

DISARMAMENT AND
INTERNATIONAL
SECURITY
COMMISSION

*Study
Guide
2013*

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Disarmament and International Security Commission

Brief history:

In 1952, the General Assembly, by its resolution 502 (VI) of January 1952, created the United Nations Disarmament Commission (UNDC) under the Security Council with a general mandate on disarmament questions. However, it met only occasionally after 1959.

In 1978, the first special session of the General Assembly devoted to disarmament established a successor Disarmament Commission (UNDC) as a subsidiary organ of the Assembly, composed of all Member States of the United Nations. It was created as a deliberative body, with the function of considering and making recommendations on various issues in the field of disarmament and of following up on the relevant decisions and recommendations of the special session. It reports annually to the General Assembly.

In the light of its function, the UNDC focuses on a limited number of agenda items at each session. In 1989, to allow for in-depth consideration, it decided that its substantive agenda should be limited to a maximum of four items. From 1993, it has, in practice, dealt with two or three items, each of which has usually been considered for three consecutive years. In 1998, by its decision **52/492**, the General Assembly decided that the UNDC's agenda, as of 2000, would normally comprise two substantive items per year from the whole range of disarmament issues, including one on nuclear disarmament.

Over the years, the UN Disarmament Committee has formulated consensus principles, guidelines and recommendations on a number of subjects, which have been endorsed by the General Assembly.

The UN Disarmament Committee is serviced substantively by the Office for Disarmament Affairs and technically by the Department of General Assembly Affairs and Conference Services.

Topic 1: The role of science and technology in the context of international security and disarmament

Introduction:

It needs to be understood that developments in science and technology can be useful militarily and also for purposes that concern civilians. Progress has been made in science, especially for civilian applications. This needs to be maintained and supported. However, concerns have risen over the fact that rapid progress has been made in technology, which is being used for military purposes. This means that modern weaponry has become more advanced, especially weapons of mass destruction. It is very critical, that this progress must be properly monitored, especially if they could potentially have a detrimental effect on international security and all the work that has been done to achieve it.

Monitoring this technological progress also means that we can ensure that such scientific developments can be used for beneficial purposes and even help us move closer to our goal of global disarmament and complete international security.

It is known that that the transferring (internationally) of dual-use as well as high-technology products, services, knowledge and information for peaceful purposes are important for economic and social development of Nations, but it is also imperative to properly regulate the transfers of these products with military applications through negotiated non-discriminatory guidelines that can be applied universally and will suit different situations.

GENERAL OVERVIEW

Missiles are weapons that are capable of causing great destruction. However international views on missile-affiliated matters are diverse. This makes it more difficult to negotiate and arrive at a consensus that could result in preventing missile-related activities. At the moment there is no “legally binding multilateral instrument” that addresses the issue, and the only efforts that have been made to establish norms against the proliferation of ballistic missiles are multilateral regimes such as the HCOC (Hague Code of Conduct against Ballistic Missile Proliferation) and the MTCR (Missile Technology Control Regime). These regimes have been effective in laying down a set of

recommendations of measures for Subscribing States to follow for the prevention of ballistic missile proliferation.



The fact remains that the HCOC does not legally bind any of its Subscribing, nor Non-Subscribing States to abide by the Code, and thus has allowed many states to overlook their commitments.

Currently the HCOC HAS 134 Subscribing States. However, numerous signatories have failed to act seriously and implement the requirements of the HCOC.

Proving their lax attitudes toward the annual declarations on missile policy and plans and pre-launch notifications (PLNs) that are called for in the HCOC, countries like the United States and Russia, two key signatories of the HCOC with the largest inventories of ballistic missiles and considerable amount of test activity, have failed in their carrying out of responsibilities. Despite the relatively modest requirements of the Code and the seemingly dynamic enthusiasm of the Subscribing States, member states remain, for the most part, inactive in their efforts to comply with the HCOC guidelines. Critics of the Code and its productivity have pointed out that the dismal quality of compliance with its requirements serve as an indication for the unlikelihood of the Code's universalization.

DPR Korea's expansion of its nuclear weapons program, Iran's nuclear ambitions, and Pakistan's increasing instability has disrupted the nuclear order. DPR Korea's missile tests in the recent years have been widely condemned by the international community as acts of violation of UN resolutions and triggered screaming headlines all over the world. The fact that Iran's current stockpile of over 3,000 pounds of low-enriched uranium is sufficient to make two atomic bombs which is enough to keep bordering countries as well as ones separated from Iran by vast seas, at the edges of their seats. Developments in

Pakistani missile technology have been persisting, and Pakistan's government show no signs of putting a halt to its missile tests in the near future. Yet, these three countries, along with other growing missile technology supremacies, Brazil, India, and China, have not expressed interest in becoming Subscribing States of the HCOC. The lack of cooperation and participation from some of the world's main nuclear powers is directly accountable for the HCOC's limited influence and efficacy.

Major countries involved

Syria

Syria represents the position of a “nuclear free zone” for the volatile Middle Eastern countries. This means reducing Pakistan’s, India’s and Israel’s nuclear capabilities and stop the secretly held Iranian nuclear program. Since Syria's uprising began in March 2011, the Iranian regime has provided billions of dollars in weapons, training and manpower to the Syrian regime to keep Assad in power. Currently, Iran-backed Hezbollah fighters, members of the Iranian regime's Revolutionary Guard and other volunteers are on the ground in Syria fighting rebel forces. The USA at first threatened military action against Syria for using chemical weapons, but backed off to make way for a tentative diplomatic solution -- an agreement backed by the U.S. and Russia to have the Assad regime turn over its chemical weapons to international control.

Read more: <http://www.foxnews.com/politics/2013/09/16/could-syria-showdown-lead-to-us-iran-talks-on-nuclear-program/#ixzz2fXlkaV5w>

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United States of America

As technological progress appears, the USA has always been at the first and foremost to apply and work with new technology for the good of the global community - not only from a military perspective, but also from a developmental perception. Science and Technology plays a large role with concerns of disarmament. While the USA confirms the need to disarm WMD's, it also reserves the right to have these weapons as a deterrent, and reimburses the importance of this. On the subject of the export and import of conventional arms, the USA is the single largest exporter of arms and ammunitions on the planet, and the fifth largest importer. (According to 2010 data).

Ever since the terrorist attacks in September 2001, the USA has been incredibly alert and active in the struggle to keep terrorists from obtaining radiological material. These initiatives include radiation sensors near their borders, and the Crimson Rider joint-action drill with the Russian Federation. The USA also looks forwards to a world without the risk of nuclear terrorism and thinks international cooperation and exchange of knowledge is important. This has led to the arrangements of the first and second summits (the Nuclear Security Summit 2010 in Washington and the Nuclear Security Summit 2012 in Seoul) on the protection of nuclear materials.

Republic of Iran

The Republic of Iran has also been causative to the intensification of concerns and anxiety regarding nuclear disorder by refusing to support the HCOC. The country demonstrated its disapproval of the Code when it cast the only vote against the UN draft resolution A/RES/63/64; it justified its vote through the assertion that the HCOC was negotiated outside of the UN and failed to involve all interested counties in the process.

Iran has also recently succeeded in drawing up its own missile design. By utilizing f North Korean technology as a firm foundation, the country has been able to develop the skills and supplies to produce intercontinental ballistic missiles and multiply its chemical and biological stockpiles. The fact that Iran has been methodically constructing mining, uranium-conversion, and uranium enrichment facilities that could stipulate its infrastructure for nuclear weapons throughout the course of recent years, and that it has mastered the technology to build and operate its own centrifuges has been enough to keep Iran under close international scrutiny. On top of spinning 4,500 centrifuges and installing 3,700 additional ones, President Ahmadinejad revealed a “third generation” of centrifuges in 2010 that could supposedly enrich uranium much faster than current technology.

