

This is an exceptionally useful source as it provides links to various UN documents utilized by the General Assembly First Committee during the 72nd session. The various documents include information pertinent to the agenda of the First Committee including nuclear disarmament, chemical weapons, cybersecurity and international security and outer space. Delegates should use this to expand their knowledge on the various priorities of the First Committee.

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United Nations, Department of Public Information. (2017, November 2). *Closing Session, First Committee Approves Draft on Chemical Weapons Convention, Sending Total of 58 Texts to General Assembly (GA/DIS/3594)* [Meetings Coverage]. Retrieved 9 July 2018 from: <https://www.un.org/press/en/2017/gadis3594.doc.htm>

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I. Developments in the Field of Information and Telecommunications in the Context of International Security

“Few technologies have been as powerful as information and communications technologies in reshaping economies, societies and international relations. Cyberspace touches every aspect of our lives. The benefits are enormous, but these do not come without risk. Making cyberspace stable and secure can only be achieved through international cooperation, and the foundation of this cooperation must be international law and the principles of the UN Charter... Our efforts in this realm must uphold the global commitment to foster an open, safe and peaceful Internet.”⁷⁷

Introduction

Information and communications technology (ICTs) have profoundly impacted modern societies, from bridging the digital divide to fueling new economic opportunities in developed, developing, and least developed countries (LDCs).⁷⁸ In addition to providing new opportunities for development, these technologies have also created new challenges for security and privacy on a global scale.⁷⁹ ICTs refers to technologies and technical infrastructure that enable modern communication such as devices, utilities, and software, as well as any other devices or components used to access the digital world.⁸⁰ Due to its decentralized nature, ICTs are vulnerable to interference and tampering by state and non-state actors, making it a topic of great importance to the General Assembly First Committee.⁸¹

The Committee has pursued international norms for cyberspace as the use of ICTs grows globally.⁸² The World Economic Forum labeled cyberattacks, involving data fraud and theft, as the third-greatest global threat following extreme weather events and natural disasters.⁸³ The topic has been of interest to the General Assembly since the 1990s, but its ever growing complexity has made it difficult to address, with several attempts being made throughout the years.⁸⁴ Recent years have marked high-profile incidents of cyberattacks and malicious acts, and some experts have predicted that these acts will only increase in frequency.⁸⁵ Meanwhile, the international system has not reached a consensus on what qualifies as a cyberattack and how to apply state responsibility.⁸⁶

International and Regional Framework

Article 51 of the 1945 *Charter of the United Nations* (Charter) has not only played a key role in directing the actions of Member States in cyberspace, but it has provided a common foundation for further documents on the matter of threats to security and acts of aggression.⁸⁷ In 1998, the General Assembly First Committee adopted resolution 53/70 of 1999 on “Developments in the Field of Information and Telecommunications in the Context of International Security,” identifying an emerging sphere of issues for the Committee to address.⁸⁸ The resolution recognized the benefits of ICTs for development while also

⁷⁷ UNODA, *Fact Sheet: Developments in the Field of Information and Telecommunications in the Context of International Security*, 2016.

⁷⁸ ITU, *ICT trends in LDCs*, 2018.

⁷⁹ *Ibid.*

⁸⁰ UN ICT Task Force, *Tools for Development Using Information and Communications Technology to Achieve the Millennium Development Goals*, 2003, p. 4.

⁸¹ *Ibid.*

⁸² ITU, *ICT trends in LDCs*, 2018.

⁸³ World Economic Forum, *Insight Report: The Global Risk Report 2018: 13th Edition*, 2018.

⁸⁴ UNODA, *Fact Sheet: Developments in the Field of Information and Telecommunications in the Context of International Security*, 2016.

⁸⁵ World Economic Forum, *Insight Report: The Global Risk Report 2018: 13th Edition*, 2018.

⁸⁶ Geneva Internet Platform, *UN GGE*, 2018; Välijataga, *Back to Square One? The Fifth UN GGE Fails to Submit a Conclusive Report at the UN General Assembly*, 2017.

⁸⁷ *Charter of the United Nations*, 1945.

⁸⁸ UN General Assembly, *Developments in the field of information and telecommunications in the context of international security (A/RES/53/70)*, 1999.

noting that malicious use could prove to be a threat to international peace and security.⁸⁹ In 2000, the UN General Assembly adopted resolution 56/574 on “Combating the criminal misuse of information technologies.”⁹⁰ 2004 saw the creation of the Group of Governmental Experts (GGE) and reports such as the Secretary-General’s 2010 note 65/201 on the “Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security.”⁹¹ In the following years, the General Assembly began to shift the conversation about ICTs and user rights, notably through its 2009 resolution 64/211 on “Creation of a global culture of cybersecurity and taking stock of national efforts to protect critical information infrastructures,” which sought to identify the capacity of Member States to address cybersecurity concerns.⁹² These resolutions and reports also demonstrated the growing need for public-private cooperation, something the International Telecommunication Union (ITU) has encouraged and assisted in.⁹³

The *Convention on Cybercrime of the Council of Europe* (2001), better known as the Budapest Convention, comprises the only international binding legal document on cybercrime and provides a very comprehensive model for future efforts.⁹⁴ The Budapest Convention brought together countries by circumventing the issue of definitions and focusing on ideas regarding liability and addressing problems with attributing responsibility.⁹⁵ Many Member States that signed the Convention agreed with how the Convention addressed the problem of finding bad actors that could hide their identities and locations using proxies, as well as implementing laws that help states respond to and aid other Member States during an attack.⁹⁶ Similarly, the African Union drafted the *African Union Convention on Cyber Security* in 2011, and after several delays, adopted it in 2014.⁹⁷ The Convention mostly focused on issues relating to e-commerce and digital privacy, however, it did attempt to address the growing issues of cybercrime and cyber security.⁹⁸ Only 10 countries have signed the Convention, with two having ratified it.⁹⁹

The *2030 Agenda for Sustainable Development* (2030 Agenda) of 2015 called for a substantial global expansion of vocational and technical training on ICTs in developing regions, identifying ICTs at the forefront of issues necessary for a sustainable future.¹⁰⁰ Several Sustainable Development Goals (SDGs) relate to ICTs and their use, including SDGs 4, 8, 9, 16, and 17.¹⁰¹ SDG 16 specifically focuses on peace, justice, and the creation of strong institutions, which directly ties to the topic of ICTs and international peace and security.¹⁰²

Role of the International System

The international system has seen incremental progress since 1998 in the form of reports passed by the GGE, as well as work carried out by other UN bodies such as the ITU and the United Nations Institute for Disarmament Research (UNIDR), which help advise and define key terms for the committee.¹⁰³ The ITU,

⁸⁹ Ibid.

⁹⁰ UN General Assembly, *Combating the criminal misuse of information technologies (A/RES/56/121)*, 2002.

⁹¹ Geneva Internet Platform, *UN GGE*, 2018; UN General Assembly, *Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security: Note by the Secretary-General (A/65/201)*, 2010, p. 8.

⁹² UN General Assembly, *Creation of a global culture of cybersecurity and taking stock of national efforts to protect critical information infrastructures (A/RES/64/211)*, 2009, p. 8.

⁹³ Ibid., p. 4.

⁹⁴ Council of Europe, *Convention on Cybercrime*, 2001.

⁹⁵ Ibid., pp. 6-7.

⁹⁶ Ibid., pp. 11-13.

⁹⁷ Kenyanito, Africa moves towards a common cyber security legal framework, *Accessnow.org*, 2014.

⁹⁸ African Union, *African Union Convention on Cyber Security and Personal Data Protection*, 2018.

⁹⁹ Ibid.

¹⁰⁰ UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015, pp. 14-26.

¹⁰¹ Ibid., p. 14.

¹⁰² Ibid., pp. 25-26.

¹⁰³ UNIDR, Report of the International Security Cyber Issues Workshop, 2016, pp. 57-59.

UNIDR, and the UN Group on Cybercrime and Cybersecurity assist with the creation of programs that support the development of an international framework.¹⁰⁴

The ITU has 193 members and nearly 800 private sector and academic members, and is responsible for publishing the Global Cybersecurity Index (GCI) as well as the *Global Cybersecurity Agenda* (GCA).¹⁰⁵ Since establishing the GCA in 2007, the ITU has been a key player in promoting regional and international dialogue between Member States, as well as the creation of summits where Member States can collaborate and share their cybersecurity knowledge.¹⁰⁶ The ITU also plays a critical role in assisting Member States that lack the capacity to create or implement adequate cybersecurity strategies through its National Computer Incident Response Teams, as well as building capacity on the national and regional levels.¹⁰⁷ Conducting cyber drills is also part of ITU's mission to assist the international community with cybersecurity readiness, as they are designed to "function as a platform for cooperation, information sharing, and discussions on current cybersecurity issues as well as a hands-on exercise."¹⁰⁸ The ITU published the GCI in 2017, which uses five pillars to gauge progress and commitment to cybersecurity for all 193 Member States. The 2017 GCI report indicates that there has been progress in all five pillars (Legal, Technical, Organizational, Capacity-Building, and Cooperation), but there remain concerns that although some countries are developing capacity and infrastructure, they lack strong cybersecurity expertise such as individuals able to carry out the implementation of cybersecurity strategies and maintain them. Regionally, ITU initiatives to counter cybercrime have been taken in concert with civil society organizations.

