

Colegio Alemán Alexander von Humboldt



Disarmament and International Security Committee (DISEC)

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*"Nuclear disarmament is one of the greatest
legacies we can pass on to future generations"*

Ban Ki-Moon

A few words from the Chair

Dear Delegates:

Welcome to the Disarmament and International Security Committee of the VII HUMBOLDT-MUN 2018. Our committee has chosen two topics of great interest and importance to the international community. Both topics are very broad, so we ask you to cling to the timeframes established in the manuals to streamline the debate and reach to more precise and elaborate conclusions on our 3 -day meeting. We are aware of the amount of information that can be obtained on the subjects, so please deepen your information of the events that concern your country. If there is any question about the context, please write us an e-mail and we´ll be happy to answer as soon as possible. Also, there´s the possibility for you to send the chair your handouts per e-mail, to save paper and to ease the corrections.

We wish you all good luck with your preparations; we are looking forward to meet you at the debate.

Sincerely yours

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The United Nations

Origins of the United Nations

The United Nations came into existence on 24 October 1945. On that day, the United Nations Charter became operative, having been signed by the fifty-one original members. The concept of all nations uniting together in one organization designed to settle disputes peacefully was born of the desire of civilized nations to avoid the horrors produced by the First and Second World Wars. The United Nations developed as a successor to the League of Nations, which represented the first attempt by nations to achieve this unity. The League failed in large part because the United States never joined as a member.

In 1942, President Roosevelt first coined the term “United Nations,” when the Declaration of the United Nations was signed by forty-seven nations in support of the Atlantic Charter. In 1944, the United States, United Kingdom, USSR and China met in Washington, DC at the Dumbarton Oaks Conference, where the first blueprint of the United Nations was prepared. In 1945, the final details for the United Nations were worked out at the Yalta Conference. Fifty-one nations gathered from 24 April through 26 June in San Francisco to draft the Charter of the United Nations, which was signed on 26 June 1945.

Purpose of the United Nations

The primary purposes for which the United Nations was founded are detailed in Chapter I, Article 1 of the Charter. These are:

1. To maintain international peace and security;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international cooperation in solving international problems of economic, social, cultural or humanitarian character, and in promoting and

encouraging respect for human rights and for fundamental freedoms for all without distinctions as to race, sex, language and religion;

4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

Introduction to the Committee

The General Assembly comprises thirty committees. The Committee on Disarmament and International Security is the First Committee of the six "principals" of the General Assembly of the United Nations. Article 26 of the UN Charter establishes that the obligation of DISEC is "the establishment and maintenance of international peace and security, avoiding the excessive use of human and economic resources in the world". The topics discussed in this committee are also discussed in the Security Council, although DISEC cannot influence the decisions made in this committee. However, you can refer individual topics to the CS for consideration and discussion. The resolutions reached in the Committee on Disarmament and International Security are valuable guidelines since all the Member States of the United Nations Organization are represented.

DISEC discusses issues ranging from the illicit trafficking of small arms to the proliferation of weapons of mass destruction, chemical or biological. Many documents related to international disarmament that are incredibly important today, came from DISEC. Some examples include the Nuclear Non-Proliferation Treaty (NPT), the Comprehensive Nuclear-Test-Ban Treaty (CTBT), the Chemical Weapons Convention (CWC), and the Biological Weapons Agreements (BWC). Lately, this commission has focused its attention on the debate regarding nuclear weapons, as well as other weapons of mass destruction. Disarmament in outer space and the prevention of a space weapons race have also been discussed, as well as how to address issues related to regional security and subversive violence.

Although DISEC does not have the power to impose sanctions or authorize interventions of any kind, it serves as the first level of discussion for the most recent conflicts in the field of disarmament and security. The resolutions approved by this committee are the basis of the resolutions approved by the General Assembly or presented as a suggestion to the Security Council. DISEC is the most appropriate platform for debate and the achievement of possible changes in nations that still produce large quantities of weapons. Because all Member States

are represented equally in this committee and a majority is simply required to pass a resolution, it is a fairly influential commission in the United Nations.