The announcement was released around the same time as members of the Security Council gathered to discuss a round of new sanctions against Iran’s refusal to halt its uranium enrichment, but some experts, such as Mohammed El Baradei, the former head of the International Atomic Energy Agency (IAEA), have suggested that Western countries are seeking harsher sanctions “out of frustration”, but that as there are no concrete indications of the fact that Iran is developing a nuclear weapon today, the real issue of concern ought to be establishing trust between Iran and other countries. If Iran were to become a Subscribing State of the HCOC, it would serve as a stepping-stone for building ties of trust between the country and others.

Iran has a notable history with ballistic missiles. Iran's first batch of Scuds (known as Scud Bs) arrived from Libya in 1985. These single-stage, nuclear-capable, Soviet-origin

missiles use liquid fuel and can fly about 280-300 km when carrying a 770-1,000 kg warhead. Before long, Iran had depleted its small supply. It then turned to North Korea in hope of finding a new supplier. It has fired almost 120 Scuds at Iraq during the Iran-Iraq War and 77 missiles during the War of the Cities. With a solid backbone of ballistic missile force (approximately 250 to 300 Scud Bs obtained from Libya and North Korea and 60 to 100 longer-range Scud Cs), Iran is currently capable of striking targets in other Gulf States, eastern Turkey, and several states of the former Soviet Union.

Afghanistan

Afghanistan, at this point, is considered an unstable nation especially due to the concerns over the activity of al-Qaeda and other terrorist organizations, which could potentially be a danger for the neighbouring countries and the Western world as well.

Afghanistan is deeply concerned about the activity of al-Qaeda, which causes an enormous threat to the safety of its citizens. One of the problems is a cluster munitions, which kills and injures hundreds, if not even thousands of people every year. Afghanistan is looking for an opportunity to improve safety in the country and take action against terrorist groups like al-Qaeda, also if this means that technological and scientific research has to be used for military purposes.

Timeline:

1963 Partial Test Ban Party

1968 NPT 189 Countries agreed to limit the spread of nuclear weapons and technology; one of the most important treaties

SALT 1 Strategic Arms Limitation Talks (US and SU start to freeze some intercontinental ballistic missiles)

1972 ABM Anti-Ballistic-Missile-Treaty (US and SU agree not to build up nationwide anti-ballistic missile systems)

1979 SALT 2 US and SU limit to an equal number of 2400 missiles and bombers; not signed by the US but accepted

1987 INF Intermediate-Range Nuclear Forces Treaty (Reagan and Gorbachev agree to eliminate their nuclear and conventional ballistic missiles with intermediate ranges (defined as between 500 and 5500km))

1991 START 1 Strategic Arms Reduction Treaty (US and SU agree to reduce warheads to 6000 each and missiles/bombers to 1600 each)

1993 START 2 Banning the use of MIRVs and ICBMs; signed by Bush and Yeltsin but never entered into force

1996 CTBT Comprehensive Test Ban Treaty (signed by 182 states; not yet in force; bans nuclear explosions in all environments)

2002 SORT Strategic Offensive Reductions Treaty or Moscow Treaty (“replaces” the START 2 treaty, that was never put into force; both parties, US and SU agreed to limit their nuclear arsenal to between 1700 and 2200; the treaty was criticized as very loose and vague)

2010 START 3 The US and Russia both agree on reducing deployed nuclear warheads by about half within 7 years; intercontinental bombers should be reduced to 800 each

When, in 1988, this issue (the role of technology in international disarmament, especially with the question of nuclear weapons) was added amongst others to the disarmament agenda with India as the main sponsor, the delegate (of India) reminded the committee that increasing amounts of resources were used to develop new weapon systems, which caused dubiety and insecurity. Many such developments that included the cumulating use of nuclear explosive power, miniaturisation and computing capabilities on a large scale using micro-electronics, fuel and laser technology which pose threatening the security of the environment. Therefore it is crucial to properly perceive the problem together and work on effective solutions.

The first resolution that was contrived on this issue, 43/77 A was adopted with a vote of 129 in favour, 7 against and 14 abstentions.

The UN Secretary-General was asked to keep track of future scientific and technological developments, especially those, which could be used for military purposes, and to assess the effect it could have on international security, and to write and submit a report to the General Assembly at its forty-fifth session in 1990. Most attendees were scientists, strategic analysts, arms limitation/disarmament experts, politicians and diplomats from over 20 countries. They discussed and addressed those issues and other related problems.

The Secretary General contrived a final, detailed report and conveyed it to the General Assembly on 17 October 1990. In resolution 45/60, the General Assembly acknowledged the report and agreed that the international community should ready itself so it may be able to follow the technological change to come; the United Nations could help with this. It has remained on the United Nations agenda since 1988.

The most recent substantive General Assembly resolution on the matter is A/RES/61/55, which was adopted with the consensus of a no-vote on 6 December 2006.

The most recent procedural decision of the General Assembly was adopted without a vote on 2 December 2011, keeping the item on the agenda for the next session of the General Assembly.

The Nuclear weapon-Free Zone (NWFZ) is a concept that was initially introduced to the UN general assembly in 1956 by the Soviet Union. The first NWFZ was enforced and has been in The Middle East and has been bolstered up ever since 1969, it has banned nuclear weapons from areas like the Caribbean and Latin America (in accordance to the treaty of Tlateloco)

The purpose of a NWFZ in the Middle East has been vigorously debated for years now, but signs of negotiation have only just started to appear. It is not surprising that it is in the Middle East, given the several issues that surround the area, such as the Arab spring, Iran-Israel nuclear dispute etc. Iran appears to be in compliance with the Non-Proliferation Treaty, but needs to be more open regarding its activities. In 2002, the IAEA found traces of highly enriched uranium at Iran's Natanz nuclear power plant. A month later, UN weapons inspectors reported traces at a second facility near Tehran, and the IAEA set an October 31 deadline for the country to prove it is not developing nuclear weapons. Iran claimed the source of the uranium was imported equipment. The same year Iran agreed to suspend processing and enriching uranium and allow unannounced inspections by the IAEA.

Ever since, neither the IAEA nor the UN have found any substantial evidence indicating that Iran is in fact manufacturing nuclear arms but find Iran's "introvert" attitude rather worrisome.

What is hurdling the attempt of establishing a NWFZ in the Middle East? It seems as though Israel's perpetual denial to sign and adhere to conventions that will ensure the peaceful use of nuclear technology, such as the NPT, has been slowing down the peace-making process.

It is a hard fact that Israel is not the only country in the Middle East with a highly active nuclear program; Iran too, as aforementioned, has been researching and launching nuclear programs ever since the 1950's. Yet Israel remains the sole country in the region without having signed the NPT nor having complied with IAEA regulations.

Successive Israeli governments have actually endorsed the concept of a NWFZ in the region but claim that establishment of such a zone cannot take place until a comprehensive Middle East peace has been reached.

If Iran for instance were to manufacture a bomb, it is not hard to imagine a nuclear arms race where we would see Saudi Arabia acquiring one, and Egypt making an effort to develop one. Turkey could also decide to turn into a nuclear State. As Israeli strategist Zeev Maoz puts it: "The dilemma Israel faces in the long-run is between a nuclear Middle East and a demilitarized one. Either everyone in the region has nuclear weapons or no state has." One may assume that even more Middle-Eastern states are confronting the exact same dilemma.

Also, while setting up a NWFZ in the Middle East, it must also be ensured that other states in the vicinity that have nuclear power in any form or plan to do so in the future comply with the Nuclear Proliferation Treaty (NPT) and the International Atomic Energy Agency. A Middle East Nuclear Weapon-Free Zone would ensure and verify that all nuclear weapons are safely dismantled and secure areas in the vicinity. It is believed that such a zone would not only strengthen the Nuclear Non-Proliferation Treaty but would also help to promote universal nuclear disarmament and precipitate the Middle East peace process as a substantial confidence-building measure. Thus, a Nuclear weapon-free zone is a region where the production, possession and stock-piling of nuclear weapons is verboten in accordance with the General Assembly of the United Nations.