The UN GGE was not able to reach a consensus on its first attempt in 2004 to answer some of the more contentious questions related to the use of data, the impact of ICTs on military affairs, and technology transfer to developing countries.¹⁰⁹ However, the 2009 iteration of the GGE succeeded in publishing a report with recommendations on the creation and sharing of information, legislation and ICTs security strategies, as well as the introduction of common terms and definitions for ICTs security.¹¹⁰ In Secretary-General report 65/201 of 2011, the outgoing GGE called continuing study on the topic.¹¹¹ This GGE met three times and published report A/68/98 of 2013 on the "Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security," which stated that the Charter applied to cyberspace, and that state sovereignty applied to how Member States conduct themselves in cyberspace within their ICTs infrastructure.¹¹² The 2013 GGE report indicates that Member States should not resort to proxies to carry out unlawful tactics and must moderate the behavior of non-state actors to the best of their abilities.¹¹³ The strong recommendations and agreements in the 2013 report were supported by the subsequent 2015 report.¹¹⁴ The most substantive agreement in the 2015 GGE report was the application of international law and all existing international obligations of Member States to ICTs and Member State usage of ICTs.¹¹⁵ The 2016-2017

¹⁰⁴ ITU, *Global Cybersecurity Index (GCI)*, 2017.

¹⁰⁵ *Ibid.*

¹⁰⁶ ITU, *Regional Cybersecurity Centres*, 2018.

¹⁰⁷ ITU, *National CIRT*, 2018.

¹⁰⁸ ITU, *ITU Cyberdrills*, 2018.

¹⁰⁹ UNODA, *Fact Sheet: Developments in the Field of Information and Telecommunications in the Context of International Security*, 2015.

¹¹⁰ UN General Assembly, *Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security: Note by the Secretary-General (A/65/201)*, 2010, p. 8.

¹¹¹ UNODA, *Fact Sheet: Developments in the Field of Information and Telecommunications in the Context of International Security*, 2015.

¹¹² UN General Assembly, *Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International: Security Note by the Secretary-General (A/68/98)*, 2013, p. 8.

¹¹³ *Ibid.*, p. 8.

¹¹⁴ UN General Assembly, *Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security: Note by the Secretary-General (A/70/174)*, 2015, pp. 15-17.

¹¹⁵ *Ibid.*, p. 12.

meetings of the GGE saw increasing polarization among Member States, which ultimately prevented the group from reaching an agreement or publishing a report in 2017.¹¹⁶ The GGE did not agree on the severity of cyberattacks and Member States were averse to clauses that would possibly grant Member States the ability to respond with military force if they were victims of a cyberattack.¹¹⁷ One such disagreement was about the role that the Geneva Conventions played when addressing issues like cyberattacks, as the Geneva Conventions only specifically address conventional warfare.¹¹⁸

The challenges ICTs present with respect to security led North Atlantic Treaty Organization (NATO) to create the Cooperative Cyber Defense Centre of Excellence (CCDCOE) which aims to “enhance the capability, cooperation and information sharing among the members of NATO and partners in cyber defense by virtue of education, research and development, lessons learned and consultation.”¹¹⁹ The CCDCOE has since drafted many reports that inform how NATO and NATO allies view the application of international law to ICTs and cyberspace through works such as the Tallinn Manual and Tallinn Manual 2.0.¹²⁰ Where the Tallinn Manual focused on more severe instances of cyber attacks, Tallinn Manual 2.0 focuses on the more common type of cyber incidents which did not fall under the umbrella of incidents that require the use of force.¹²¹ The difficulty of reaching a consensus for working definitions makes creating and enacting reports and legislation uniquely difficult.¹²² For example, the NATO CCDCOE has compiled a list of working definitions by different countries with each varying in specificity and intent.¹²³ Moreover, the uneven development of cyber capabilities between Member States has made addressing all the challenges at once a difficult endeavor.¹²⁴ The GGE, with the help of other UN bodies, was able to provide some direction to identify specific areas of interest.¹²⁵ Three of the most-cited issues are the increased use of proxies, the need for capacity-building, and the importance of confidence-building to ease tensions between Member States.¹²⁶

Addressing the Use of Proxies by Actors

Proxies are tools that keep users and their private information, such as location, anonymous.¹²⁷ They act as a mediator between the user and the rest of cyberspace, allowing the user to encrypt any information before it reaches cyberspace.¹²⁸ This allows proxies to anonymously attack critical infrastructure and interfere in Member States’ internal and political affairs, making it difficult for Member States to pursue any deterrence or legal action.¹²⁹

UNIDR published a 2017 report outlining the increasing frequency of the proxy attacks and warned that reactions of force by Member States may be counterproductive to the pursuit of peace.¹³⁰ A growing

¹¹⁶Korzak, *UN GGE on Cybersecurity: The End of an Era?*, 2017.

¹¹⁷Väljätaja, *Back to Square One? The Fifth UN GGE Fails to Submit a Conclusive Report at the UN General Assembly*, 2017.

¹¹⁸ *Geneva Convention relative to the Protection of Civilian Persons in Time of War (2nd part)*, 1949.

¹¹⁹ NATO CCDCOE, *About Cyber Defence Centre*, 2018.

¹²⁰ NATO CCDCOE, *Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations*, 2018.

¹²¹ *Ibid.*

¹²² Korzak, *UN GGE on Cybersecurity: The End of an Era?*, 2017.

¹²³ NATO Cooperative Cyber Defence Centre of Excellence, *Cyber Definitions*, 2018.

¹²⁴ UNIDR, *Report of the International Security Cyber Issues Workshop*, 2016, pp. 8-9.

¹²⁵ UN General Assembly, *Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security: Note by the Secretary-General (A/70/174)*, 2016.

¹²⁶ UNODA, *Disarmament Study Series: No. 33: Developments in the Field of Information and Telecommunications in the Context of International Security*, 2011.

¹²⁷ Greenemeier, *Seeking Address: Why Cyber Attacks Are So Difficult to Trace Back to Hackers*, 2011.

¹²⁸ *Ibid.*

¹²⁹ Center for Strategic and International Studies, *Significant Cyber Incidents Since 2006*, 2018; UNIDR, *The United Nations, Cyberspace and International Peace and Security: Responding to Complexity in the 21st Century*, 2017, pp. 47-49.

¹³⁰ UNIDR, *The United Nations, Cyberspace and International Peace and Security: Responding to Complexity in the 21st Century*, 2017, p. 9.

number of Member States have expressed interest in applying Chapters VI and VII of the Charter and the *Geneva Conventions* directly to the use of ICTs, while private sector entities are calling for the creation of an entirely new convention for cyberspace following the WannaCry and NotPetya cyber campaigns.¹³¹ WannaCry was a cyber campaign where government hackers and state-sponsored cyber tools were targeted by proxy actors.¹³² Such cyber campaigns highlighted the consequences of government-developed cyberwarfare tools becoming publicly available.¹³³ Additionally, it demonstrated the legal complexity of assigning liability for malicious cyber acts and reinforced reservations expressed by the private sector about creating tools that would allow individuals to gain access to devices that they do not own.¹³⁴ In response, corporations like Microsoft have called for a “Digital Geneva Convention” that would address the risk of governments allowing cyber tools to fall into the wrong hands.¹³⁵

Capacity Building in Developing Countries and LDCs

The 2017 GCI showed that much progress had been made globally throughout all five pillars of its commitment assessment but indicated concern for further progress in LDCs and developing countries.¹³⁶ Current progress has come with caveats, such as the lack of well-trained cybersecurity experts, without whom it will become difficult to implement cybersecurity strategies recommended by General Assembly resolution 64/211 (2010).¹³⁷ The first GGE report in 2010 recommended that developed countries work with LDCs and other developing countries to build capacity for responding to ICTs misuse.¹³⁸

An example of a multilateral partnership working to solve capacity issues is the Partnership on Africa’s Integration and Development Agenda 2017-2027 (PAIDA).¹³⁹ PAIDA has set the continent’s infrastructure as a high priority, with a focus on the continent’s ICTs broadband and infrastructure in order to accelerate development.¹⁴⁰ Another goal in this partnership is to create a more synchronized ICTs policy among African countries with the belief that coordinated policies will accelerate development.¹⁴¹ Many African Member States have significantly increased connectivity through the creation and maintenance of national and regional Internet exchange points, which allows the region to better share information and cyber strategies.¹⁴²

Confidence Building

The lack of a consensus report for the 2016/2017 UN GGE meeting represented a step backward.¹⁴³ Analysts from the private sector and civil society attributed the lack of progress to weak relations among many Member States, particularly in light of past conflicts and political disputes.¹⁴⁴ Previous GGE reports

¹³¹ Minárik & Van der Meij. *Geneva Conventions Apply to Cyberspace: No Need for a ‘Digital Geneva Convention, 2017; Geneva Convention relative to the Protection of Civilian Persons in Time of War (2nd part)*, 1949.