DISARMAMENT AND INTERNATIONAL SECURITY

COUNTRIES

- 1 Afghanistan
- 2 Algeria
- 3 Austria
- 4 Canada
- 5 China
- 6 Egypt
- 7 France
- 8 Greece
- 9 Hungary
- 10 India
- 11 Iraq
- 12 Israel
- 13 Italy
- 14 Japan
- 15 Nigeria
- 16 Pakistan
- 17 Russia
- 18 Spain
- 19 Sudan
- 20 Syria
- 21 Ukraine
- 22 United Kingdom
- 23 United States

Topic A: Autonomous military drone regulation

The term “autonomous drones” is a difficult to discuss, given that there is no agreed or legal definition for it. Many nations have their own definition, which makes it even harder for them to come to agreements regarding such technologies. These drones are programmed with a large number of alternative responses to the different challenges they may meet in performing their mission.

The obstacles with such drones aren't the technologies itself, but the regulations and policies that are required for its use. What is so sensitive about autonomous drones is that machines operated without the direct control of humans will have lethal power. The technology required for its development is also incredibly complicated; the validation systems, which would ensure that these drones are safe and act according to human judgment, are not easily achieved. The sophisticated programming involved for a massive number of combinations of alternative courses of action, makes it impossible to verify and test them to the level of manned aircraft.

Initially designed for the collection of intelligence information, the Bush administration, after the tragic events of September 2001, equipped these robots with weapons. With Article 51 of the Charter of the United Nations, on November 3, 2001, the United States became the first country to carry out an operation with unmanned aircraft. A missile was fired from an unmanned predator aircraft on a vehicle in Yemen, killing Qaed Senyan al Harithi (allegedly responsible for the bombing of USS Cole). From that moment on, drones became a powerful weapon against terrorism and on the battlefield. It is estimated that innumerable attacks of this type have been carried out in the Middle East. As a result, these attacks have become one of the main concerns of not only the Middle East, but of the entire world. With desperate attempts, the US government tried to win the support of the Pakistani government for the drone program, giving it more control in the selection of targets.

A completely different concern regarding armed drones is how they are used specifically. For example, if these attacks are in accordance with International Humanitarian Law (IHL) and comply with the requirements of distinction and proportionality.

The distinction between civilians and targets or fighters in drone strikes is an indispensable requirement of the IHL. However, it is not clearly established who counts as a civilian or, to be legally more precise, a non-combatant.

Technically, a civilian can be categorized as hostile in an armed conflict if he, for example, aims wounds or kills a soldier with any type of weapon. This also happens with members of the armed forces or organized armed groups. The difficulty lies in distinguishing when a non-combatant civilian crosses the line and becomes a direct participant or member of any armed group, thus becoming a potential target. In Pakistan, this distinction is even more difficult due to social and environmental factors, such as the proliferation of weapons in trivial areas and the mixture of civilians and combatants.

According to the Interpretative Guidance on the Direct Participation in Hostile Situations of the ICRC, political support, financial assistance, criminal activity or any other type of indirect fight is not considered conduct that can be qualified as "direct participation in conflicts" or as a "continuous combat function". However, the United States refuses to clarify where the line between civilians and combatants lies or on what basis or standard they were qualified in that way.

Reports show that the United States has directed attacks of this kind to drug traffickers in Afghanistan (criminals, but not combatants). This raises serious questions about whether the US has classified non-combatant civilians as targets. The protection and accurate evaluation of the costs of the civilian population requires sound procedures, as well as basic rules that clearly differentiate combatants and non-combatants.

The lack of transparency and clear legal policy also prevents the international community from assessing the proportionality of drone strikes. Without sufficient

information about US policy regarding the distinction or precise estimates of civilian casualties, it is almost impossible to carry out this evaluation, thus putting its legality in doubt.

On October 2015 the First Committee of the UN General Assembly met for the first time to discuss Unmanned Aerial Vehicles. During the encounter there were many points made regarding legal, ethical and political matters, which heated up the conversation. The amount of different perspectives on the use and proliferation of armed drones does not make it any easier. Some may argue that the deployment of armed drones has escalated and that many people have lost their lives as a result. In addition, those arguing against the use of autonomous military drones appeal to the humanitarian side of the situation.