Iran started a nuclear programme around 50 years ago and now despite its constant assurances that its program will only be used for peaceful, many Western countries including the UN and the International Atomic Energy Agency (IAEA), have concerns about the fact that Iran may be using the program as a diversion while developing a nuclear weapon.

The main countries involved in this topic are the ones situated within the vicinity of the Middle East. The most significant are: Iran, Iraq, Israel, Jordan, Lebanon, Pakistan, Palestine, Saudi Arabia, Syria, Turkey, Kuwait and the United Arab Emirates.

A few of the aforementioned countries are members of the "nuclear club" * such as Israel, Iran, Pakistan, Kuwait and Syria. (*Countries that are known or believed to possess nuclear weapons are sometimes referred to as the nuclear club.)

As regards organizations involved, those are: The United Nations (UN) and the International Atomic Energy Agency (IAEA)

Any nuclear energy programs that might be potential nuclear weapon programs will be eliminated. The aim of such actions is to deprecate and eradicate - as much as possible

- any threat of nuclear warfare and make an equitable platform for further peaceful negotiations.

The NPT is a landmark international treaty whose objective is to prevent the spread of nuclear weapons and weapons technology, to promote cooperation in the peaceful uses of nuclear energy and to further the goal of achieving nuclear disarmament and general and complete disarmament. The Treaty represents the only binding commitment in a multilateral treaty to the goal of disarmament by the nuclear weapon States. Opened for signature in 1968, the Treaty entered into force in 1970. On 11 May 1995, the Treaty was extended indefinitely. A total of 190 parties have now joined the Treaty, including the five nuclear-weapon States. More countries have ratified the NPT than any other arms limitation and disarmament agreement, a testament to the Treaty's significance.

The provisions of the Treaty, particularly article VIII, paragraph 3, predict a review of the operation of the Treaty every five years, a condition which was reaffirmed by the States parties at the 1995 NPT Review and Extension Conference.

To further the goal of non-proliferation and as a confidence-building measure between States parties, the Treaty establishes a safeguards system under the responsibility of the International Atomic Energy Agency (IAEA). Safeguards are used to verify compliance with the Treaty through inspections conducted by the IAEA. The Treaty promotes cooperation in the field of peaceful nuclear technology and equal access to this technology for all States parties, while safeguards prevent the diversion of fissile material for weapons use.

The 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) met at United Nations Headquarters in New York from 3rd to 28th May 2010. A total of 172 States, parties to the Treaty, participated in the Conference. State parties agreed to a final document which included a review of the operation of the Treaty, reflecting the views of the President of the Conference, as well as agreed conclusions and recommendations for follow-on actions. The action plan contains measures to advance nuclear disarmament, nuclear non-proliferation, the peaceful uses of nuclear energy and regional issues, including the implementation of the 1995 Resolution on the Middle East.

UN INVOLVEMENT: RELEVANT RESOLUTIONS

Here are some resolutions on the subject:

· A/RES/45/52, December 4th, 1990 (link to the resolution: <http://www.un.org/documents/ga/res/45/a45r052.htm>)

- A/RES/51/41 , January 7th, 1997 (link to the resolution: <http://www.un.org/documents/ga/res/51/ares51-41.htm>)
- A/RES/65/42, January 11th, 2011 (link to the resolution: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/515/06/PDF/N1051506.pdf?OpenElement>)
- UN Security Council Resolution 1887 on Non-proliferation, September 24th, 2009 (link to the resolution: <http://www.cfr.org/un/un-security-council-resolution-1887-non-proliferation/p20316>) (this resolution is a little bit more general as far as topic is concerned. However its clauses might as well apply to our subject so make sure you have a look at it)

In the UN resolutions listed above, one of the major proposals made is that “all countries of the region that have not done so, pending the establishment of the zone, to agree to place all their nuclear activities under International Atomic Energy Agency safeguards”. This in order for the UN to be able to prevent any unwanted nuclear programs and to avoid drastic sanctions, such as military intervention, that may sour relationships between the Middle East and the Western world even more.

Moreover, it seems as though there are plans for an upcoming United Nations-backed conference aimed at ridding the Middle East of nuclear weapons. “The meeting has been sparked off by recent political unrest in the region over suspected nuclear-weapon programs in Iran and Israel”, state officials involved in the event's preparations. The conference, provisioned to take place sometime within December in Helsinki, will mark the first meeting of Middle East states solely focused on the establishment of a nuclear-weapons-free zone in the region.

The gathering is seen as crucial to sustaining and strengthening the UN's Nuclear Non-proliferation Treaty, the utmost international convention for reducing the threat posed by nuclear arms.

Detection

All the information above mainly expands on the fact that monitoring the scientific developments in different states is imperative to ensure that everything that happens is accordance to the Nuclear Proliferation Treaty especially if the area is an NWFZ. However one must also pay attention to the fact that science and technology is incredibly important in monitoring itself. More and more resources as well as time are being put into the detection of these nuclear arsenals and programs.

Detection of nuclear weapons and special nuclear material (like SNM, plutonium, and certain types of uranium) is critical to thwarting nuclear proliferation and terrorism and to securing weapons and materials worldwide. For example, the American congress has funded a portfolio of detection R&D and acquisition programs, and has mandated inspection at foreign ports of all U.S.-bound cargo containers using two types of detection equipment.

Nuclear detection technology has a dual role in thwarting a terrorist nuclear attack—deterrence and defence. Deterrence means dissuasion from an action by threat of unacceptable consequences. Terrorists may be deterred from a nuclear strike by one of the few consequences unacceptable to them: failure. Detection systems would raise that risk. These systems could also make a terrorist nuclear strike too complex to succeed. But other factors would also have these effects: the difficulty of fabricating a bomb, the chance that law enforcement or intelligence would detect efforts to obtain a bomb, the possible inability to detonate a purloined bomb, and the risk that scientists recruited for the plot would defect. Such risks would disappear, however, if terrorists were given a bomb and operating instructions. They would then only need to mount a smuggling operation. In such cases, the role of nuclear detection systems would change: they would become the main defence.

Detection involves using detector elements to obtain data, converting data to usable information through algorithms, and acting on that information through concept of operations, or CONOPS.

Detectors, algorithms, and CONOPS are the eyes and ears, brains, and hands of nuclear detection: Effective detection requires all three.

Previous Attempts to Solve the Issue

Repeatedly it has been decided on and agreed upon that promoting the universalization of the Code and the execution of its laws by all Subscribing States can help achieve international security. This can be attained through strengthening relations with the UN and continuing outreach activities to advance objectives of the Code. Support from the UN has been accomplished, as evidenced by the numerous resolutions passed in the General Assembly that underscored the Code's importance and relevance. The outreach activities, however, have not been able to attract the considerable amount of additional subscribers as were initially hoped by the UN and its bodies.

In Conclusion, we would argue that since scientists helped to create nuclear weapons, the scientific community today has a profound responsibility to help reduce and ultimately disarm them. Governmental co-operation with scientists is essential if we are to ensure that the spread in nuclear expertise does not introduce new perils and instabilities that could undermine nuclear disarmament. At this relatively early stage on the road to nuclear disarmament, the most effective way for scientists to fulfil this responsibility is to ensure that policymakers hear their advice. Likewise, policymakers also need to ensure they listen to this advice and act upon it.

Investing in the necessary research would pay huge diplomatic dividends and provide concrete evidence of nuclear-weapon states taking seriously their obligations to pursue disarmament. The scientific community often works beyond national boundaries on problems of common interest, making it ideally placed to facilitate the widening of discussions beyond Russia and the US to prepare the groundwork for future negotiations that will include China, France and the UK. Science diplomacy like this will play a decisive role in an area where international relations are greatly complicated by political and historical considerations.