¹³² Meyer & Stauffacher, *WannaCry, the Geneva Digital Convention and the urgent need for Cyber Peace: A commentary by ICT4Peace*, 2017.

¹³³ Ibid.

¹³⁴ Meredith, Microsoft calls for ‘new Digital Geneva Convention’ after spate of high-profile cyberattacks, *CNBC*, 2018.

¹³⁵ Ibid.

¹³⁶ ITU, *Global Cybersecurity Index (GCI)*, 2017.

¹³⁷ UN General Assembly, *Creation of a global culture of cybersecurity and taking stock of national efforts to protect critical information infrastructures (A/RES/64/211)*, 2009, p. 5.

¹³⁸ UN General Assembly, *Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security: Note by the Secretary-General (A/65/201)*, 2010, pp. 4-7.

¹³⁹ UNOSAA, *Framework for a Renewed UNAU Partnership on Africa’s Integration and Development Agenda 2017-2027 (PAIDA)*, 2015.

¹⁴⁰ Ibid., p. 26.

¹⁴¹ Ibid., p. 26.

¹⁴² Ibid., p. 14.

¹⁴³ Välijataga, *Back to Square One? The Fifth UN GGE Fails to Submit a Conclusive Report at the UN General Assembly*, 2017.

¹⁴⁴ Ibid.

emphasized the importance of confidence-building measures as a top recommendations for progress.¹⁴⁵ Two primary and recurring objections during GGE meetings have revolved around the application of Article 51 of the Charter, as well as the application of international humanitarian law to cyberspace.¹⁴⁶ Both of these issues were raised in previous GGE discussions due to the perception that they would instigate the concept of a militarized cyberspace.¹⁴⁷ At the 2016/2017 GGE meeting, the Cuban representative voiced concerns that the application of Article 51 of the Charter would “convert cyberspace into a theater of military operations” and essentially allow Member States to respond to anonymous cyber attacks with force.¹⁴⁸ This fear was further compounded by the overwhelming number of Member States that lack the capacity to implement any agreements or cyber strategies.¹⁴⁹

Conclusion

The mandate of the General Assembly First Committee focuses on international peace and security, thus the Committee is concerned with the actions of Member States in cyberspace which impact international security.¹⁵⁰ The growth and importance of ICTs in the world only further increases the need to quickly create legislation that is fit to address the fast-moving problems that it creates.¹⁵¹ With no clear definitions fully accepted throughout the international community, these challenges will most likely continue to grow and threaten peace and security.¹⁵² The rights of peoples to remain anonymous in cyberspace and have access to ICTs must be balanced with the need to address the growing problem of cyberattacks and the threat of cyberterrorism.¹⁵³ A world with no clear plan in the face of increasingly malicious ICTs use will struggle to remain peaceful and stable.¹⁵⁴

Further Research

Delegates should consider the following questions during their research: What role can the GGE have in today’s political climate? How can the international community better foster an environment that promotes cooperation when investigating cyberattacks and other malicious uses of ICTs? What role can developing countries and LDCs play in combating malicious uses of ICTs? How can the international community better assist developing countries and LDCs with capacity-building and cyber security strategies? What can the General Assembly do, within its mandate, to reconcile the diverging views on content use and state sovereignty when dealing with a borderless Internet?

¹⁴⁵ UN General Assembly, *Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security: Note by the Secretary-General (A/68/98)*, 2013, pp. 4-8; UN General Assembly, *Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security: Note by the Secretary-General (A/65/201)*, 2010, p. 8; UN General Assembly, *Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security: Note by the Secretary-General (A/70/174)*, 2015, pp. 7-10.

¹⁴⁶ UN General Assembly, *Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security: Note by the Secretary-General (A/70/174)*, 2015, pp. 1-2; Väljataga, *Back to Square One? The Fifth UN GGE Fails to Submit a Conclusive Report at the UN General Assembly*, 2017.

¹⁴⁷ Korzack, *International Law and the UN GGE Report on Information Security*, 2015; Just Security, *Declaration by Miguel Rodriguez, Representative of Cuba, at the Final of Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International and Telecommunications International Security*, 2017.

¹⁴⁸ *Charter of the United Nations*, 1945; Väljataga, *Back to Square One? The Fifth UN GGE Fails to Submit a Conclusive Report at the UN General Assembly*, 2017.

¹⁴⁹ UN DPI, *Half of all countries aware but lacking national plan on cybersecurity*, 2017; ITU, *Global Cybersecurity Index*, 2017.

¹⁵⁰ *Charter of the United Nations*, 1945, Art. 11; UNIDIR, *The United Nations, Cyberspace and International Peace and Security: Responding to Complexity in the 21st Century*, 2017, pp. 1-5.

¹⁵¹ UNIDIR, *The United Nations, Cyberspace and International Peace and Security: Responding to Complexity in the 21st Century*, 2017, pp. 1-5.

¹⁵² *Ibid.*, pp. 47-49.

¹⁵³ *Ibid.*, pp. 47-49.

¹⁵⁴ Center for Strategic and International Studies, *Significant Cyber Incidents Since 2006*, 2018.

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Council of Europe. (2001). *Convention on Cybercrime*. Retrieved 25 July 2018 from: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680081561>

The Convention on Cybercrime of the Council of Europe, also known as the Budapest Convention, stands as the best example of an international binding agreement addressing certain issues such as the behavior of Member States in cyberspace, malicious use of ICTs and responses to such events. Delegates can use this document to understand what concessions were made in order to further understand how some states view ICTs issues, and their possible solutions. This is an EU agreement and so, special attention must be paid when considering the views of non-European Member States on the issues addressed by this Convention.

Geneva Internet Platform. (2018). *UNGGE* [Website]. Retrieved 25 July 2018 from: <https://dig.watch/processes/ungge>

This source provides a detailed history of the UN GGE. The work of the GGE is of the utmost importance and relevance, specifically for the First Committee. Previous reports published by the GGE are important milestones for advancing the cybersecurity agenda and serve as an example of consensus building. Delegates would do well to review this page thoroughly, understand what the GGE has done in the past, and where recent talks have ended in the latest gathering of the GGE.

International Telecommunication Union. (2017). *Global Cybersecurity Index (GCI)* [Report]. Retrieved 4 July 2018 from: https://www.itu.int/dms_pub/itu-d/opb/str/D-STR-GCI.01-2017-PDF-E.pdf

The GCI is a survey used to measure how committed a Member State is to cybersecurity through a series of questions with the output being a GCI score. All 193 Member States are covered in the report, but only 134 Member States have responded to the survey. The rest of the results were compiled from open-source research. The GCI is an invaluable tool for delegates trying to understand the position of specific Member States with regards to developing a cybersecurity plan, as well as their current progress. The CGI has two iterations that produced reports in 2014 and 2017 and is currently on its 3^d iteration which has not yet issued a report.

Minárik, T. & K. Van der Meij. (2017, July 18). *Geneva Conventions Apply to Cyberspace: No Need for a 'Digital Geneva Convention'*. NATO Cooperative Cyber Defense Centre of Excellence. Retrieved 23 July 2018 from: <https://ccdcoc.org/geneva-conventions-apply-cyberspace-no-need-digital-geneva-convention.html>

This article published by NATO CCDCOE lends some arguments in favor of avoiding the creation and adoption of an entirely separate Geneva Convention for cyberspace. Minárik and Meij argue that the current Geneva Conventions would suffice and that any attempts to create something as complex as the Geneva Convention when Member States cannot agree on definitions is unrealistic. This short article provides delegates with a realistic description of the impact of negotiating a new Geneva Convention. Delegates are advised to consider this source as providing extensive detail on a single perspective of this complex issue.

United Nations General Assembly, Fifty-eighth session. (2003). *Developments in the field of information and telecommunications in the context of international security (A/RES/58/32)* [Resolution]. Adopted on the report of the First Committee (A/58/457). Retrieved 3 July 2018 from: <http://undocs.org/A/RES/58/32>

This is the first resolution requesting the Secretary-General to conduct a study to address and review any methods or technology that could be used to strengthen global information and telecommunications systems. This document establishes one of the many iterations of the UN GGE and tasks them with creating recommendations that would address the topic of ICTs and how they relate to international peace and security. It is an indispensable source for delegates to understand the initial attempts of the international community to address cybersecurity.

United Nations Institute for Disarmament Research. (2016). *Report of the International Security Cyber Issues Workshop Series*. Retrieved 3 August 2018 from: <http://www.unidir.org/files/publications/pdfs/report-of-the-international-security-cyber-issues-workshop-series-en-656.pdf>

While it is crucial that delegates review the three published GGE reports from 2010, 2013, and 2015, this material can help clarify some of the key issues that have had strong impacts on recent international ICTs discussions. Additionally, it notes which aspects of the topic are contentious among Member States. It is highly recommended that delegates familiarize themselves with this report to gain a deeper understanding of issues which still lack consensus.

