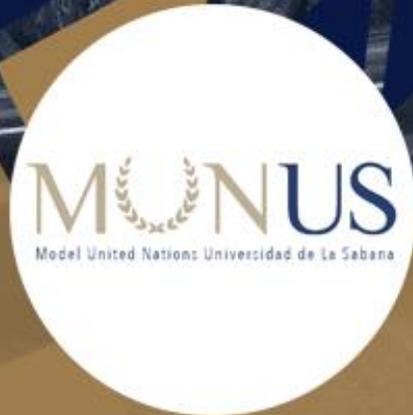


DISEC

SECRETARÍA GENERAL ADJUNTA DE NACIONES UNIDAS



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1. LETTER FROM THE DAIS

Dear delegates,

Welcome to MUNUS 2019, and more importantly, to the Disarmament and International Security Committee of the United Nations General Assembly. We are Juan Nicolás Lozano, Law student at Universidad de La Sabana; and Santiago Pérez Perea, Law and Economics student at Universidad de los Andes, and this year we have the utmost honor and the golden opportunity to be your presidents and host the First Committee of the United Nations General Assembly with the academic rigor and enthusiasm that characterizes Universidad de La Sabana's Model of United Nations.

As your dais, we are truly motivated by the role we will play during the conference. Hence, we are looking forward to be able to guide your knowledge and ideas in a positive and effective way; seeking with this a fruitful outcome for the committee, which will hopefully will, at the end of our fascinating three days model, be able to construct a well-structured, holistic, solution to the matters that will be put into your consideration.

For this conference, we will be looking forward to have well-prepared, diplomatic, delegates in DISEC. We are confident in your capabilities to excel and fulfill our expectations, in regards, with the quality and depth of the suggested debate. As you delve into your research please do not hesitate to e-mail us any concerns or inquiries you may have. We wish you the best of lucks.

Regards,

Juan Nicolás Lozano and Santiago Pérez Perea

2. FUNCTIONING OF THE UN SECRETARIAT

For this version of MUNUS, the four committees of the UN Secretariat will work in an interconnected way. For achieving such goal, a situational room has been established, which will be a transverse axis of the Secretariat. Furthermore, the situational room has the power to summit all the Secretariat's committees, in order to develop a General Assembly. If summoned, the General Assembly will work under the parameters established by the situational room and under the rules set by the Handbook. In order to deepen on the functioning of the situational room, we have arranged a guide explaining the dynamics of the mentioned situational room.

The situational room looks to establish a solid connection between each committee and to contribute with the development of the committee. This room is composed by 4 expert advisers, who have an area of expertise, which are economics, politics, laws and humanitarian situation.

Furthermore, the Secretariat will be connected with Press Corps. Therefore, UN Journal and UN Radio delegates will have access to the information discussed during the debates, as well as access to the sessions.

3. INTRODUCTION TO THE COMMITTEE

The United Nations Disarmament and International Security Committee (DISEC) was created as the first of the Main Committees of the General Assembly when the Charter of the United Nations was signed in 1945. Thus, DISEC is often referred to as the First Committee. DISEC was formed to respond to the need for an international forum to discuss issues of peace and security among members of the international community. According to the UN Charter, the purpose of DISEC in the General Assembly is to establish “general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments” and also to give “recommendations with regards to such principles to the Members of the Security Council”². Although DISEC cannot directly advice the decision-making process of the Security Council, the fourth chapter of the UN Charter explains that DISEC can suggest specific topics for Security Council consideration. Now, it is important to remark that aside from its role in the General Assembly, DISEC is also an institution of the United Nations Office for Disarmament Affairs (UNODA), formally named in January 1998 after the Secretary-General's second special session on disarmament in 1982. The UNODA is concerned with disarmament at all levels –nuclear weapons, weapons of

mass destruction, and conventional weapons- and assists DISEC through its work conducted in the General Assembly for substantive norm- setting support in order to further its disarmament initiatives.

Membership in DISEC is extended to all 193 Members of the UN, in accordance with its purpose to foster discussion and cooperation between all parties. Each member of DISEC, has one vote in decisions made by the committee. Most of the times, discussions in DISEC focus on making recommendations for peace and security, and as such they are considered to be “important questions” This, then requires a two-thirds majority of voters to decide in favor of such question. Once decisions are made in the committee, they, along with decisions made by the other five main committees, are presented to the General Assembly as draft resolutions for consideration in a special plenary session.