It is of huge importance to come to terms with the legal policies while keeping in mind the humanitarian side mentioned in the lines above. Drone attacks have a relatively low cost and claim not to be as risky as the alternative. The problem many may note is that the risk doesn't disappear, it just shifts to innocent civilians, which result in being casualties to new technologies.

Amrit Singh, of the Open Society Justice Initiative, who is also the author of “Death by Drone” has previously explained and elaborated that the real problem isn't the use itself of drones, but drone strikes and attacks taking place. By being an unmanned technology, there is not a person responsible and accountable for this civilian casualties resulting on drone strikes

The cyber security surrounding drones has increased notably after the Predator UAV video stream hijacking incident in 2009. Commercial UAVs have many breaches when it comes to security and therefore it is important for developers to prioritize such matters.

The Development of the Best Weapon, a Timeline of Drone Technology

- 1918: The US Army builds biplanes without a pilot, but the First World War ends before being used in combat.
- 1940: The English pilot and Hollywood star Reginald Denny sells the "Radio Plane" to the army for use in shooting practice, thus becoming World War II in the first unmanned aircraft manufactured in series in the world.
- 1943: German radio-guided bomb called "Fritz X" sinks Italian ship.
- 1944: Joseph Kennedy Jr., older brother of the future president, dies when his plane, loaded with bombs, tried to be guided by radio to enemy territory. It explodes over Nazi England and sends V1 "flying bombs" and V2 rockets to London and other allies.
- 1962: First industrial robot, "the Ultimate", used by General Motors.
- 1972: Laser-guided bombs destroy the Thanh Hoa bridge in Vietnam, after years of attempts by the US military.
- 1975: The Vietnam War ends. The unmanned "Fire Fly" aircraft had flown in 3400 missions, but 16% of the planes crashed. It begins to use robotics in space.
- 1979: The army begins to develop the "Aquila", a small propeller drone, but technical and money issues force him to abandon the project.
- 1982: Israelis use Pioneer drones in the Lebanon war, which leads the US Navy to buy several drones. The Reagan administration supports the development of drones.
- 1991: US Navy uses Pioneer drones in the Persian Gulf War range to bomb Iraqi naval forces.
- 1995: An initial version of the Predator drone is used as a reconnaissance ship during the NATO air campaign against the Bosnian Serbs. The Global Position System (GPS) is developed, and provides navigation data to military and civilians. Drones reach their greatest capacity.
- 2001: The laser-guided "Hellfire" missile fired by a Predator drone successfully passes all tests. Al-Qaeda attacks the United States on September 11. On October 7, US forces invade Afghanistan.

- 2002: A Predator attacks in Yemen, killing Qaed Salim Sinan Al-Harethi, an al-Qaeda leader guilty of bombing the USS Cole in 2000, and five other suspected militants.
- 2003: The United States invades Iraq and fires with unmanned aircraft.
- 2004: Predator attack in Pakistan kills four, including Taliban leader Nek Muhammad.
- 2005: The United States Customs and Border Protection Agency begins using Predator aircraft to monitor the US-Mexico border.
- 2006: The second leader of al-Qaeda, Ayman al Zawahir, and Abu Khabab al Masri, expert in weapons of mass destruction belonging to the same group, escape attack by a Predator that kills 18. Masri dies in another attack in the 2008
- 2008: Unmanned aircraft exceed 500,000 flight hours, mainly in Iraq.
- 2009: Predator aircraft monitor the US-Canada border Pakistani chief of the Taliban is killed in drone attack.
- 2011: Drone attacks exceed 160, when the war in Afghanistan turns 10 years old.
- 2012: On December 1st the 300 attack with this technology in Pakistan under Obama's mandate is fulfilled.
- 2013: Drone technology career reaches a new level. China welcomes interested buyers of new class cheap unmanned aerial vehicles.