United Nations Institute for Disarmament Research. (2017). *The United Nations, Cyberspace and International Peace and Security: Responding to Complexity in the 21st Century* [Report]. Retrieved 6 July 2018 from: <http://www.unidir.org/files/publications/pdfs/the-united-nations-cyberspace-and-international-peace-and-security-en-691.pdf>

This is a report by the United Nations Institute for Disarmament Research about ICTs and other related issues that have been on the agenda for nearly 20 years. This report contains substantive information about the use of proxies by non-state actors in order to commit malicious acts and how states might address this growing issue. Moreover, the report is relatively recent, providing much needed relevance for such a fast-moving issue. This report will provide delegates with key information to address two subtopics in their working papers, particularly the issue of proxies and confidence-building.

United Nations Office for Disarmament Affairs. (2011). *Disarmament Study Series: No. 33: Developments in the Field of Information and Telecommunications in the Context of International Security*. Retrieved 4 July 2018 from: https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/assets/HomePage/ODAPublications/DisarmamentStudySeries/PDF/DSS_33.pdf

This publication primarily focuses on the 2009/2010 UN GGE report on Developments in the Field of Information and Telecommunications in the Context of International Security, as well as Secretary-General reports A/66/152 and A/65/154, which focus on the perspectives of Member States on this crucial topic. This is a useful tool for delegates trying to understand various Member States' positions and their specific concerns. Delegates can focus on pages 5-8 for a brief summary of the concerns laid out by the GGE as well as some recommendations.

United Nations Office for Disarmament Affairs. (2016). *Fact Sheet: Developments in the Field of Information and Telecommunications in the Context of International Security*. Retrieved 20 July 2018 from: <https://unoda-web.s3.amazonaws.com/wp-content/uploads/2016/01/Information-Security-Fact-Sheet-Jan2016.pdf>

This is a short list of events surrounding the topic of ICTs development and international security, including the work of the GGE. This factsheet is written partially as a bullet point list for quick referencing, and thus is not meant to be all-encompassing, rather it should be a starting point for delegates to guide their research on the GGE and the topic in general. This can be a good source for delegates to quickly understand what is broadly covered in some of the GGE reports.

Väljataga, A. (2017, September 1). *Back to Square One? The Fifth UN GGE Fails to Submit a Conclusive Report at the UN General Assembly*. NATO Cooperative Cyber Defense Centre of Excellence. Retrieved 3 July 2018 from: <https://ccdcboe.org/back-square-one-fifth-un-gge-fails-submit-conclusive-report-un-general-assembly.html>

This source presents a review of the current state of negotiations being conducted by the GGE from the perspective of NATO. It also contains a brief history of past negotiations and links to reports written by the GGE about the topic and elaborates on the complex issues that make the topic so difficult to resolve. Delegates can use this piece to clarify the complex political polarization on the topic, and how these divergent views may be the major factor preventing further progress on this issue.

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II. Nuclear Disarmament and International Security

Introduction

Nuclear weapons are one of the largest threats to international peace and security.¹⁵⁵ In response to the devastating 1945 nuclear bombings of Hiroshima and Nagasaki, the United Nations (UN) General Assembly adopted resolution 1(I) in 1946, calling for the elimination of atomic weapons.¹⁵⁶ However, between 1945 and 1950, the amount of nuclear weapons in the world increased from 2 to 304, and throughout the Cold War, the number of nuclear weapons increased exponentially, reaching a peak of over 70,000 weapons in 1987.¹⁵⁷ While the efforts of the international nuclear disarmament regime have decreased this figure to under 15,000 warheads in 2017, nuclear weapons continue to pose a major international security threat.¹⁵⁸ The Bulletin of Atomic Scientists published their 2018 assessment of nuclear risk and noted that “the risk that nuclear weapons may be used – intentionally or because of miscalculation – grew last year around the globe.”¹⁵⁹ UN Secretary-General Antonio Guterres also acknowledged the growing threat posed by weapons of mass destruction, and nuclear weapons in particular.¹⁶⁰

Currently, nine UN Member States possess nuclear weapons, with several other Member States having nuclear weapon-sharing capabilities.¹⁶¹ According to the *Treaty on the Non-Proliferation of Nuclear Weapons* (NPT) (1968), a nuclear weapon is an explosive device that releases energy as a result of nuclear fission.¹⁶² While nearly all UN Member States acknowledge that nuclear disarmament is fundamental for achieving international peace and security, nuclear weapon states (NWS) are reluctant to destroy their nuclear stockpiles for strategic, tactical, and security purposes.¹⁶³ This lack of commitment and adherence to the international nuclear non-proliferation regime hampers the ability of the international community to achieve complete and total disarmament.¹⁶⁴

The General Assembly First Committee is mandated with seeking solutions to achieve the complete and total disarmament of nuclear weapons.¹⁶⁵ Although the First Committee has aided in making the nuclear non-proliferation regime one of the most developed aspects of international law, commitment and compliance to both legislative and regulatory frameworks is required in order to sustain the regime.¹⁶⁶ The challenges of implementation have been demonstrated most recently with challenges in the denuclearization process of the Korean Peninsula.¹⁶⁷ The international community has also experienced challenges in limiting the further development of nuclear weapons and pursuing good-faith measures for total disarmament, due to a lack of agreement on the way forward and the inconsistent application of existing nuclear disarmament frameworks.¹⁶⁸ Progress in these areas will require additional frameworks and enforcement mechanisms, as well as the universal participation of all NWS.¹⁶⁹

¹⁵⁵ UNODA, *Nuclear Weapons*.

¹⁵⁶ UN General Assembly, *Establishment of a Commission to Deal with the Problems Raised by the Discovery of Atomic Energy (A/RES/1(I))*, 1946, p.1.

¹⁵⁷ Kristensen & Norris, *Status of World Nuclear Forces*, 2018.

¹⁵⁸ Kristensen & Norris, *Status of World Nuclear Forces*, 2018; Nuclear Threat Initiative, *Nuclear Disarmament Resource Collection*, 2018.

¹⁵⁹ Bulletin of the Atomic Scientists, *It is 2 minutes to midnight: 2018 Doomsday Clock Statement*, 2018.

¹⁶⁰ UN DPI, *Confidence-Building Measures Supporting Arms Control Extremely Critical, Secretary-General Tells Security Council Meeting on Non-proliferation (SG/SM/18858-SC/13167-DC/3755)*, 2018.

¹⁶¹ Nuclear Threat Initiative, *Nuclear Disarmament Resource Collection*, 2018.

¹⁶² UN General Assembly, *Treaty on the Non-Proliferation of Nuclear Weapons*, 1968.

¹⁶³ Nuclear Threat Initiative, *Nuclear Disarmament Resource Collection*, 2018.

¹⁶⁴ Council on Foreign Relations, *The Global Nuclear Nonproliferation Regime*, 2012.

¹⁶⁵ UN DPI, *Disarmament and International Security (First Committee)*, 2018.

¹⁶⁶ Council on Foreign Relations, *The Global Nuclear Nonproliferation Regime*, 2012; IAEA, *Sustaining a Nuclear Security Regime*, 2018, p.1.

¹⁶⁷ IAEA, *Fact Sheet on DPRK Nuclear Safeguards*.

¹⁶⁸ Nuclear Threat Initiative, *Nuclear Disarmament Resource Collection*, 2018; Council on Foreign Relations, *The Global Nuclear Nonproliferation Regime*, 2012.

¹⁶⁹ UNODA, *Nuclear Weapons*.

International and Regional Framework

Since the development and first use of nuclear weapons, the international community has established many agreements and frameworks to restrict their development and use.¹⁷⁰ The NPT was adopted in 1968 to curb the spread and development of nuclear weapons and to promote nuclear disarmament.¹⁷¹ The NPT also includes provisions to promote the peaceful use of nuclear energy to ensure nuclear disarmament and non-proliferation measures do not infringe on states' ability to use nuclear technology for peaceful purposes.¹⁷² According to Article VI, all parties are required to enter into negotiations on a treaty for "general and complete disarmament under strict and effective international control."¹⁷³

In 1996, the CD adopted the *Comprehensive Nuclear-Test-Ban Treaty* (CTBT).¹⁷⁴ The Treaty has two main commitments: States parties are prohibited from carrying out a "nuclear weapon test explosion or any other nuclear explosion," and are further prohibited from urging other states to cause such explosions.¹⁷⁵ While the CTBT has wide support and has supported a norm against nuclear testing, it has not yet entered into force as eight key states have not ratified the Treaty.¹⁷⁶ In 2017, the General Assembly adopted resolution 72/70 to urge the necessary states parties to ratify the Treaty and enter it into force.¹⁷⁷

The most recent international instrument on nuclear weapons is the *Treaty on the Prohibition of Nuclear Weapons* (TPNW), adopted by the General Assembly in 2017.¹⁷⁸ The Treaty prohibits the testing, development, stockpiling, use, and threat of use of nuclear weapons.¹⁷⁹ The treaty further requires NWS to immediately decommission and destroy all of their nuclear arsenals with the cooperation and oversight of the International Atomic Energy Agency (IAEA).¹⁸⁰ While it is the first comprehensive nuclear disarmament treaty, it lacks the support of the NWS, none of which participated in the drafting or adoption of the Treaty.¹⁸¹

The General Assembly has also adopted several key resolutions on nuclear disarmament. The first resolution adopted by the UN General Assembly in 1946 was resolution 1(I) on the "establishment of a committee to deal with the problems raised by the discovery of atomic energy."¹⁸² The resolution establishes the commission to control atomic materials, to create effective safeguards for the control and use of atomic energy, and to eliminate all atomic weapons and related WMDs.¹⁸³ In 1959, the General Assembly adopted resolution 14/1378 that calls on all states to establish measures to achieve general and complete disarmament.¹⁸⁴ Recently, in 2015, the General Assembly adopted resolution 70/40 on the total elimination of nuclear weapons.¹⁸⁵ The resolution reaffirms disarmament commitments in Article VI of the NPT, and specifically calls on nuclear-armed states to completely eliminate their nuclear arsenals.¹⁸⁶ The resolution also calls on states to enter bilateral, regional, and multilateral agreements to

¹⁷⁰ UNODA, *Nuclear Weapons*.