The specific mandate of DISEC –established throughout A/RES/992/98 of the General Assembly- focuses especially on “disarmament and related international security questions” faced by the international community.⁶ In this way, many of the United Nations conventions on disarmament and on the use of weapons have originated in DISEC. As well, in addition to discussing issues of international peace and security, DISEC and the General

Assembly communicate with other organs of the United Nations, especially the Security Council, by receiving and considering their reports.

Currently, DISEC faces a considerable number of challenges included the impact of increased information, technology and weapon development on the security of the International Community. In 2014, for example, the DISEC agenda items of the 69th session of the General Assembly included discussions on reduction of military budgets, telecommunications and information in relation to international security, complete disarmament and the creation of nuclear-free zones in Africa, Latin America and the Caribbean and the Middle East. As well, besides all what has been marked before, the First Committee, in a conjoint effort with the United Nations Office on Drug and Crime and the Commission on Crime Prevention and Criminal Justice has been addressing during the few years the issues concerning the impact of transnational crime in the maintenance of international peace and security, as such criminal phenomena directly impact security in national borders, especially in those areas of the globe in which territories in dispute are located.

It is important to remark that an important part of DISEC’s work has also been focused on the influence of Non-Aligned Movement, a group of member states not formally aligned

with any major power bloc that takes a firm position in matters concerning international peace, security and disarmament. Many of those states, as members of DISEC, have been instrumental in the introduction and adoption of agreements within the committee.

Moving forward, DISEC will continue to face complex issues in which the security of the international community is at stake. Hence, the First Committee will continue to make recommendations to both the General Assembly, and the Security Council as well as it will as it peruses disarmament, peace and security initiatives to the fullest extent of its mandate.

4. INTRODUCTION TO THE TOPIC

The transnational crime has been affecting and threatening international peace and security for years, since its effects transcend frontiers and the measures to counter it have not been completely efficient. Bearing this in mind, the DISEC committee will have the labour of achieving projects, and address discussions on how the transnational crime can be tackled from the perspective and competence of this committee.

To begin with, in these sessions the DISEC will have to set the fundamental basis on which the discussion will be set.

The concept, competence, limitations and past actions must be on first place prior to delve into the analysis of transnational crime. Not only in the discussion, but also in the preparation, the basis will open the mind of a DISEC delegate in matters of international law and global politics.

Moreover, this background guide will show a framework on how to address the transnational crime in the South Ossetia region, with three issues that are worth to identify: smuggling, arms trafficking and drugs trafficking.

Although this is a fresh start of how transnational crime works, in this guide we will go further on the fundamentals to discuss transnational crime, emphasizing on the characteristics of the South Ossetia region, and the geopolitical framework of this area. In the next pages, we will delve into the issue addressing gradually the fundamentals of the committee.

5. STATEMENT OF THE PROBLEM

For this period of sessions, the DISEC committee will have to address the transnational crime in the region specified, considering the competences of DISEC over national and international schemes. Hence, the basis of this problematic stands on the recognition of the limitations that this committee has due to its nature in public international law,

and the efficiency of a resolution within the context of a Case Study applying all the mechanisms that delegates have.

An efficient teamwork will recognize this problem prior to identify the other aspects that cover transnational crime, as migration issues, infrastructural projects, cultural matters, among others. Accordingly, delegates should consider the scope of this topic since it can cover different aspects of global politics

6. CURRENT SITUATION

6.1 Smuggling

Plenty of researchers have recently agreed on the substantial increase in the number of routes of weapon, drug and human trafficking in the Caucasus (Arasli, 2007). This issue responds to the presence and coverage by the terrorist groups that operate in the area, and to the concurrence that the territory has due to the East-West connection through the Great Silk Road. Accordingly, the disputes that states and non-state actors have regarding sovereignty and legitimacy in the Caucasus and chiefly in the South Ossetia region have led to problems of competence, jurisdiction and use of force that are a spot for

criminal organizations to work and abuse of the roads that the Caucasus has.

The smuggling issue has been so controversial in the South Ossetia region that it has already arrived to the political figures of this unrecognized state. This topic is so controversial since its roots come from the conflict with Georgia. Before 2004, the relationship between these two entities was relatively pacific, until some Georgian authorities claimed to stop the smuggling of different type of products through this zone, which arose a violent conflict between these two parties.