Guessing what the future may look like is no easy task, and therefore it is crucial that all delegations act in the most responsible way, while discussing the topic. Truth being said, the development of such technologies is already happening and there is only so much people can do to slow it down. What really is up to debate is how and when the use of them will be acceptable. An ethical framework must be imposed before the world populations is exposed to autonomous military drones. Each delegation must always remember that our fundamental responsibility for war and how wars are fought can never be morally “outsourced”, least of all to machines.

Drone Race between Superpowers and their Future Perspectives

Twice a year, China organizes a presentation where visitors can see a large drone fleet developed by their own companies, including models that resemble American robots in more ways than one.

It is clear that China intends to take full advantage of unmanned aerial vehicles (UAVs) to achieve its purposes, for example territorial disputes over the Senkaku Islands and the South China Sea. Therefore, the international community should be concerned about the rapid development of these technologies as this leads to a race between the two main drone producers in the world: the United States and China.

The value of drones lies in the ability to radically expand the military's ability to gather intelligence and in the demonstration of its power beyond borders. However, this technology is not as accurate or as accurate, as the defense industry describes it. This is demonstrated by a joint study published by the Stanford Law School and the NYU Law School, which details the considerable number of collateral casualties of drones in Pakistan. Anyway, the drone race is at its height as all the governments of the world are of an expansionist militaristic nature.

The United States remains the main market for drones, but other regions such as China, Russia, Europe and the Middle East are also working to develop their own drones. China is the most prolific developer of a program of this technology rival the program of the United States. The Chinese government has increased research in recent years faster than any other country.

China has given its new fleet of UAVs unique code names, which often include the characters for "dragon" and "long". Also, their designs are incredibly comparable to the Americans. Aviation experts in the United States have stated that many of their new models, particularly the CH-4, Wing Loong and Xianglong, are copies of the US Reaper, the Predator and the Global Hawk. However, China is not simply successfully developing the same models as the United States, but it is developing them significantly cheaper. For example, the Wing Loong) the equivalent of a US Reaper), has an incredible price of 1 million dollars, while the original costs 30

million. In conclusion, it is safe to assume that China is going to start attracting much more attention from the International Defense Market than the United States.

The Chinese drone program is a strategic tool for projecting its power in Asia, especially when this country is involved in several territorial disputes with its neighboring countries. Unmanned aircraft can act as the ideal surveillance tool in tracking the military movements of the United States and its Asian allies. Likewise, in the event of an international crisis they can act as a weapon to deter conduct on the South China Sea and the Senkaku Islands. As mentioned above, the price is also vital. Many African and Asian states have been buying unmanned aircraft from China.

The geostrategic impact of the arrival of these new "dragons" is the growing fears of a drone race between the US and China. According to the China Aero-Technology Import and Export Corporation (CAITC), the Wing Loong was developed only by China, with complete intellectual property to meet the requirements of the international market. This can perform a wide range of tasks, such as precision attacks and long duration, as well as recognition.

In June 2006, the Chinese government approved the export. In addition to military purposes, unmanned aircraft have a wide variety of civil and scientific purposes, such as disaster assessment of any kind, environmental protection and atmospheric and meteorological research. This exportable war machine can fly more than 3000 kilometers with a load of 200 kilos. YOUR factory announced publicly that all the techniques

Guide Questions

- What is your delegation's stand on the use of autonomous military drones?
- Has your delegation carried out any attacks using this kind of technology? If yes, please elaborate.
- Has your delegation ever been a victim of such attacks?
- Is your delegation developing autonomous military drones?