¹⁷¹ UN General Assembly, *Treaty on the Non-Proliferation of Nuclear Weapons*, 1968.

¹⁷² *Ibid.*

¹⁷³ *Ibid.*, Art VI.

¹⁷⁴ UN General Assembly, *Comprehensive Nuclear-Test-Ban Treaty (A/RES/50/245)*, 1996.

¹⁷⁵ *Ibid.*

¹⁷⁶ *Ibid.*

¹⁷⁷ UN General Assembly, *Comprehensive Nuclear-Test-Ban Treaty (A/RES/72/70)*, 2017.

¹⁷⁸ UN Conference to Negotiate a Legally Binding Instrument to Prohibit Nuclear Weapons, Leading Towards Their Total Elimination, *Treaty on the Prohibition of Nuclear Weapons (A/CONF.229/2017/8)*, 2017.

¹⁷⁹ *Ibid.*

¹⁸⁰ *Ibid.*

¹⁸¹ *Treaty on the prohibition of nuclear weapons – the "Ban Treaty"*, European Parliament Think Tank, 2018.

¹⁸² UN General Assembly, *Establishment of a Commission to Deal with the Problems Raised by the Discovery of Atomic Energy (A/RES/1(I))*, 1946.

¹⁸³ *Ibid.*

¹⁸⁴ UN General Assembly, *General and Complete Disarmament (A/RES/1378 (XIV))*, 1959.

¹⁸⁵ UN General Assembly, *United action with renewed determination towards the total elimination of nuclear weapons (A/RES/70/40)*, 2015.

¹⁸⁶ *Ibid.*

reduce existing stockpiles, increase transparency and confidence-building, and establish further nuclear-weapon free zones to support total nuclear disarmament.¹⁸⁷

Role of the International System

As the primary deliberative body responsible for international security and disarmament, the General Assembly First Committee has taken a leading role in framing and guiding progress on nuclear disarmament by providing normative frameworks on disarmament and international security matters.¹⁸⁸ In addition to resolution 1(1) of 1946, the General Assembly has adopted dozens of resolutions on topics of nuclear disarmament, regional nuclear-weapon free zones (NMFZs), nuclear weapons and terrorism, and other topics.¹⁸⁹ In 2015, the General Assembly adopted resolution 65/65, which calls for states to immediately begin negotiations on a fissile material prohibition treaty.¹⁹⁰ In 2017, the General Assembly adopted resolution 72/38; the document calls on nuclear-armed states to immediately halt improvement and development nuclear weapons projects and to pursue disarmament measures for total nuclear disarmament.¹⁹¹ The resolution also calls for the commencement of a legally-binding nuclear disarmament agreement and for the entry into force of the CTBT.¹⁹² Resolution 72/31, also adopted in 2017, calls upon all states to sign and ratify the *Treaty on the Prohibition of Nuclear Weapons*.¹⁹³ Resolution 72/31 also calls upon states to create additional measures to encourage and assist with the process of total nuclear disarmament and to involve civil society organizations in these processes.¹⁹⁴ Resolutions adopted by the General Assembly are not legally binding, but as the universal decision-making body within the UN, they provide a normative framework to guide further action on nuclear disarmament.¹⁹⁵

The General Assembly also held three special sessions on disarmament in 1978, 1982, and 1998.¹⁹⁶ In all three sessions, Member States acknowledged the need to pursue total nuclear disarmament through international legal instruments and strong, internationally-based enforcement mechanisms.¹⁹⁷ The special sessions also called on states to pursue regional measures to support disarmament and to form bilateral and multilateral cooperative arrangements to this end, inviting the participation of all Member States.¹⁹⁸ Since the last session in 1988, several General Assembly resolutions have called for a fourth special session to be held; a working group was established to decide objectives and agenda items for the session but it has not announced the next session.¹⁹⁹

The Committee on Disarmament, later renamed the Conference on Disarmament (CD), was created in 1979 to be the central disarmament negotiating body in the international system.²⁰⁰ The committee was instrumental in negotiating key nuclear instruments including the CTBT, but it has remained deadlocked

¹⁸⁷ UN General Assembly, *United action with renewed determination towards the total elimination of nuclear weapons (A/RES/70/40)*, 2015.

¹⁸⁸ Nuclear Threat Initiative, *United Nations General Assembly*, 2018.

¹⁸⁹ UN, Dag Hammarskjöld Library, *UN Documentation: Disarmament*, 2018.

¹⁹⁰ UN General Assembly, *Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (A/RES/65/65)*, 2011.

¹⁹¹ UN General Assembly, *Nuclear disarmament (A/RES/72/38)*, 2017.

¹⁹² *Ibid.*

¹⁹³ UN General Assembly, *Taking forward multilateral nuclear disarmament negotiations (A/RES/72/31)*, 2017.

¹⁹⁴ *Ibid.*

¹⁹⁵ Nuclear Threat Initiative, *United Nations General Assembly*, 2018.

¹⁹⁶ UN, Dag Hammarskjöld Library, *UN Documentation: Disarmament*, 2018.

¹⁹⁷ UN General Assembly, *Final Document of the Tenth Special Session of the General Assembly (S-10/2)*, 1978; UN General Assembly, *Report of the Ad Hoc Committee to the Twelfth Special Session (A/S-12-32)*, 1982; UN General Assembly, *Report of the Committee of the Whole of the Fifteenth Special Session (A/S-15/50)*, 1988.

¹⁹⁸ *Ibid.*

¹⁹⁹ UN, Dag Hammarskjöld Library, *UN Documentation: Disarmament*, 2018.

²⁰⁰ Nuclear Threat Initiative, *Conference on Disarmament (CD)*, 2018.

since 1996 due to an inability to reach consensus on a program of work.²⁰¹ The CD still convenes each year to discuss topics it should address, but because it has consistently failed to adopt a program of work, it is thus unable to conduct formal negotiations on any topic.²⁰² While many entities, including the General Assembly, have called on the CD to adopt a programme of work and begin negotiations on further nuclear disarmament agreements, the CD deadlock has left Member States to negotiate such agreements in other forums.²⁰³

The United Nations Office for Disarmament Affairs (UNODA) was created in 1998 to promote nuclear disarmament and non-proliferation and to support regimes in the disarmament of WMDs.²⁰⁴ UNODA supports dialogue on disarmament and confidence-building measures by providing organizational support and current information on disarmament initiatives and agreements.²⁰⁵ UNODA also has a Weapons of Mass Destruction Branch that participates in multilateral non-proliferation and disarmament efforts and cooperates with entities including the General Assembly and CD on nuclear disarmament.²⁰⁶

The IAEA, established in 1957, is another organization tasked with promoting cooperation on all areas of nuclear technology to further “peace, health, and prosperity.”²⁰⁷ IAEA supports the implementation of the NPT, particularly in administering international safeguards and promoting peaceful applications of nuclear energy.²⁰⁸ The IAEA Department of Safeguards provides verification oversight and technical assistance to support arms control and disarmament and ensure safeguards are being implemented and enforced.²⁰⁹ In addition, the Department of Nuclear Safety and Security develops nuclear security requirements for Member States by providing assessment and evaluation of current protocols and providing recommendations consistent with international legal obligations on nuclear materials and weapons.²¹⁰

Regional bodies have also taken strides in addressing nuclear disarmament and international security. The North Atlantic Treaty Organization (NATO) has a stated commitment to arms control, non-proliferation, and nuclear disarmament; however, NATO is also committed to continuing to utilize nuclear weapons as a deterrent strategy for as long as nuclear weapons exist.²¹¹ The Organization for Security and Cooperation in Europe (OSCE) is also committed to the non-proliferation of nuclear weapons.²¹² To this end, OSCE assists its Member States in developing national action plans to support improved legislation, training, and awareness-raising activities to promote non-proliferation.²¹³ OSCE has also entered into partnerships with UN entities working on this topic, including UNODA, by sharing information and working with Member States to implement key provisions in the UN disarmament regime.²¹⁴

Regional entities have also been instrumental in leading disarmament efforts by establishing NWFZs.²¹⁵ NWFZs are delineated geographical areas where all the states within the region agree not to manufacture, test, acquire, or possess nuclear weapons.²¹⁶ There are currently five NWFZs; the first was the Latin American NWFZ established by the *Treaty of Tlatelolco* in 1967, followed by the South Pacific

²⁰¹ Nuclear Threat Initiative, *Conference on Disarmament (CD)*, 2018; Reaching Critical Will, *Civil Society statement on the high-level meeting on revitalizing the Conference on Disarmament and taking forward multilateral negotiations*, 2010.