"We are confident that the development of the technology needed for a safe and secure downsizing program for global nuclear arsenals is within our reach if it is adequately supported," the report states. "The associated operational and doctrinal measures will require major investments as well. The technology steps are clear; the structure of the overall program requires careful assessment and on-going support" (Global Security Newswire, March 8).

Topic 2: Measures to fight the spread of terrorism in LEDCs

Introduction

The word 'terrorism' is one that stirs fear in people worldwide. All too often we are reminded that terrorism continues to inflict pain and suffering on people all over the world. Hardly a week goes by without an act of terrorism taking place somewhere in the world, indiscriminately affecting innocent people, who just happened to be in the wrong

place at the wrong time. Countering this scourge is in the interest of all nations and the issue has been on the agenda of the United Nations for decades. It is also a topic that has invited fierce debate time and time again. The international community has held concerns for terrorism since 1937 when The Convention for the Prevention and Punishment of Terrorism was adopted. The concern was magnified post the attack on 11th September 2001. The “war on terrorism” tactic used by the United States when they entered Afghanistan was not as effective as hoped against the spread of terrorism. It is difficult to target an association with no government ties and with a complex hierarchy. Moreover, the war did not help stop the spread of terrorism, but in fact gave extremists an excellent reason to turn from a protestor to a terrorist. A major factor of terrorism is the setting it is in. For example, the poverty, civil unrest and shaky governments in LEDCs form a large pool of oppressed and unhappy people. It is this background that is conducive to terrorist organizations as many of these people may resort to terrorism. Moreover, the conditions in these countries means that many illegal activities are carried out such as smuggling, human trafficking, drug trafficking, etc. that fund terrorist activities. However, this is not to say that these activities occur only in LEDCs, but the effect is definitely magnified. A two-pronged approach must be taken towards the issue: changing the socio-economic conditions, and cutting the financial supply to terrorists.

Definitions

Less Economically Developed Country

A Less Economically Developed Country (LEDC) is a nation that has low socioeconomic standards i.e. low standards of living. The United Nations classifies LEDCs as those nations with the lowest Human Development Index (HDI) which is calculated by combining results from the following indexes: life expectancy index, education index, income index, and inequality index.

Terrorism

A debatable term, the member states of the United Nations have yet to agree upon a universal definition of terrorism. On March 17th 2005 a United Nations Panel wrote a description of terrorism; “any act intended to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a government or an international organization to do or abstain from doing any act.” Many nations have created definitions of terrorism for their national legislation. The creation of an internationally recognized definition has on the other hand been controversial. In 1994, the condemned acts of terrorism described as, “Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever

the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them." Terrorists are often classified according to their motives, as shown below:

Nationalist terrorists

Nationalist terrorists create terror to draw the world's attention to their fight for national liberation. They seek to be recognized as a separate independent state and try to force the government to comply. Nationalist terrorist groups typically have effective military demand over a certain region.

Religious terrorists

Religious terrorists' motives are supposedly divine. They see the violence as their divinely commanded purpose. They frequently target a broad audience in the attempt to bring about drastic change and to 'enlighten' them.

State-sponsored terrorists

As the term implies, state-sponsored terrorists are those that a government utilize for their own gain. These states see terrorists as a cost-effective way of creating a war. The terrorists become a foreign policy tool for the state, the pawns in the game.

Left-wing terrorists

The motive of a left-wing terrorist is to replace capitalism with communism or socialism. They are some of the more 'peaceful' terrorists when measured by civilian casualties because they believe that these civilians are being exploited by capitalism. The left-wing terrorist does not wish to harm the civilians they are trying to save and therefore focus on actions such as kidnapping and destroying monuments.

Right-wing terrorists

The motive of a right-wing terrorist is primarily to replace a liberal democratic government with a fascist state. Right-wing terrorists are typically the least organized terrorists. A prominent example is the neo-Nazi riots in the early 1980s in Western Europe.

Anarchist terrorists

Anarchist terrorists do not respect or believe in the central control of the government. They are sometimes referred to as 'revolutionaries' attempting to overthrow the central government. Anarchist terrorism was a global phenomenon from 1870 to 1920. In recent times some crimes committed in the Middle East and Africa are considered anarchist terrorism because by the end of the protest, the protesters were no longer protesting for

certain rights but protesting directly against the government, causing chaos. There is often controversy over whether anarchist terrorism should be included in the official definition of terrorism.

Background information

DEFINING TERRORISM

The most interesting problem about the topic of eliminating terrorism is that throughout the international community, there exists no legally binding, criminal law definition of it. As a result, some nations have different definitions of terrorism which could help them harbor terrorists, since the nations themselves could have a very vague law regarding terrorism, and then interpret it the way they wish. Since their law defining terrorism could be very vague, it would allow them much leeway to create loopholes in which they could then use to justify harboring organizations that are deemed terrorists by other nations. Although the colloquial use of terrorism refers to “the systematic use of terror especially as a means of coercion”, and that is what most people understand terrorism to be, the lack of a binding legal definition severely hampers the process of eliminating terrorists throughout the world, not just in LEDCs.

The United Nations has not yet been successful at creating a Comprehensive Convention on International Terrorism that contains a definition of terrorism that is all-encompassing and legally binding. Clause 3 of the Security Council Resolution 1566 (2004) as well as many in other resolutions describe an act of terrorism; however this definition of the criminal act is not legally binding.

Certain facets are important to consider when compiling a definition. The definition is extremely important as it separates all other acts of violence from terrorism on the basis of motive, method, etc. and clear confusion. Firstly the motives of a terrorist needs to be considered. Some motives that may be considered are political, religious, ideological, philosophical, racial, or ethnic. Specifying these motives separates the act of terrorism from a random act of violence that may still impose fear upon civilians. The second aspect that must be considered is which crimes can be considered terrorist acts. This may include hijacking, kidnapping, and bombing. Would a crime such as murder be considered terrorism? That depends on whether the committee handling the case decided that the crime is of serious enough magnitude to provoke a state of terror. One aspect of the problem is that many terrorists threat violence. The terrorist may not commit the crime but they still accomplish their goal of creating an atmosphere of terror by threatening to do so. Can that be included in the list of acts? Terrorism is seen as a crime that is designed to invoke a psychological response of fear in a wider group beyond the victims or targets. Finally, there is the question of who is committing the

crime. Typically if a government commits a terrorist crime, it is not defined as an act of terrorism. Many argue that only crime perpetrated by non-state or subnational groups can be defined as acts of terrorism. Some say that acts of terrorism must also be conducted by structured organizations that have a chain of command or an identifiable structure. Does that include anarchist terrorists? Some believe that only groups whose members do not wear an identifiable insignia or uniform should be considered terrorist groups, which restricts the amounts of acts counted as 'terrorism'.

The large majority of terrorist attacks are committed by complex groups which is the reason that some academic definitions of terrorism specify that the acts are committed by groups. There are however lone wolf terrorists that do not belong to an organization. These terrorists are most commonly suicide bombers protesting for a cause. It is important to consider an all-including definition in order to solve the issue.

TYPES OF TERRORISM

Terrorism may be classified in many different ways. It may be classified by the medium of the violence, cyber terrorism and bioterrorism for example. However to combat the spread of terrorism, it is important to root out the motives and solve them. The motives of the terrorist are then important to address. Terrorism can be classified into 6 types by the motives: nationalist, religious, state-sponsored, left-wing, right-wing, and anarchist. The United Nations Counter-Terrorism Implementation Task Force (CTITF) has created a working group called "Addressing Radicalization and Extremism that Lead to Terrorism". This group was created to establish a better understanding on how and why radicalization and extremism leads to terrorism. From this understanding the CTITF hopes member states can recognize effective practices and policies to prevent these motives becoming terrorism.