Accordingly, the great majority of smuggling cases take place in Georgia, especially of CBRN (Chemical, Biological, Radioactive and Nuclear) materials, which endangers the statistics of the region and additionally threatens migration conditions of security (Makarenko, 2003). The political matters that surround the Caucasus are barely discussed in the International Organizations due to the fact that it has become the cradle of terrorist cells that look for equipment, merchandise, which is menaced by the interests that the countries of the north, as Russia, have on the territory.

For this topic, we want to challenge our delegates to give a technical solution to this problematic from the political

power they have considering that DISEC is a principal committee of the United Nations (with the legal implications and limitations that it represents) and that they cannot interfere with sovereignty. With this problematic, the delegate will have to discuss what they can do and how they can do it, to stop with a transnational crime that violates international public law and sovereignty, without forgetting their responsibilities as representatives of their own states and their interests.

6.2 Drugs Trafficking

Drugs trafficking has been, -since the start of the *War Against Terror* in 2001- one of the major transnational criminal activities committed in South Ossetia. This, as terrorist organizations operating in the Middle East such as Al - Qaeda, have constantly used the Caucasus Region, and particularly South Ossetia as a port of entrance of drugs - for financing their illegal activities - to Europe. Because of this the United Nations Office against Drug and Crime, has stated that the Caucasus is the second biggest port of entrance of illegal drugs to Europe (UNODC, n.d.).

According to the EMCDDA (European Monitoring Centre for Drugs and Drug Addiction), “the relaxation of political, social and trade control since the fall of the Soviet Union and the existence of territories and borders not controlled

by the legitimate government was accompanied by an increased and more visible use of illicit psychotropic substances and their greater availability.” (2015). Considering this, it can be inferred that there is a relation between the political factors that involve the actors in the Caucasus, and social problematics as the drug addiction. In fact, for DISEC it will be analyzed the social problematic as far as it interferes with the sphere of international security and/or regional stability.

Bearing this in mind, the committee is supposed to work using all the sources possible regarding this problem, and the protocols that the United Nations has released about drugs trafficking, avoiding the excess of regulations with levels of trafficking increasing. To go further in these dynamics, it must be recognized that one of the biggest problems in the drugs trafficking issue is that there are day by day new methods to transport and hide the products, whilst the authorities of the countries from where the drug passes are also more liable to be bought by the mafias. Hence, the problem, although is a transnational crime, has to be analyzed as a micro-problem that menaces international peace, with all the social implications that might traduce in problematics that regard to the international system of global politics in the United Nations.

6.3 Arms Trafficking

The arms trafficking problematic, though it seems to be similar to the smuggling issue, it is parallel but completely different to approach so the delegates will have to work recognizing that the measures they can take to tackle regular smuggling do not work when talking about an illegal activity on the commerce of an illegal object, not only because of the measures that governments should take when treating with terrorist, but also due to the difficult environment that remarks the illegal market of arms.

This issue stands in the roots of armed violence, victimization and displacement. The United Nations Development Programme (UNDP) states that there are some specific situations that permit a bigger problem of insecurity to arise, as the Civilians arms-possession rates, which are considerably high in the Caucasus, and the failed interventions (direct and indirect), to prevent and reduce armed violence through the regions -this includes the mitigation of arms trafficking (2008).

In addition, there are some affirmations about authorities (close to the President of this unrecognized state) that use arms trafficking as a mean of financing, or that they permit these activities and receive economical resources. The areas of Abkhazia and South Ossetia, in addition, are the

favorite routes of illegal groups to transport arms due to its geopolitical conditions: both are close to Russia and Georgia, and have not so strong state presence to punish those conducts.

Furthermore, it is worthy to highlight that although the Land Border Defense of Georgia does not consider small arms trafficking as a major concern, it appears that significant amounts of illegal firearms may have entered the country due to trafficking across the Southern border, and today is matter of analysis among researchers. (Wood, 2006) This stances show that to discuss matters that regard to borders and national actions, it foremost has to be balanced the regional interest with the national interest, to conclude agreeing with the best project possible to avoid this matters to transform into transnational crimes impossible to tackle.

7. Past Actions

Transnational crime as itself is a new method of criminal activity that has been having a widespread around the globe, in the last two decades (Sousa, 2015); specially in geostrategic areas in which both states and international organizations -such as the United Nations- have little to no oversight and surveillance capacity. Hence, the issue of transnational crime results to be and under-developed

topic in the context of multilateral cooperation, and particularly, of multilateral cooperation in the frame of the United Nations System. However, one milestone deserves to be brought up to the discussion when trying to outline the *past actions* undertaken by the international community when addressing the particular challenges that transnational crime poses. This milestone is the creation of the **United Nations Convention against Transnational Crime**; convention that is better known off as the *Palermo Convention*.