²⁰² International Law and Policy Institute, *Conference on Disarmament*, 2015.

²⁰³ UN General Assembly, *Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (A/RES/65/65)*, 2011; Nuclear Threat Initiative, *Conference on Disarmament (CD)*, 2018.

²⁰⁴ UNODA, *About Us*.

²⁰⁵ *Ibid.*

²⁰⁶ UNODA, *UNODA Structure*.

²⁰⁷ IAEA, *Statute*, 1956.

²⁰⁸ IAEA, *Key Roles*.

²⁰⁹ IAEA, *Department of Safeguards*.

²¹⁰ IAEA, *Division of Nuclear Security*.

²¹¹ NATO, *NATO's nuclear deterrence policy and forces*, 2018.

²¹² OSCE, *Non-proliferation of weapons of mass destruction*.

²¹³ *Ibid.*

²¹⁴ OSCE, *Keeping a Lid on Nuclear, Chemical, and Biological Weapons*, 2016.

²¹⁵ Arms Control Association, *Nuclear-Weapon-Free Zones (NWFZ) At a Glance*, 2017.

²¹⁶ *Ibid.*

NWFZ through the 1985 *Treaty of Rarotonga*, the Southeast Asia NWFZ established by the 1995 *Treaty of Bangkok*, the African NWFZ through the 1996 *Treaty of Pelindaba*, and Central Asian NWFZ through the 2006 *Treaty of Semipalatinsk*.²¹⁷

Civil society organizations (CSOs) also play a key role in furthering nuclear disarmament and contributing to the development of international instruments and their enforcement. For example, Reaching Critical Will advocates for disarmament by participating in the General Assembly First Committee to monitor progress on various topics and provide input and participate in these discussions.²¹⁸ RCW also conducts research, provides analysis and monitoring of progress and challenges, and participates in reporting advances in key disarmament forums.²¹⁹ The International Campaign to Abolish Nuclear Weapons (ICAN) is another CSO that has worked closely with Member States and intergovernmental organizations to draft the TPNW.²²⁰ ICAN has also hosted several summits on the humanitarian impact of nuclear weapons and coordinates the advocacy and campaign work of hundreds of affiliated disarmament groups that urge states to sign and ratify the treaty.²²¹ ICAN was awarded the Nobel Peace Prize in 2017 in recognition of its efforts in global nuclear disarmament.²²²

Implementing Existing Nuclear Weapons Frameworks

The international community has adopted numerous frameworks to govern various aspects of nuclear weapons and related topics, but despite this, nuclear weapons remain a critical threat to global peace and security.²²³ Despite repeated calls for total global disarmament and several frameworks to encourage and support disarmament, tangible disarmament efforts have largely stalled in recent years.²²⁴ Following the Cold War, there was a substantial reduction in nuclear weapons stockpiles as NWS reduced their combined weapons from over 70,000 in 1987 to approximately 14,200 in 2018.²²⁵ While the number of weapons have decreased overall, the deployment of a single nuclear weapon in a densely populated area could kill millions of people and create a serious humanitarian catastrophe.²²⁶

Despite reductions in the quantity of weapons, as well as international frameworks calling for good-faith efforts for disarmament, NWS continue to make significant financial and military investments in their nuclear arsenals.²²⁷ While some modernization schemes are designed solely to keep current systems up to date, many programs are designed to improve existing systems and expand delivery mechanisms, while other NWS are actively increasing their arsenals and stockpiles.²²⁸ In recent years, NWS have spent tens of billions of dollars each year modernizing their weapons systems; it is expected that the United States of America alone may spend up to a trillion dollars on nuclear weapons modernization within the next 30 years.²²⁹ Additionally, substantial investments in existing nuclear arsenals signals that NWS are continuing to reinforce nuclear weapons as cornerstones of military and defense policy.²³⁰ The UN Secretary-General Antonio Guterres has repeatedly questioned the validity of the continued investment in and reliance on nuclear weapons.²³¹ Guterres requested that states rethink costly non-

²¹⁷ Ibid.

²¹⁸ Reaching Critical Will, *Who we are*.

²¹⁹ Ibid.

²²⁰ International Campaign to Abolish Nuclear Weapons, *Campaign overview*.

²²¹ Ibid.

²²² Ibid.

²²³ International Campaign to Abolish Nuclear Weapons, *Nuclear weapons timeline*; UNODA, *Nuclear Weapons*.

²²⁴ UNODA, *Nuclear Weapons*.

²²⁵ Kristensen & Norris, *Status of World Nuclear Forces*, 2018.

²²⁶ UNODA, *Nuclear Weapons*.

²²⁷ Archer et al., *Move the Nuclear Weapons Money: A Handbook for civil society and legislators*, 2016.

²²⁸ *Global nuclear weapons: Modernization remains the priority*, Stockholm International Peace Research Institute, 2017.

²²⁹ Archer et al., *Move the Nuclear Weapons Money: A Handbook for civil society and legislators*, 2016.

²³⁰ Masnikov et al., *Modernizing nuclear arsenals: Whether and how*, 2015.

²³¹ UN Office of the Secretary-General, *Remarks on the International Day for the Total Elimination of Nuclear Weapons*, 2017.

essential modernization programs, as they run counter to states' obligation to pursue nuclear disarmament and contribute to stalled progress on this issue.²³²

The NPT is the longest-standing nuclear disarmament framework, but inconsistent application and the non-participation of key NWS is undermining the treaty's effectiveness.²³³ At the time of its adoption in 1968, there were only five recognized NWS: the United States, the Russian Federation, the People's Republic of China, the United Kingdom, and France.²³⁴ The treaty binds all States parties to pursue good-faith negotiations in pursuit of total disarmament and prevent non-NWS from acquiring such weapons.²³⁵ While the five NWS party to the NPT have made significant reductions in their nuclear arsenals, they have not pursued good-faith negotiations for nuclear disarmament, as required by Article VI.²³⁶ In addition, four NWS are not party to the treaty at all: India, Pakistan, the Democratic People's Republic of Korea (DPRK), and Israel.²³⁷ While DPRK initially signed the NPT in 1985, it later withdrew in 2003.²³⁸ By rejecting the NPT, these states are functionally exempt from NPT reviews and oversight processes, which are vital for the realization of Article VI on nuclear disarmament.²³⁹ Additionally, these states are not subject to IAEA safeguards and inspections, leaving the state of their nuclear programs uncertain.²⁴⁰

The *Treaty on the Prohibition of Nuclear Weapons* (2017) is the first comprehensive nuclear disarmament treaty, but the realization of its provisions is limited by the lack of participation of all NWS.²⁴¹ None of the nine NWS attended negotiations, nor have any signed the treaty.²⁴² In addition to the NWS themselves, many military allies of NWS have also refrained from signing the treaty; for example, not a single NATO Member State has signed the ban treaty.²⁴³ In the case of NATO, many states argue that the ban treaty is at odds with the alliance's nuclear deterrence policy.²⁴⁴ The treaty calls on states to irreversibly eliminate their entire nuclear program, but without the participation of NWS, the treaty provisions cannot be fulfilled.²⁴⁵ Critics have also noted that the lack of verification measures to track and ensure disarmament further weaken the enforcement potential of the treaty, should NWS accede to the agreement.²⁴⁶

Negotiating a Fissile Material Cut-Off Treaty

The international community has long recognized that in order to stop the production and proliferation of nuclear weapons, the means and materials of production must be restricted.²⁴⁷ Fissile material includes plutonium and high-enriched uranium (HEU), which are required for the production of nuclear weapons.²⁴⁸ While HEU is required for nuclear weapons production, it also has other uses including fuel production, medical isotope research, and naval and space propulsion.²⁴⁹ The different level of enrichment required

²³² UN Office of the Secretary-General, *Statement at High-Level Plenary Meeting of the General Assembly to Commemorate and Promote the International Day for the Total Elimination of Nuclear Weapons*, 2018.

²³³ Hudson, 50 years of the NPT, *Campaign for Nuclear Disarmament*, 2018.

²³⁴ UNODA, *Treaty on the Non-Proliferation of Nuclear Weapons (NPT)*.

²³⁵ UN General Assembly, *Treaty on the Non-Proliferation of Nuclear Weapons*, 1968.

²³⁶ Hudson, 50 years of the NPT, *Campaign for Nuclear Disarmament*, 2018.

²³⁷ UNODA, *Treaty on the Non-Proliferation of Nuclear Weapons (NPT)*.

²³⁸ Nuclear Threat Initiative, *North Korea*, 2018.

²³⁹ Hudson, 50 years of the NPT, *Campaign for Nuclear Disarmament*, 2018.