THE UNITED NATIONS INVOLVEMENT

Eighteen universal instruments (fourteen instruments and four amendments) against international terrorism have been elaborated within the framework of the United Nations system relating to specific terrorist activities. Member States, through the General Assembly, have been increasingly coordinating their counter-terrorism efforts and continuing their legal norm-setting work. The Security Council has also been active in countering terrorism through resolutions and by establishing several subsidiary bodies. At the same time a number of programs, offices and agencies of the United Nations system have been engaged in specific activities against terrorism, further assisting Member States in their counter-terrorism efforts.

In 2004 the High-level Panel on Threats, Challenges and Change asked the Secretary General of the United Nations to promote a comprehensive global strategy against terrorism. The Secretary General wrote a report in 2006, uniting against terrorism:

recommendations for a global counter-terrorism strategy, to fulfil this request. Later that year the General Assembly of the United Nations passed the resolution, The United Nations Global Counter-Terrorism Strategy and its annexed Plan of Action. The Plan of Action has the following four pillars:

I. Measures to address the conditions conducive to spread of terrorism

II. Measures to prevent and combat terrorism

III. Measures to build States' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard

IV. Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism

The resolution calls for biennial, every two years, reviews on the progress in implementing the Strategy. There have therefore been 3 reviews on the progress of the Strategy.

After the attacks of September the 11th 2001 the United Nations Security Council wrote resolution 1373. This resolution established the United Nations Counter-Terrorism Committee (CTC). The aim of CTC is to increase the ability of nations to prevent terrorist attacks both nationally and within the region. The Counter-Terrorism Committee Executive Directorate (CTED) helps the CTC by conducting research on the counter-terrorism situation in states, carrying out the policy decisions of the CTC, and facilitating the technical assistance for member states.



The United Nations established the Counter-Terrorism Implementation Task Force (CTITF) in 2005. The CTITF was further enhanced by the Strategy in 2006. The CTITF assists in coordination and coherence of the United Nation's counter-terrorism actions.

The CTITF is made of 31 international entities each of which have their own individual mandate. These entities assist in various multilateral counter-terrorism efforts.

DISSUADING PEOPLE FROM TERRORISM

To stop the proliferation of terrorism, one must reason why people resort to terrorism and find a way to prevent that reason. Nations and civil societies must work together to dissuade groups from terrorism.

Terrorism must be portrayed as being unacceptable. The United Nations has this stance as well as the majority of nations. However, states that use terrorists to their advantage do not apply to this principle. Moreover, the conditions that are conducive to the exploitation by terrorists must also be addressed. Often victims of terrorism are dehumanized. For example, victims of genocide are viewed and characterized by their ethnicity or religion, rather than being viewed as people. The media can be instrumental in counter-acting this. They can create dialogue between two races for example and spread awareness about the issue.

Violent conflicts are often the roots of terrorist organizations and LEDCs, being vulnerable to civil unrest, must be targeted. It is important that LEDCs prevent conflict. They can make use of the joint program from the Department of Political Affairs and the United Nations Development Program (UNDP) called Building National Capacity for Conflict Prevention. Many LEDCs are currently experiencing civil unrest and nearly 50% of nations revert back to violence within 5 years of ending a civil war, unable to create sustainable peace and going in a downward spiral. It is essential that member states ensure sustainable peace. The Peace building Commission has the task of helping member states with this.

Poor governance may also increase the chance of someone choosing to commit a terrorist attack. It is incredibly important that states comply with international human rights laws. Many military personnel may believe that certain human rights laws get in the way of counter-terrorism measures. However actions such as torture should never be permitted especially when they do not give reliable answers. Countries should not use excessive force because this will cause discontent in the population which would create a stronger base for the recruitment of terrorists, therefore accelerating terrorism instead of stopping it.

Discrimination due to ethnicity or religion, socio-economic marginalization, and political exclusion all create a sense of grievance which is conducive to recruitments of terrorists. These factors have a strong ostracizing effect which may cause some individuals to become extremists. These factors are the reason that well to do individuals may still resort to terrorism.

DENYING TERRORISTS THE RESOURCES

The funding of terrorism is an issue that needs to be discussed. All terrorist organizations are based on their funding. If the source of the funds of a terrorist operation is eliminated then the terrorist organization will no longer be a threat, unless they find another source.

Usually, terrorists get their funding from illegal activities such as drug trafficking, human trafficking, smuggling etc. which are prevalent in LEDCs. One of the most prominent sources of finance for terrorist organization is drug trafficking. Drug trafficking is an international crime. The crops are typically illicitly grown in LEDCs. Illicit crops are grown in Afghanistan, Myanmar, and Laos which grow opium poppy, Bolivia, Colombia, and Peru which grow the coca bush, and Morocco which grows cannabis. In countries such as Colombia the drug traffickers will set up traps and post armed soldiers around the fields of the illicit crops. A tricky issue is to stop the crop harvesting while not hurting the socio-economic standards of the farmers. While tackling the source for the drugs may be the most effective, increased border controls have also proved effective. Also strengthen laws against the sale and consumption of drugs would reduce the customer base. The drug trade is not only a source of income for terrorists but it is also a source of terrorism. Nacroterrorism is a term created by the former president of Peru. He used it to describe the attacks on the anti-narcotic forces.

Other examples are money laundering, human trafficking, and the illicit trade of natural resources such as black diamonds. State-sponsored terrorist may also receive financial as well as material incentives from the state. For more information about the financing of terrorism please see The International Convention for the Suppression of the Financing of Terrorism.

Terrorists do not only need money but also materials to plan their attacks. The terrorist attacks that make headlines are those that use extreme weapons such as biological weapons or even airplanes. However in the day to day running of a terrorist organization small arms and light weapons (SALW) are the most popular weapons. The large majority of the SALW in the possession of terrorist are typically illicit unless the terrorist organization is state-sponsored. There are many strategies to combat the illicit trade of SALW in turn depriving the terrorist organizations of these weapons. One is tracking weapons. A government's military has SALW which may be stolen by terrorist organizations. Having traceable weapons is the easiest way for authorities to assess the legality of weapons. Border control is also a vital part of the trade of SALW. Once again tracking is useful at border checkpoints because then border control can properly assess if a civilian has the proper documentation for each weapon. Closely monitoring the trade of SALW is another way of stopping it from reaching terrorists.

Nuclear, biological, radiological, and chemical weapons generally have the greater fear evoking reaction. They also have the most devastating effects. It should be the goal of most nations to ensure that these weapons never come into the hands of terrorists. The International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons (OPCW) specialize on nuclear weapons and chemical weapons respectively. It is also important that nations reinforce existing non-proliferation mechanisms and prevent the proliferation of weapons of mass destruction (WMD). Bioterrorism is developing quickly. The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction needs to be updated to include recent developments in biotechnology. This would help to prevent the spread of terrorism in this direction. The International Committee of the Red Cross is bringing the issue of bioterrorism to the world's attention. Strict laws concerning such weapons is highly essential.

Terrorists, now more than ever rely on media, especially the internet, to recruit and communicate to terrorists. While it is important to reduce this, one must consider the implications censorship may have on freedom of speech. The United Nations would not support the filtration of terrorist propaganda for that reason. The Security Council Resolution 1624 does address the issue of criminalizing the recruitment to terrorist acts. This is a very important aspect in stopping the spread of terrorism.

Nations can also prevent the travel of suspected terrorists. Border control is once again essential. It is also important that states protect possible terrorist targets.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

The International Criminal Police Organization

The International Criminal Police Organization (INTERPOL) supports states that are members in efforts to counter-terrorism and protect their civilians against terrorist threats. INTERPOL has experts that collect and analyze information about suspected terrorist organization or individual suspected terrorists. This information and analysis is then exchange to members and international organization for globally effective counter-terrorism measures. INTERPOL has a CBRNE initiative. This initiative is concentrated on terrorist attacks using biological, chemical, radiological, explosive, and nuclear material. INTERPOL also circulates Orange notices which are alerts about terrorists, weapons threats, and dangerous criminals to the police in member states. The United Nations Security Council Special Note alerts member specifically about individuals and organizations that are associated with Al-Qaida or the Taliban. It also helps nations implement embargoes, travel bans, and freezing assets. INTERPOL Incident Response Team (IRT) assist member states in the event of a terrorist attack if they so request. INTERPOL exports can investigate the situation and offer analytical support.