- What are some proposals your delegation has to solve the problem?
- Discuss possible measures for after each drone operation to ensure the accuracy of the legal analysis.
- If one State conducts an operation with unmanned aircraft in another, should the public announcement of its consent and its reasons be mandatory for that country?
- Discuss the efforts that must be made to minimize the use of lethal force. Include the specification of the level of force that should be used in each situation. Reflection on non-lethal tactics of capture or incapacitation is also recommended.
- Formulate solutions that help the armed forces of any State to use the available technological and surveillance sources to obtain reliable information, in order to confirm that the objective is legitimate
- Develop trust between intelligence collection agencies and proceed to the exchange of information.
- Establish protective measures to reduce or completely eradicate the element of civilian casualties in drone operations.
- Ensure compliance with International Humanitarian Law by evaluating each attack individually instead of the military operation in general.
- Discuss universal conditions under which information on drone operations between countries is transparent.
- Establish global standards for the types of weapons that will equip drones in the future.
- Review all laws that allow the use of drones and create a resolution that can be referred to as a collective document deals with all issues related to Drone Technology and its Influence on Modern War Conflicts.

Topic B: The Role of International, Regional, and Governmental Bodies in
Combating Transnational Organized Crime

On September 29, 2003, the United Nations Convention against Transnational Organized Crime (UNTOC) went into effect. This was one of the largest efforts by the international community to combat organized crime as a collective across the globe. The convention has three specific areas of focus: the prevention, suppression and punishment of human trafficking; the smuggling of immigrants by sea, air, and land; and finally combating the illegal manufacturing and trafficking of firearms, their components, and ammunition. The definition of what is considered “transnational organized crime,” was intentionally left broad so that it can legally be interpreted differently as times change.¹

Transnational organized crime (TOC) is organized crime coordinated across national borders, involving groups or networks of individuals working in more than one country to plan and execute illegal business ventures. In order to achieve their goals, these criminal groups use systematic violence and corruption. The most commonly seen transnational organized crimes are money laundering; human smuggling; cyber-crime and trafficking of humans, drugs, weapons, endangered species, body parts, or nuclear material.

“For decades, the United States and other countries have dismantled scores of criminal organizations around the world. The U.S. experience with *La Cosa Nostra*, as well as Colombia’s experience with the Medellin and Cali Cartel’s—and even the FARC—prove that it is possible to constrain, shrink, disrupt and dismantle criminal and insurgent groups once considered to be untouchable”². The transnational nature of organized crime means that criminal networks forge bonds

¹ UNODC. <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>

² Strategy to Combat Transnational Organized Crime, <https://obamawhitehouse.archives.gov/administration/eop/nsc/transnational-crime/strategy>

across borders as well as overcome cultural and linguistic differences in the commission of their crime. Organized crime is not stagnant, but adapts as new crimes emerge and as relationships between criminal networks become both more flexible, and more sophisticated, with ever-greater reach around the globe.

The main TOC are:

- Cybercrime
- Identity-related crime
- Trafficking in cultural property
- Wildlife and forest crime
- Maritime crime and piracy
- Organ trafficking

Criminal groups undermine the authority of the State and the rule of law by encouraging corruption, jeopardizing elections and causing damage to the legitimate economy. In all cases, criminal influences and money are having a significant effect on the livelihoods and quality of life of citizens, especially the poor, women and children. In the Declaration of the High Level Meeting on the Rule of Law, Member States highlighted the importance of strengthening international cooperation in order to dismantle illicit networks and address the global problem of drugs and transnational organized crime, including the money laundering, human trafficking, arms trafficking and other forms of organized crime, all of which threaten national security and undermine sustainable development and the rule of law

Transnational organized crime requires a coordinated transnational response. As organized criminal networks span the globe, efforts to combat them must likewise cross borders so as to ensure that organized crime networks do not simply divert their activities to countries or regions where weak cooperation means weak criminal justice responses.

“The key feature of the UNTOC is its emphasis on international cooperation, in particular in the area of cooperation in criminal matters, but the Convention also contains provisions which aim to facilitate and promote international cooperation in other ways”³.

Human trafficking is one of the most profitable transnational crimes in the world with its approximate worth at \$32 billion dollars; of that, approximately \$9.7 billion dollars is focused in Southeast Asia. This has become an increasing problem because since 2000, the number of trafficking victims has steadily increased while the cost of transporting them has declined; thus making acquiring new victims and sending them all over the globe cheaper and more profitable. It costs approximately \$1,900 dollars to acquire a human sex slave, to which that person will produce an average income of \$30,000 dollars per year.