²⁴⁰ *Ibid.*

²⁴¹ *Treaty on the prohibition of nuclear weapons – the “Ban Treaty”*, European Parliament Think Tank, 2018.

²⁴² *Ibid.*

²⁴³ *Ibid.*

²⁴⁴ *Ibid.*

²⁴⁵ UN Conference to Negotiate a Legally Binding Instrument to Prohibit Nuclear Weapons, Leading Towards Their Total Elimination, *Treaty on the Prohibition of Nuclear Weapons (A/CONF.229/2017/8)*, 2017.

²⁴⁶ Onderco, *Why nuclear weapon ban treaty is unlikely to fulfil its promise*, 2017; Nuclear Threat Initiative, *Treaty on the Prohibition of Nuclear Weapons*, 2018.

²⁴⁷ UN General Assembly, *General and complete disarmament (A/RES/48/75)*, 1994.

²⁴⁸ IAEA, *Management of high enriched uranium for peaceful purposes: Status and trends*, 2005, pp. 1-3.

²⁴⁹ Nuclear Threat Initiative, *Civilian HEU Reduction and Elimination Resource Collection*, 2017.

for nuclear weapons versus for civilian uses does allow for production to be separated and for verification measures to distinguish between enrichment levels and different applications.²⁵⁰

While non-NWS party to the NPT are prohibited from producing fissile materials, NWS and states not party to the NPT have no such restriction.²⁵¹ In resolution 48/75 of 1993, the General Assembly recognized that continued fissile material production could threaten nuclear disarmament efforts and called on states to negotiate a treaty to prohibit the production of fissile materials for nuclear weapons.²⁵² Discussions around such an agreement began in the CD, but disagreements around verification measures stalled progress and other efforts to revitalize discussions have been largely unproductive.²⁵³ Drafts of a Fissile Material Cut-off Treaty (FMCT) have been prepared, but they cannot be seriously discussed in the CD until it adopts a program of work, and no other forum has been presented to host negotiations.²⁵⁴

Member States have disagreed about the scope and implementation of such a treaty. While some states want to limit the scope of the treaty to the production of new fissile material, other states argue this approach is insufficient and that an effective treaty must also cover existing fissile material stockpiles.²⁵⁵ As of 2017, global stockpiles of weapons-grade uranium was enough to create 76,000 nuclear weapons, and 99% of the stockpile is held by NWS.²⁵⁶ There are further disagreements on what limits might be placed on existing stockpiles.²⁵⁷ An additional challenge is that several NWS use weapons-grade fissile material to power military equipment, such as naval reactors.²⁵⁸ Negotiations on limits and uses of FMCT would need to include specific provisions to safeguard and verify these uses as well.²⁵⁹

Verification is another point of disagreement between Member States. One treaty draft calls for the IAEA to determine and oversee any necessary verification measures, while another draft does not address verification at all.²⁶⁰ Non-NWS party to the NPT are already prohibited from producing fissile materials, and therefore this is already included in their IAEA verification requirements.²⁶¹ However, verification requirements could have a significant impact on NWS and states not party to the NPT.²⁶² Because the FMCT would principally serve to restrict and monitor the activities of these nine countries, the full participation of these states is paramount to the success of the treaty.²⁶³ There are also logistical challenges to proposed verification regimes; estimates by UNIDIR suggest that full verification of all fissile material production in NWS alone could double or triple the IAEA safeguards budget.²⁶⁴

Finally, as presented in ongoing discussions and present treaty drafts, verification measures focused on fissile material production would be largely limited to known HEU plants.²⁶⁵ Limiting verification to known HEU production could allow states to divert pre-enrichment uranium from other plants, allowing non-compliant states to operate clandestine uranium-enrichment plants that would be difficult to detect and therefore not subject to verification.²⁶⁶ Requiring the verification of all parts of the nuclear fuel cycle and

²⁵⁰ Hippel, *The FMCT and Cuts in Fissile Material Stockpiles*, 1999, pp. 35-37.

²⁵¹ Arms Control Association, *Fissile Material Cut-off Treaty (FMCT) at a Glance*, 2018.

²⁵² UN General Assembly, *General and complete disarmament (A/RES/48/75)*, 1994.

²⁵³ Arms Control Association, *Fissile Material Cut-off Treaty (FMCT) at a Glance*, 2018.

²⁵⁴ Nuclear Threat Initiative, *Proposed Fissile Material (Cut-Off) Treaty (FMCT)*, 2018.

²⁵⁵ UN DPI, *First Committee Debates Future of Fissile Material Cut Off Treaty, Other Instruments, as Building Blocks towards Nuclear Weapon-Free World (GA/DIS/3581)*, 2017.

²⁵⁶ Arms Control Association, *Fissile Material Cut-off Treaty (FMCT) at a Glance*, 2018; International Panel on Fissile Materials, *Fissile material stocks*, 2018.

²⁵⁷ Nuclear Threat Initiative, *Proposed Fissile Material (Cut-Off) Treaty (FMCT)*, 2018.

²⁵⁸ UNIDIR, *A Fissile Material Cut-off Treaty: Understanding the Critical Issues*, 2010, p. 35.

²⁵⁹ *Ibid.*, p. 35

²⁶⁰ Nuclear Threat Initiative, *Proposed Fissile Material (Cut-Off) Treaty (FMCT)*, 2018.

²⁶¹ *Ibid.*

²⁶² *Ibid.*

²⁶³ *Ibid.*

²⁶⁴ UNIDIR, *A Fissile Material Cut-off Treaty: Understanding the Critical Issues*, 2010, p. 41.

²⁶⁵ *Ibid.*, p. 43.

²⁶⁶ *Ibid.*, pp. 42-43.

not just HEU would allow for greater detection of non-compliance, but would also significantly increase the complexity and cost of such verification measures.²⁶⁷

Denuclearizing the Korean Peninsula

The DPRK's acquisition and development of nuclear weapons has tested the limits of existing international instruments and tools to combat nuclear proliferation.²⁶⁸ The DPRK ascended to the NPT in 1985 and initially complied with IAEA safeguards and investigations.²⁶⁹ In 1992, an IAEA report reported inconsistencies in DPRK's declared plutonium production.²⁷⁰ After additional IAEA investigations into DPRK's nuclear activities, DPRK withdrew from the IAEA and disallowed IAEA inspectors to continue their work under the Safeguards Agreement.²⁷¹ Despite repeated discussions between the IAEA and DPRK, there has been no progress or agreement on a program of work and the DPRK has refused to give IAEA access to its nuclear facilities since 1992.²⁷² Additional discussions between a variety of organizations and states yielded little progress on greater transparency or access into the DPRK nuclear program.²⁷³ In 2003 the IAEA notified the DPRK that it was non-compliant with key safeguard measures.²⁷⁴ In response, the DPRK announced its withdrawal from the NPT, effectively releasing the DPRK from its safeguard agreement with the IAEA.²⁷⁵ Attempts at multilateral approaches since 2003 have proved unsuccessful.²⁷⁶ In 2006 the Security Council imposed a sanctions regime in response to the DPRK's missile launches and nuclear testing.²⁷⁷ The sanctions have been extended and remain in place as of 2018.²⁷⁸

The lack of IAEA inspections leaves the size and strength of the DPRK's nuclear program uncertain, but recent estimates by RAND Corporation, a public policy research group, suggest the state could have enough fissile material for up to 100 nuclear weapons by 2020.²⁷⁹ In early 2018, Supreme Leader Kim Jong-un announced that he was "committed to denuclearization", but concrete action to that effect has not been taken.²⁸⁰ Additionally, at the 2018 UN General Assembly, just months after this declaration, the DPRK representative stated that the DPRK would not pursue nuclear disarmament without confidence-building measures and a demonstration of reciprocity from other NWS, particularly the United States of America.²⁸¹

The IAEA has expressed willingness to resume inspections in the DPRK, but this relies on the state granting transparency and open access which has been a persistent challenge for the last two decades.²⁸² Furthermore, were the DPRK willing to engage in concrete disarmament, the ability of the IAEA to support this is limited.²⁸³ While IAEA can inspect material flows and production capacity, it does not participate in the actual dismantling of existing weapons.²⁸⁴ Other NWS are best-equipped to

²⁶⁷ *Ibid.*, p. 44.

²⁶⁸ Nuclear Threat Initiative, *North Korea*, 2018.

²⁶⁹ IAEA, *Fact Sheet on DPRK Nuclear Safeguards*.

²⁷⁰ *Ibid.*

²⁷¹ *Ibid.*

²⁷² *Ibid.*

²⁷³ Nuclear Threat Initiative, *North Korea*, 2018.

²⁷⁴ *Ibid.*

²⁷⁵ IAEA, *Fact Sheet on DPRK Nuclear Safeguards*.

²⁷⁶ Nuclear Threat Initiative, *North Korea*, 2018.

²⁷⁷ UN Security Council, *Non-proliferation/Democratic People's Republic of Korea (S/RES/1718 (2006))*, 2006; UN DPI, *Security Council 1718 Sanctions Committee Designates Three Vessels (SC/13542)*, 2018.