The United Nations Development Program

The United Nations Development Program (UNDP) supports and enhances the capacity of justice and legal systems. UNDP is a unique organization because it operates in 166 countries. It has the capacity to encourage human rights in all of these countries. In creating the Millennium Development Goals is also has supplied the world with goals to improve the situation of poverty and deprivation. Improving the standards of living in LEDCs would typically reduce the risk for citizens of becoming terrorists.

United Nations Office on Drugs and Crime (UNODC)

United Nations Office on Drugs and Crime (UNODC) has established the UNODC Terrorism Prevention Branch (TPB). The program of the TPB focuses on assisting nations with legally related aspects of counter-terrorism measures. They specialize in advancing nations on implementing the international legal instruments against terrorism and strengthening the capacity of national criminal justice systems. The branch also gives information to intergovernmental bodies and coordinates counter- terrorism actions within the United Nations and other organizations.

The United Nations Educational, Scientific and Cultural Organization

The United Nations Educational, Scientific and Cultural Organization (UNESCO) aims to build a culture of peace. UNESCO focuses on three aspects of preventing terrorism: education, press freedom, human rights. They first believe that a culture has to be created that is peaceful. This must start with education. School curriculum should teach human rights and the importance of peace and tolerance. UNESCO would also like conflict prevention, critical thinking, internationally shared values, and mutual understanding should also be part of these curriculums. A major reason for spread of terrorism is when civilians feel like their voices are being oppressed. The freedom of media and speech for example is important for this.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Since 2001 the United Nations has been accelerating towards its goal of a Comprehensive Convention on International Terrorism. The United Nations has taken the initiative to coordinate the fight against terrorism. The United Nations has successfully created many reports and reviews suggesting methods of counter-terrorism for preventing recruitment of civilians to prosecuting suspected terrorists. The United Nations has offered the help of many affiliated organizations to the member states. The problem with all these measures is that they are not legally binding or mandatory. There are no repercussions for not following them. In simple terms, if a nation feels they are not at risk, or has an incentive to support terrorism, they can easily ignore these measures.

The various International Conventions have all been relatively effective. The International Convention for the Suppression of Acts of Nuclear Terrorism however still has very few signatories, therefore not having a widespread effect. The Biological Weapons Convention is also out of date with technology, creating dangerous loopholes.

The 'war on drugs' as it is sometimes called is reasonably effective. The LEDCs that have this issue have generally been open to outside help from organizations. Other financial incomes for terrorists such as human trafficking are also being tackled. An issue however is that there is little research being done about the relationship between terrorism and these other crimes. If this mechanism was better understood it may perhaps be easier to economically harm terrorists and cut off their financial supply.

POSSIBLE SOLUTIONS

It needs to be stressed that terrorism in all forms is a serious threat to international security. It must also be stressed that there is no excuse to terrorism.

In LEDCs the rule of law and human rights need to be respected. The United Nations and its organization such as UNODC can assist in developing and maintaining an effective justice system. For this to materialize, they need to rise from civil unrest and work towards creating a stable government. Inter-racial or inter-faith dialogue would promote tolerance. UNESCO could advise members on how to incorporate mutual acceptance into educational curriculum.

The financial base of terrorist organizations needs to be tackled. The research and advice could be conducted and given by UNODC, the International Monetary Fund (IMF) and the World Bank. They could work together to create strategies against, for example, drug trafficking and money laundering.

The internet is an incredibly powerful tool for terrorists but it would be against human rights to deny them the right to share on the internet. Therefore instead of countering the terrorists' internet use the internet could be used to promote counter-terrorism measures.

Terrorist organizations are constantly evolving. Research and keeping track is therefore of vital importance. Some organizations that can compile information on this topic are for example the United Nations Institute for Disarmament Research (UNIDIR) or CTITF.

With so many different specialized organizations it is important that they can all collaborate and share information. The committee for collaboration of member states could be the CTC. The CTITF could be the organization to collect relevant information from different organizations about terrorism and compile it all together.

Creating a legally binding and all-encompassing convention could be an effective step as well and allow concrete action to take place. Treaties tackling chemical, radioactive and

biological weapons should be updated and ratified by member states to ensure the WMDs are kept away from terrorists.

Topic 3: Privacy and Technology

Introduction:

Privacy is a fundamental human right recognized in the UN Declaration of Human Rights, the International Covenant on Civil and Political Rights and in many other international and regional treaties. Privacy underpins human dignity and other key values such as freedom of association and freedom of speech. Nearly every country in the world recognizes a right of privacy explicitly in their Constitution. At a minimum, these provisions include rights of inviolability of the home and secrecy of communications. Most recently-written Constitutions such as South Africa's and Hungary's include specific rights to access and control one's personal information.

Privacy law must be the back bone for any thoughtful discussion of privacy and technology. Although, one of the primary obstacles to handle technological privacy concerns is the obscurity of the term “privacy.” In different nations, privacy means something entirely different. It is extremely difficult to reach a consensus on what technologies are violating a citizen’s privacy when there is no clear agreement as to what privacy is and if it should be legally guaranteed. The committee must agree upon a working definition of privacy so that delegates can properly understand what it is they are protecting. Furthermore the comprehension of the word would at least reduce the amount of violations made by a country and would calm any ongoing disputes and may prevent any turmoil in a region.

With a solid understanding of privacy, as a legal issue and the technologies at hand, the committee must draft a resolution, which is transparent to citizens on what their rights to privacy are, and instructs corporations and nations about how technology should not be used. Finally, two essential factors must be kept in mind: national sovereignty and technological progress. National sovereignty is guaranteed by the UN Charter, and minding technological progress is in the general Interest of the international community. The issue of national sovereignty is particularly complicated in the technology sphere. A technology that acts across borders (e.g. the Internet) cannot be effectively policed by

different laws in different nations. This means that any agreement reached in the UN Special Summit on Technology must have broad support. Even one non-compliant country has the power to completely undermine any agreement reached, and the only body that can impose penalties on such a country is the United Nations Security Council. It must be noted that the Security Council only imposes sanctions in particularly severe cases.

In several regions including the sub-continental region of Asia high-tech satellites have been used to monitor actions within the region. This matter intends to insecure civilians in the region and arise protests within the country itself. Other high-tech gadgets like drones have also been used to spy on activities within Iran, Pakistan and Afghanistan. Recently the people of Pakistan had protested in order to eradicate all drones from their region as they feel it's a violation to their freedoms and rights. Another problem that arises due to technology is cyber-warfare. Hackers can manipulate a country's mainframe to accumulate confidential information from a country's military and government. This could lead to unfathomable mayhem and would lead to wars.

The importance of technological progress need not be explained; its enhancement can still proceed without interruption. As is the case with all regulation, too many restrictions do more harm than good, and it is fundamental that the protection of privacy does not interfere too heavily with technological advancement

BACKGROUND

Though the right to privacy is clearly protected by the UN Universal Declaration of Human Rights, privacy is only vaguely defined in this document. In 1988, the UN Human Rights Committee published "General Comment 16" on "The right to respect of privacy, family, home and correspondence, and protection of honour and reputation." Though these comments are lengthy, they are of critical importance, and are therefore reproduced here in their entirety. The United Nations Special Summit on Technology should use these comments as a basis for defining privacy; the committee's definition of privacy should edit, strike and add clauses to these comments as it sees fit. Note that any references to "the Covenant" refer to the International Covenant on Civil and Political Rights (ICCPR). Further note that any references to "reports" refer to the reports that ICCPR ratifying countries must submit to the Human Rights Committee every four years.