The **United Nations Convention against Transnational Organized Crime (UNTOC)** is a 2000 United Nations-sponsored multilateral treaty against transnational organized crime. The Convention was adopted by a resolution of the United Nations General Assembly on 15 November 2000. It is also called the Palermo Convention, and its three supplementary protocols (the Palermo Protocol¹) are:

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.
- Protocol against the Smuggling of Migrants by Land, Sea and Air.
- Protocol against the Illicit Manufacturing and Trafficking in Firearms.

All four of these instruments contain elements of the current international law on human trafficking, arms trafficking and money laundering. The United Nations Office on Drugs and Crime (UNODC) acts as custodian of the UNTOC and its protocols.

With regards to the United Nations Convention against Transnational Crime it is important to remark, that, although it contains a clear framework regarding which behaviors should be considered as transnational crimes and the way they should be battled off -based in a tailored-based multilateral approach that benefits the creation of international judicial cooperation systems- the Convention faces two major issues that affect its effectiveness:

1. As it was drafted in 2000 it does not consider the usage of information technologies as means for the commission of transnational crimes, and;
2. That although it states a clear framework for the creation of bilateral judicial cooperation agreements it lacks a guide for the establishment of multilateral judicial cooperation agreements and monitoring and control systems and that can effectively contribute to the battling of transnational crime

Now, there has been no specific past actions referred to, or tackling the particular theme of discussion that will summon

us upon during our committee session's: Transnational Crime in the South Ossetia region; hence, there is a wide scope of action for delegates to present innovative proposals. However, as the dais, we strongly suggest the delegates to use the UNTOC as the base for the construction of both the discussion and their proposals, bearing in mind, nonetheless, that the global approach of such document should be only taken into account as a guide, as the expectations of the committee are centered in the construction of solutions with a clear regional approach that can effectively contribute to the solution of the particular issue that will be put at the committee's consideration.

8. BLOC POSITIONS

Although the conflict trends to be controversial, for the development of the committee the dais expect that the blocs within the committee collide because of substantial matters rather than foreign policy issues. In other words, delegates shall consider that transnational crime, as itself, is presented as a supranational problematic in which almost all UN Member States are committed (we strongly recommend revising the ratification status of conventions that discuss transnational crimes). Bearing this in mind, we present some inflexion points that will evoke a discussion within the debate:

1. State's responsibility on transnational matters.
2. Countries' past actions on arms trafficking
3. Competence and limitations of the United Nations in smuggling
4. Adaptability of conventions and treaties to new forms of crime
5. Effectivity of projects focused to Case Studies rather than globally focused plans.

We strongly recommend using these points to start an investigation, nonetheless this list is not taxative, since there are many other problematics that can lead the discussion and divide the committee. These discussions will give a strong academic support to any outcome presented by the committee, so the Dais will appreciate not only to discuss these points but also present through all the debate different thesis that lead to discussions. As far as these discussions evolve, the blocs will start building gathering different countries with different solutions but with similar perceptions on how to address transnational issues in global politics.

9. PREPARATION

9.1 Resources

- United Nations Convention Against Transnational Organized Crime
- General Assembly resolution 55/25
- Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their parts and Components and Ammunition
- Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children
- Asia-Pacific Ministerial Seminar on Building Capacities for Fighting Transnational Organized Crime Bangkok, 20 - 21 March 2000

9.2 QARMAS

- To what extent does my country agree on internationally agreed solutions to transnational conflicts?
- How can an intergovernmental organization face a transnational issue without threatening the principle of equal sovereignty?

- How can international treaties regarding international crime adapt to transnational matters, bearing in mind the different conditions of each country/region?
- Which mechanisms can the states use to address socio-political problems that arise from transnational matters?
- Is it possible for my country to lead a program that tackles illegal migration, smuggling or arms trafficking in other part of the world? If so, how? Why or why not?

9.3 Recommendations

For the conference, we recommend that all delegates prepare in solutions, competence, adaptability and indeed in a complete understanding of the problem presented. Additionally, for us it will be fundamental to see how a delegate can use its knowledge and leadership to take good debates, get to good solutions, and enhance the projects that debates will create. Finally, you must remember to use all the tools that MUNUS has for you, as interconnection with other committees and the mechanisms that the Handbook has to you: the motions and points can be a winner card if used wisely. A good delegate is not made by the country nor by the topic, is made of good ideas, attitude and preparation!

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