²⁷⁸ *Ibid.*

²⁷⁹ RAND Corporation, *A Nuclear North Korea*.

²⁸⁰ Nuclear Threat Initiative, *North Korea*, 2018.

²⁸¹ *North Korea will not abandon nuclear weapons if it cannot trust US – minister*, *The Guardian*, 2018.

²⁸² *North Korea presents nuclear disarmament's biggest challenge yet*, *The Economist*, 2018.

²⁸³ *Ibid.*

²⁸⁴ *Ibid.*

decommission weapons and have taken responsibility for such tasks in the past, but political tensions between the DPRK and key NWS have severely limited their cooperation on nuclear disarmament.²⁸⁵

Conclusion

There are many challenges facing the pursuit of total nuclear disarmament.²⁸⁶ Lack of appropriate negotiating forums, continued investment in nuclear weapons production and modernization, and the lack of participation of NWS in tangible disarmament efforts pose challenges for global nuclear disarmament.²⁸⁷ Existing frameworks have created practical and normative guidance for Member States, but lack of consistent and universal enforcement limits their effectiveness in restricting actions of NWS.²⁸⁸ Building consensus among Member States to create new frameworks and mechanisms should be considered and include all NWS to ensure the universality of any action taken.²⁸⁹

Further Research

As delegates conduct more research on this topic, they should consider the following questions: How can the international community encourage all states to accede to the NPT? How can states balance modernization programs with their disarmament obligations? Can Member States revitalize negotiations for a FMCT at the CD? How can the General Assembly support disarmament negotiations in light of a deadlocked CD? What are some potential challenges in determining the scope and verification measures for a FMCT, and how can they be addressed? What diplomatic solutions can be pursued to support the denuclearization of the Korean Peninsula, and what confidence-building measures should be pursued to this end?

Annotated Bibliography

Council on Foreign Relations. (2016). *The Global Nuclear Nonproliferation Regime: Report by International Institutions and Global Governance Program*. Retrieved 9 July 2018 from: <https://www.cfr.org/report/global-nuclear-nonproliferation-regime>

This comprehensive report by the Council on Foreign Relations discusses the strengths and weaknesses of the global nuclear nonproliferation regime. It provides a synopsis of the scope of the complexity of nuclear disarmament, which is beneficial for understanding nuances between key actors. Furthermore, the report analyses the key actors involved in the nonproliferation regime, and elaborates as to why particular actors impact the strengths and weaknesses as a whole from a non-partisan point-of-view. Importantly for the delegates, the report includes recommendations on how to strengthen the regime that directly align with the key challenges of a lack of commitment and adherence.

International Atomic Energy Agency. (n.d.). *Fact Sheet on DPRK Nuclear Safeguards*. Retrieved 28 October 2018 from: <https://www.iaea.org/newscenter/focus/dprk/fact-sheet-on-dprk-nuclear-safeguards>

This fact sheet from the IAEA explores the key aspects of the DPRK's nuclear program and how it has interacted with the international community since the 1980s. The fact sheet provides a detailed chronological exploration of the DPRK's nuclear program, from first developed, to IAEA safeguards and sanctions, to exploring the current context. Delegates will find this useful in tracing the development of the DPRK's nuclear program, as well as understanding the key challenges to implementing enforcement measures and pursuing disarmament efforts on the Korean Peninsula.

²⁸⁵ Ibid.

²⁸⁶ Council on Foreign Relations, *The Global Nuclear Nonproliferation Regime*, 2012.

²⁸⁷ Nuclear Threat Initiative, *Nuclear Disarmament Resource Collection*, 2018; Council on Foreign Relations, *The Global Nuclear Nonproliferation Regime*, 2012.

²⁸⁸ Nuclear Threat Initiative, *Nuclear Disarmament Resource Collection*, 2018.

²⁸⁹ Ibid.

Miasnikov, E. et al. (2015). *Modernizing nuclear arsenals: Whether and how*. Bulletin of the Atomic Scientists. Retrieved 2 November 2018 from: <https://thebulletin.org/roundtable/modernizing-nuclear-arsenals-whether-and-how/>

This report series from the Bulletin of Atomic Scientists explores various aspects of nuclear weapons modernization, including the necessity of some modernization programs, the costs of modernization, and security measures. The report also has several sections dedicated to exploring the relationship between modernization and nuclear disarmament, exploring how states can pursue modernization and while honoring their commitments to total disarmament. This resource will be useful for delegates in exploring the range of modernization aims and options, and in tracing how modernization might be adapted to better support complete disarmament while maintaining the safety and security of existing weapons.

Nuclear Threat Initiative. (2018). *Nuclear Disarmament Resource Collection*. Retrieved 9 August 2018 from: <https://www.nti.org/analysis/reports/nuclear-disarmament/>

This resource provides a chronological assessment of the international nuclear disarmament regime. In addition to providing context on key frameworks, the report also explores bilateral and multilateral efforts pursued by individual Member States and various intergovernmental organizations and CSOs. Delegates will find this helpful in getting a full picture of the international nuclear disarmament regime and in understanding the current legal and regulatory gaps that exist in this area.

Nuclear Threat Initiative. (2018). *Proposed Fissile Material (Cut-Off) Treaty (FMCT)*. Retrieved 6 November 2018 from: <https://www.nti.org/learn/treaties-and-regimes/proposed-fissile-material-cut-off-treaty/>

This report by the Nuclear Threat Initiative explains the importance of negotiating a FMCT and explores the key facets of such an agreement, including contentious provisions and suggestions on scope and verification. This resource also gives a chronological background on FMCT development, exploring how discussions have evolved and developed over the last 15 years. Delegates will find this resource useful in understanding the key provisions necessary to creating an effective FMCT, as well as the key barriers that must be addressed.

Onderco, M. (2017). Why nuclear weapon ban treaty is unlikely to fulfil its promise. *Global Affairs* 3: 4-5. Retrieved 6 November 2018 from: <https://www.tandfonline.com/doi/full/10.1080/23340460.2017.1409082>

This article by Onderco discusses the recent adopted TPNW and challenges to its realization and implementation. The article takes a critical approach and explores the weaknesses of the Treaty, namely the complete lack of NWS participation, as well as the lack of verification and enforcement mechanisms. The article explores alternatives to the Treaty that might better support disarmament and provides concrete suggestions for a future framework on disarmament and advocates for urgent negotiations on disarmament.

United Nations, General Assembly, Seventeenth plenary meeting. (1946). *Establishment of a Commission to Deal with the Problems Raised by the Discovery of Atomic Energy (A/RES/1(1))* [Resolution]. Adopted on the report of the First Committee. Retrieved 3 August 2018 from: [http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/1\(1\)](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/1(1))

This resolution, the first one adopted by the General Assembly in 1946, is the basis of the current nuclear disarmament regime. The resolution clearly calls on all states to eliminate all nuclear weapons from national military stocks and discusses the need to establish clear safeguards to assess states' adherence to its disarmament commitments. Delegates will find this useful in understanding the context for the further development of nuclear disarmament frameworks.

United Nations, General Assembly, Twenty-second session. (1968). *Treaty on the Non-Proliferation of Nuclear Weapons (A/RES/2373 (XXII))*. Retrieved 9 August 2018 from: [http://www.undocs.org/A/RES/2373\(XXII\)](http://www.undocs.org/A/RES/2373(XXII))

The NPT is the foremost nuclear disarmament framework; it recognizes five NWS party to the treaty and sets obligations for complete nuclear disarmament under Article VI. The Treaty also sets restrictions on the production and development of nuclear arms by other states, as well as establishing verification measure to ensure States parties remain in compliance with the NPT. Delegates will find this critical reading to understanding the key provisions and obligations for recognized NWS.

United Nations, General Assembly, Seventy-second session. (2017). *Nuclear disarmament (A/RES/72/38)*. Adopted on the report of the First Committee (A/72/409). Retrieved 29 October 2018 from: <https://undocs.org/A/RES/72/38>

This resolution of the General Assembly sets out a number of actions for Member States to undertake in the pursuit of total nuclear disarmament. Specifically, the resolution calls for the resumption of negotiations in the CD, urges states to halt unnecessary weapons modernization programs, and calls for a high-level conference on nuclear disarmament. Delegates will find this useful in understanding the numerous components involved in pursuing nuclear disarmament, as well as understanding the normative work of the General Assembly on this topic.

United Nations Institute for Disarmament Research. (2010). *A Fissile Material Cut-off Treaty: Understanding the Critical Issues* [Report]. Retrieved 6 November 2018 from: <http://unidir.org/files/publications/pdfs/a-fissile-material-cut-off-treaty-understanding-the-critical-issues-139.pdf>

This report from UNIDIR explores the main facets of a proposed FMCT, and also and explains the technical aspects behind HEU and related verification measures. While the report is from 2010, due to the lack of progress on negotiating a FMCT in the past years, the challenges explored here are still relevant and central to negotiating an FMCT today. Delegates will find this resource useful in exploring key challenges in establishing an FMCT, including verification, safeguards, and pre-existing stocks, which delegates can use to propose solutions.

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