The smuggling of migrants is going to be a significant issue that the international community will have to face because of the ongoing refugee crisis in the Middle East. As refugees seek ways to leave countries that are besieged by terror, either via the state or through separate groups, they will go through any means necessary to save their lives and the lives of their families. The fees incurred by a refugee or migrant looking to enter another country vary depending on where the person is from and where they are going. For instance, a migrant from Mexico looking to enter the United States could pay upwards of \$4,000 dollars; however, a Chinese migrant looking to enter a Western country could pay upwards of \$75,000 dollars. The migrant is also at the whim of the person who is smuggling them, often enduring inhumane conditions for extended periods of time with no guarantee they will reach their destination.

The ever increasing appetite for drugs in the United States has also increased the amount of illicit drug trade through transnational crime syndicates. This became

³ UNODC, International Cooperation, <https://www.unodc.org/unodc/en/organized-crime/international-cooperation.html>

more infamous with the Mexican Sinaloa Cartel, which it is estimated to have provided as much of 80% of the narcotics in the City of Chicago. Despite the capture of Joaquin “El Chapo” Guzman, it is highly doubtful that the volume of illegal drugs will cease in the United States given its proximity to Mexico, and as stated, its increasing customer base. Despite cooperative law enforcement efforts by American and Mexican police, the demand for illegal drugs and the numerous avenues to deliver them will likely continue to elude law enforcement officials.

International cooperation against organized crime should, as a matter of urgency, be conceived and used as a tool for strengthening sovereignty and security, not of surrendering it. The UNTOC provisions on mutual legal assistance (MLA), extradition, transfer of sentenced prisoners, and asset confiscation make it a practical tool in this area.

States can use the UNTOC to cooperate at both informal and formal levels using the UNTOC. Informal cooperation can be undertaken in many ways, such as between law enforcement authorities to share criminal intelligence, between witness protection authorities to cooperate in the protection of witnesses and between financial intelligence authorities to share information concerning financial crimes.

At the formal level, State Parties can use it to request and deliver MLA, extradition, freezing and confiscation of criminal proceeds. State Parties may also use it - either alone or in conjunction with other mechanisms - to supplement bilateral and multilateral MLA and extradition agreements and to supplement thematic multilateral agreements

According to the Stockholm International Peace Institute, the illegal trade of arms is worth approximately \$76 billion dollars and rising. The main region of focus is specifically on Asia and the Middle East; given their consistent state of turmoil. The United States and Russia continue to be the largest exporters of arms, exporting approximately 58% of the arms in circulation between 2010-2017. These arms often find themselves in the hands of terror groups as well as the governments they are intended to be sold to; America’s main buyer of arms are South Korea, the

UAE, and Australia; while Russia's main purchaser of arms are India and China. In terms of transparency, Iran, North Korea, Saudi Arabia, and the UAE are the least open with whom they ship arms to. As stated prior, this should come as no surprise given the high level of conflict and tension in these regions.

The main law enforcement arm of many countries is the body known as Interpol. However, corruption within the organization as well as a drastically underfunded budget has put them in a difficult position to do their job in combating organized crime. The estimated budget of Interpol is approximately \$80 million dollars, most of which is contributed by the member countries. This means that the power of the agency within any country is relative to the amount of money that country is willing to contribute; therefore countries not concerned with combating transnational crime will have a toothless Interpol, whereas countries very engaged with combating it, will have a powerful Interpol.

As you can see, there are many issues facing the Disarmament and International Security Committee (DISEC) when it comes to combating transnational organized crime. The definition of what constitutes organized crime is continuously open for interpretation so that bodies, such as DISEC, given that the main concerns of this Committee are the regulation of nuclear weapons, weapons of mass destruction, conventional weapons, disarmament mechanisms and regional and international security, among others, can pass resolutions in accordance with evolving crime syndicates.