1. Article 17 provides for the right of every person to be protected against arbitrary or unlawful interference with his privacy, family, home or correspondence as well as against unlawful attacks on his honor and reputation. In the view of the Committee this right is required to be guaranteed against all such interferences and attacks whether they emanate from State authorities or from natural or legal persons. The obligations imposed

by this article require the State to adopt legislative and other measures to give effect to the prohibition against such interferences and attacks as well as to the protection of this right.

2. In this connection, the Committee wishes to point out that in the reports of States parties to the Covenant the necessary attention is not being given to information concerning the manner in which respect for this right is guaranteed by legislative, administrative or judicial authorities, and in general by the competent organs established in the State. In particular, insufficient attention is paid to the fact that article 17 of the Covenant deals with protection against both unlawful and arbitrary interference. That means that it is precisely in State legislation above all that provision must be made for the protection of the right set forth in that article. At present the reports either say nothing about such legislation or provide insufficient information on the subject.

3. The term “unlawful” means that no interference can take place except in cases envisaged by the law. Interference authorized by States can only take place on the basis of law, which itself must comply with the provisions, aims and objectives of the Covenant.

4. The expression “arbitrary interference” is also relevant to the protection of the right provided for in article 17. In the Committee’s view the expression “arbitrary interference” can also extend to interference provided for under the law. The introduction of the concept of arbitrariness is intended to guarantee that even interference provided for by law should be in accordance with the provisions, aims and objectives of the Covenant and should be, in any event, reasonable in the particular circumstances.

5. Regarding the term “family”, the objectives of the Covenant require that for purposes of article 17 this term be given a broad interpretation to include all those comprising the family as understood in the society of the State party concerned. The term “home” in English, “manzel” in Arabic, “zhùzhái” in Chinese, “domicile” in French, “zhilische” in Russian and “domicilio” in Spanish, as used in article 17 of the Covenant, is to be understood to indicate the place where a person resides or carries out his usual occupation. In this connection, the Committee invites States to indicate in their reports the meaning given in their society to the terms “family” and “home”.

6. The Committee considers that the reports should include information on the authorities and organs set up within the legal system of the State which are competent to authorize interference allowed by the law. It is also indispensable to have information on the authorities which are entitled to exercise control over such interference with strict regard for the law, and to know in what manner and through which organs persons concerned may complain of a violation of the right provided for in article 17 of the Covenant. States should in their reports make clear the extent to which actual practice conforms to the law.

State party reports should also contain information on complaints lodged in respect of arbitrary or unlawful interference, and the number of any findings in that regard, as well as the remedies provided in such cases.

7. As all persons live in society, the protection of privacy is necessarily relative. However, the competent public authorities should only be able to call for such information relating to an individual's private life the knowledge of which is essential in the interests of society as understood under the Covenant. Accordingly, the Committee recommends that States should indicate in their reports the laws and regulations that govern authorized interferences with private life.

8. Even with regard to interferences that conform to the Covenant, relevant legislation must specify in detail the precise circumstances in which such interferences may be permitted. A decision to make use of such authorized interference must be made only by the authority designated under the law, and on a case-by-case basis. Compliance with article 17 requires that the integrity and confidentiality of correspondence should be guaranteed *de jure* and *de facto*. Correspondence should be delivered to the addressee without interception and without being opened or otherwise read. Surveillance, whether electronic or otherwise, interceptions of telephonic, telegraphic and other forms of communication, wire-tapping and recording of conversations should be prohibited. Searches of a person's home should be restricted to a search for necessary evidence and should not be allowed to amount to harassment. So far as personal and body search is concerned, effective measures should ensure that such searches are carried out in a manner consistent with the dignity of the person who is being searched. Persons being subjected to body search by State officials, or medical personnel acting at the request of the State, should only be examined by persons of the same sex.

9. States parties are under a duty themselves not to engage in interferences inconsistent with article 17 of the Covenant and to provide the legislative framework prohibiting such acts by natural or legal persons.

10. The gathering and holding of personal information on computers, data banks and other devices, whether by public authorities or private individuals or bodies, must be regulated by law. Effective measures have to be taken by States to ensure that information concerning a person's private life does not reach the hands of persons who are not authorized by law to receive, process and use it, and is never used for purposes incompatible with the Covenant. In order to have the most effective protection of his private life, every individual should have the right to ascertain in an intelligible form, whether, and if so, what personal data is stored in automatic data files, and for what purposes. Every individual should also be able to ascertain which public authorities or private individuals or bodies control or may control their files. If such files contain

incorrect personal data or have been collected or processed contrary to the provisions of the law, every individual should have the right to request rectification or elimination.

11. Article 17 affords protection to personal honor and reputation and States are under an obligation to provide adequate legislation to that end. Provision must also be made for everyone effectively to be able to protect himself against any unlawful attacks that do occur and to have an effective remedy against those responsible. States parties should indicate in their reports to what extent the honour or reputation of individuals is protected by law and how this protection is achieved according to their legal system.

In summary, here are some of the most important comments and their contents.

First, citizens should be protected against privacy violations from the state and private persons. States should enact laws to protect citizens against such violations.

Second, it requests more information on how privacy rights are protected in the reports from ICCPR ratifying countries.

Third, no privacy violations should take place unless explicitly permitted by law. States must abide by their own laws regarding such violations.

Fourth, making a law permitting a given privacy violation does not make such a violation acceptable. All laws must be reasonable, consistent with the spirit of Article 17 of the Covenant (International Covenant on Civil and Political Rights).

Fifth, reasonable legislative interpretations of the terms “family” and “home” are encouraged. “Family” should be interpreted in a broad fashion, and the interpretation “home” should be consistent with the ideas about home in the society of the legislator.

Sixth, it requests more information on (1) which bodies may violate privacy rights, (2) how these violations are legally approved, (3) the extent to which current practice reflects these legal processes, (4) if there have been any complaints about privacy violations, and (5) how such complaints were resolved in the reports from ICCP Ratifying countries.

Seventh, the protection of privacy is necessarily relative. States should only require disclosure of sensitive information in cases “essential in the interests of society.”

Eighth, laws concerning permissible privacy violations must be extremely explicit and specific. Various recommendations concerning communication, surveillance and search are outlined.

Ninth, states must not violate a citizen’s privacy, and must provide legislation prevent privacy violations by private persons.

Tenth, sensitive electronic records must be well secured, and there should be laws detailing how these records must be secured. Every person should have the right to know what personal data is stored electronically, for what purpose it is stored, and what public or private individuals can access such data. Additionally, if there is an inaccuracy in this data, the individual should have the right to correct the mistake.

Finally states must help to protect an individual's right to "personal honour and reputation." Laws should be in place that provide recourse if these rights have been violated, and these laws should explicitly say how states interpret these rights and how they are protected by the state's legal system. Other United Nations documents (outside of the Declaration of Human Rights and the ICCPR) that address the right to privacy are the Convention on the Rights of the Child (Article 16, Article 40), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Article 14), the Convention on the Rights of Persons with Disabilities (Article 22), and the African Charter on Human and Peoples' Rights (Article 4). These documents do not contain definitions beyond the content of "General Comment 16," but nonetheless contribute to the existing international body of UN-authored privacy legislation. There are numerous important regional and national privacy policy documents that will be useful in informing debate.

Although Privacy is agreed to be a right for every citizen, it still could cause harm if used in the wrong way. For example, people with terrorism acts or high profile/ known troublemakers were to be given rights of privacy, they could easily misuse it and take advantage of their freedom and it could lead to threats which could have been avoided if governments surveyed communication channels. This is why some nations might insist on controlling any acts going on in the country especially ones which are under the threat of terrorism. So if a nation gives their valid reason for spying or controlling some people, this might be acceptable as it is for the benefit of the world.