Transnational organized criminal groups seek to exploit legitimate activities for criminal purposes. The ways in which they are reaping profit are becoming more creative⁴. As organized crime groups join ever more complex networks spanning the globe, the crimes become increasingly transnational and the types of crime they are able to commit become diversified. New threats to global security are emerging, meaning that people can fall victim to organized crime in an increasing

⁴ UNODC, (2018) Emerging Crimes, <https://www.unodc.org/unodc/en/organized-crime/intro/emerging-crimes.html>

number of ways, in an increasing number of places. The Conference of the Parties to the United Nations Convention on Transnational Organized Crime identified cybercrime, identity-related crimes, trafficking in cultural property, environmental crime, piracy, organ trafficking, and fraudulent medicine as new and emerging crimes of concern. The emergence of these new crime types gives rise to the need for law enforcement response to adapt its efforts and capacities accordingly.

The United Nations Convention against Corruption is the only legally binding universal anti-corruption instrument. The Convention's far-reaching approach and the mandatory character of many of its provisions make it a unique tool for developing a comprehensive response to a global problem. The vast majority of United Nations Member States are parties to the Convention. The Convention requires countries to establish criminal and other offences to cover a wide range of acts of corruption, if these are not already crimes under domestic law. In some cases, States are legally obliged to establish offences; in other cases, in order to take into account differences in domestic law, they are required to consider doing so. The Convention goes beyond previous instruments of this kind, criminalizing not only basic forms of corruption such as bribery and the embezzlement of public funds, but also trading in influence and the concealment and laundering of the proceeds of corruption. Offences committed in support of corruption, including money-laundering and obstructing justice, are also dealt with. Convention offences also deal with the problematic areas of private-sector corruption.

In a breakthrough, countries agreed to asset recovery, which is explicitly established as a fundamental principle of the Convention. This is a particularly important issue for many developing countries where high-level corruption has plundered the national wealth, and where resources are much needed for the reconstruction and rehabilitation of societies under new governments. Reaching agreement on this chapter has involved intense negotiations, since the needs of countries seeking illicit assets must be reconciled with the legal and procedural safeguards of the countries whose assistance is sought.

Several provisions specify how cooperation and assistance will be provided. In particular, in the case of misappropriation of public funds, the confiscated property would be returned to the state requesting it; in the case of the proceeds of any other jurisdiction covered by the Convention, the property would be returned providing proof of ownership or recognition of the damage caused to a requesting state; in all other cases, priority shall be given to the return of the confiscated property to the requesting state, to the return of said property to the previous legal owners or to the compensation of the victims.

Effective asset recovery provisions will support countries' efforts to correct the worst effects of corruption while sending at the same time a message to corrupt officials that there will be no place to hide their illicit assets. Accordingly, Article 51 establishes the return of assets to countries of origin as a fundamental principle of this Convention⁵. Article 43 obliges the States Parties to extend the greatest possible cooperation among themselves in the investigation and prosecution of the crimes defined in the Convention. With respect to the recovery of assets in particular, the article establishes, among other things, that "In matters of international cooperation, whenever double criminality is considered a requirement, it shall be considered fulfilled regardless of whether the laws of the requested State Party place the offense within the same category of offense or denominate the offense with the same terminology as the requesting State Party, if the conduct underlying the offense for which assistance is sought is an offense under the laws of both States Parties. "

Guide Questions:

- What role does the international community have in stopping transnational organized crime?
- Should the issue mainly be policed domestically?
- Are there sovereignty issues with cooperative efforts?

⁵ UNODC, United Nations Convention against Corruption, <https://www.unodc.org/unodc/en/treaties/CAC/convention-highlights.html>

- What are the specific regions of concern and how do you appropriately address them?
- Is there any common ground that can be sought in order to strengthen existing international laws on human & migrant trafficking as well as illicit arms and drug trade?
- How can you strengthen international policing bodies like Interpol?
- How do you combat corruption, which allows crime to flourish, within these organizations should also be addressed?
- How can the use SALW be regulated in different countries, in order to lessen the amount of civilian deaths within a country?
- Why are some countries not accepting some of the treaties and regulations proposed?
- How have the previous treaties and resolutions impacted the TOC?
- What policies should be implemented, and where, in order to ensure more safety to the civilians around the world?

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