Privacy Issues in the USA - the NCSL

As technology has advanced, the way in which privacy is protected and violated has changed with it. In the case of some technologies, such as the printing press or the Internet, the increased ability to share information can lead to new ways in which privacy can be breached. It is generally agreed that the first publication advocating privacy in the United States was the article by Samuel Warren and Louis Brandeis, "The Right to Privacy", 4 Harvard L.R. 193 (1890), that was written largely in response to the increase in newspapers and photographs made possible by printing technologies.

Privacy issues are a growing concern of Americans, especially as the Internet and technology have made personal information more accessible and easier to collect and manipulate. NCSL tracks Internet privacy laws aimed at commercial websites, Internet service providers, and private employers.

They also track personal privacy laws as they relate to cyber stalking, cyber harassment, and cyber bullying, as well as laws to protect the privacy of 911 caller information. Personal identifying information is often collected by businesses and stored in various formats, both digital and traditional paper.

With identity theft a growing problem in the country, many states have passed laws that require entities to destroy, dispose, or otherwise make personal information unreadable or undecipherable, in order to protect an individual's privacy.

NCSL has also featured information about security breach disclosure laws. Other areas covered include state actions related to electronic surveillance, radio frequency identification, and event data recorders in vehicles. Ten states have constitutional provisions that expressly provide greater privacy protections than those provided for in the U.S. Constitution.

Surveillance technologies

The U.S. government will have to answer to the United Nations Human Rights Committee regarding its surveillance program as it submits replies to the body of independent experts responsible for reviewing its compliance with the International Covenant on Civil and Political Rights (ICCPR) - a key human rights treaty ratified by the United States in 1992, which, among other things, protects the right to privacy and free expression. In advance of its formal review this October, the United States was asked to specify "which steps the government has taken to ensure judicial oversight over National Security Agency surveillance of phone, email and fax communications," both inside and outside of the United States, as well as what circumstances justify "roving" wiretaps.



The ACLU will continue to work to end this abuse of power and hold the U.S. accountable to its obligation to respect the rights to privacy and free speech under the U.S. Constitution and international human rights law.

On the 4th June 2013, a United Nations independent expert stressed that ‘Surveillance technologies used by Governments must not violate their citizens’ privacy; he called on States to ensure that free expression is not compromised.

“Freedom of expression cannot be ensured without respect to privacy in communications,” said Special Rapporteur on freedom of expression, Frank La Rue, presenting to the Geneva-based Human Rights Council his report on the implications of State surveillance on human rights.

“Concerns about national security and criminal activity may justify the exceptional use of communications surveillance,” he said. “Nevertheless, national laws regulating what constitutes the necessary, legitimate and proportional State involvement in communications surveillance are often inadequate or simply do not exist.”

According to the report, States possess multiple instruments to breach communication privacy today. Access to the content of an individual’s email and message can be obtained through Internet companies and service providers, movement of people can be tracked via their mobile phones, and calls and text messages can be intercepted.

“By placing taps on the fibre-optic cables, through which the majority of digital communication information flows, and applying word, voice and speech recognition, States can achieve almost complete control of tele- and online communications,” Mr. La Rue said, underlining that technological advances enable massive surveillance and censorship of web activities.

“Just recently, these technologies were utilized by Governments confronted with the Arab Spring, for example,” he said, referring to a series of uprisings in the Middle East and North Africa over the past two years, some of which have toppled long-standing regimes.

Noting that surveillance of human rights defenders and journalists in many countries has been well documented, he urged States to review national laws regulating surveillance and raise public awareness of the increasing threats to privacy posed by new communication technologies.

“Private actors also have a responsibility,” he added. “Measures must be taken to prevent the commercialization of surveillance technologies across the globe and the protection of communication data.”

Without the protection of privacy, security and anonymity of communications, it will not be possible to make sure that private communications are not under scrutiny of the State, he said.

Several laws have been created to authorize audio surveillance, such as listening to or recording phone calls by telephone and over the internet. These laws include the Omnibus Crime Control and Safe Streets Act of 1968, otherwise known as The Wiretap Act, the Communications Assistance for Law Enforcement Act (CALEA) of 1994, and the Foreign Intelligence Surveillance Act of 1978. Many of the laws are updates of existing laws to keep up with technology. Others were created to protect people's rights from abusive government invasions of privacy.

Laws for the protection of data

In the early 1970s, countries began adopting broad laws intended to protect individual privacy. Throughout the world, there is a general movement towards the adoption of comprehensive privacy laws that set a framework for protection. Most of these laws are based on the models introduced by the Organization for Economic Cooperation and Development and the Council of Europe.

Interest in the right to privacy increased in the 1960s and 1970s with the advent of information technology. The surveillance potential of powerful computer systems prompted demands for specific rules governing the collection and handling of personal information. The genesis of modern legislation in this area can be traced to the first data protection law in the world, enacted in the Land of Hesse in Germany in 1970. This was followed by national laws in Sweden (1973), the United States (1974), Germany (1977) and France (1978).

Two crucial international instruments evolved from these laws: the Council of Europe's 1981 Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data, and the Organization for Economic Cooperation and Development's 1980 Guidelines Governing the Protection of Privacy and Transborder Data Flows of Personal Data. These rules describe personal information as data that are afforded protection at every step, from collection to storage and dissemination.

Although the expression of data protection requirements varies across jurisdictions, all require that personal information must be:

- obtained fairly and lawfully
- used only for the original specified purpose
- adequate, relevant and not excessive to purpose

- accurate and up to date
- accessible to the subject
- kept secure
- destroyed after its purpose is completed

Private Drones and their privacy threats

The Google executive chairman Eric Schmidt said domestic drones pose a threat to personal privacy.

Today, small drones can be purchased and flown by people in the U.S. for private, non-commercial activities without special approval from the FAA. That's as long as fliers keep the FAA's guidelines for model aircraft operation in mind. Among those, private drones can't be flown out of range of sight, must be flown below 400 feet, and should avoid places like hospitals or schools where the noise could cause a disturbance. Schmidt also had a perspective on weaponized drones, though it was unclear if he was referring to military drones or the possibility that domestic drone users could add those to their flying machines. Schmidt also said: "I'm not going to pass judgment on whether armies should exist, but I would prefer to not spread and democratize the ability to fight war to every single human being," he said.

Schmidt is also worried about drones falling into the nefarious hands of terrorists. "Terrorists and criminals could use drones to carry IEDs [improvised explosive devices] — that could result in conflict between civil and military drones," he said at January talk at Cambridge University in the U.K.

Today's FAA guidelines ban weapon-carrying drones in the U.S. But some privacy advocates include the no-weapon clause in petitions for future regulation, *just in case*: Existing regulations are due to be updated as the FAA prepares to meet its federal mandate to include drones in the U.S. national airspace by 2015, and as the ACLU's Allie Bohm told NBC News: "We're not sure what those regulations will look like in 2015."

Schmidt's comments are curious considering that Google has funded the WWF's anti-poaching drone program in the past. Also, the company recently settled privacy lawsuits over collecting personal data from private Wi-Fi networks during construction of its Street View service, and for placing cookies in Safari browsers without telling its users it was doing so.

Relevant Actions

The UN has not taken much action with respect to issues of privacy and technology, as it has not taken much action with respect to issues of privacy at all. Actions taken on national and regional levels vary tremendously; the culture around privacy issues differs greatly among nations and regions, and sometimes even within nations. While many developed countries and regional bodies have passed legislation concerning privacy in the digital age, numerous developing countries only have general privacy laws that can be used as a basis for considering technological privacy issues.

There are currently two seminal, "international" information privacy texts, which should be referred to both for their strengths and weaknesses in crafting solutions on this topic. The first is the OECD's "Guidelines on the Protection of Privacy and Transborder Flows of Personal Data," and the second is the APEC Privacy Framework. Neither of these documents is truly international, as the OECD (Organisation for Economic Co-operation and Development) has 34 member nations and APEC (Asia-Pacific Economic Cooperation) has 21 member nations. Both frameworks contain non-binding guidelines for their authoring organization's member states.

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