





DIRECTORS'
WELCOME LETTER

Dear Delegates and Faculty Advisors,

On behalf of the organizers, the Advisory Board, and the Executive Board of AUSMUN 2019, it is my greatest pleasure to welcome you to the 12th annual AUSMUN Conference. With over 900 delegates registered from more than 40 national and international educational institutions, this conference will be the biggest one yet!

This year's background guide was diligently written to provide delegates with enough guidance for their research. It will act as a great starting point for delegates to familiarize themselves with the topics of their respective committee. After a short letter that gives the chairs a chance to welcome their delegates, a summary, a brief history, a discourse on the issue, and the latest developments of the issue will be presented. In the summary, delegates will have their first quick briefing on the issue where concerns will be defined. Followed by that, the guide delves into the root causes of the issue by identifying its history. Then, a discourse section will look into the issue with further scrutiny by presenting both sides of the topic's debate and examining some of its challenges and influences. Finally, it will aim to provide delegates with the latest activities in regards to the matter and any progressions in its respect. At the very end of the guide, delegates will find questions that will guide their thinking, some suggestions that will guide their research, and references that they can use for further relevant information. However, it is important to point out that depending solely on the guide will not be sufficient enough to prepare delegates for the conference. It is highly encouraged for delegates to look at the Delegate Handbook on the AUSMUN website and to view the "How to Research" video created by AUSMUN.

The theme of this year's conference is youth empowerment. This is very important as we are the children of tomorrow. Even if delegates are not necessarily planning on pursuing an occupation in the field of law or politics, MUN is an enriching experience to all. MUN is supposed to teach more than just details on a certain crisis, it educates them to work harder, to think on their feet, to learn from others and from themselves, to fall and to fail, and to break free from their fears. It dares them to be without hesitation. It dares them to add to the world. To Speak. To act. To know. We all understand how difficult it is to be a delegate. It requires a suspicious load of work and consumes most of one's energy. But we want delegates to give it their all and to get what they came here for.

Finally, I would like to conclude this letter by extending my gratitude to everyone who has contributed to this background guide in any way or form. It is the collaborative work of the chairs, the AUSMUN Research Team, and the AUSMUN Media Team. On behalf of them all, we truly hope that you find this background guide of great help and use.

All the best with the conference and if you have any questions or concerns, please do not hesitate to contact me at research@ausmun.com.

Nada Nassereddin
Director of Research
AUSMUN 2019



SIXTH
GENERAL
ASSEMBLY
(GA6)



Ibtisam Abeid



Najwa Hubeishy

Sultan Bin Al Shaikh

MODERATORS'
WELCOME LETTER

Dear Delegates,

It is our utmost honor to welcome you to the twelfth annual American University of Sharjah Model United Nations (AUSMUN). This year's AUSMUN will mark our biggest conference yet and we are beyond excited to share its experience with our committee.

The Sixth Committee of the General Assembly (GA6), the last of the six main committee's in the General Assembly, is responsible for dealing with legal matters. Article 13 of the United Nations Charter states that the General Assembly is entitled to "encouraging the progressive development of international law and its codification" (United Nations, 2018). Given that, the GA6 is given an agenda that consists of general legal questions that the committee is to scrutinize and to discuss through several interpretations of international law. Having done that, delegates would then submit their resolutions on the assigned topics for them to be considered and to be passed by the committee. All 193 members of the United Nations have authorized representation in the GA6 and meet annually to advance its mandate. Each member is given one vote and two-thirds of the majority is required to pass a resolution in the General Assembly.

Despite the frustration that comes with being a delegate at an MUN conference, the position has a lot to offer. Everyone involved in the organization of AUSMUN2019 has worked especially hard to ensure that this experience will be as fruitful as possible. With your enthusiasm and dedication, we promise that your time here will be as insightful as it will be exhilarating. As your chairs, we are looking forward to meeting you and we will work as best as we can to meet your needs. If there is absolutely anything that you need, please do not hesitate to contact us at AUSMUNGA6@gmail.com.

Sincerely,

The GA6 Chairs

TOPIC 1

The Question of Government Access to Private Sector Data

SUMMARY

With the development of technology and social networks came an increasingly interdependent world that is willing to share pools of information. However, such advancements have come at a price. Data sharing on global networks can keep its users vulnerable to security risks and privacy evasion. One such vulnerability is data collection by governments. Many governments see an advantage in the pools of data shared through interconnected networks. They have used such personal information to increase efficiency in administering many affairs and offences such as money laundering, trafficking, tax evasion, terrorism, and cyber threats (Cate, Dempsey, & Rubinstein, 2012). To do this, governments seek access to data held by private sectors and may even ask them to retain certain information for future use. This is done through a compromise of encryption called “encryption backdoor”. Unfortunately, besides the infringement of privacy, this process comes with several security flaws. Such a backdoor could allow sensitive information to be exploited by hackers and criminals. As can be seen, the matter is of great controversy.

Such a violation of privacy acts as a challenge not only for its users, but also for private sectors as trust between them and their customers decline. Many individuals feel uneasy about having their communications, transactions, and other activities exposed to government scrutiny. However, not many are aware of the risks that come with social networking or the laws made to protect them. The laws that deal with such matters are often vague, misinterpreted, and abused. Given that, the question of government access to private sector data increases in urgency.

HISTORY

In the twenty-first century, the demand of governments for personal data has reached new heights mainly due to three factors (Cate et al., 2012). Firstly, many pressing new threats have risen against national security such as terrorism, nuclear weapons, and cyber threats that could be effectively addressed through cyber tactics. Secondly, the number of digital data created, collected, and stored on individual’s transactions, communications, whereabouts, finances, and ideals have increased in abundance. Lastly, the information collected and stored by private sectors have become integral components of their services. In more recent times, efforts in data collection and communication intelligence has proven advantageous in fighting terrorism, especially against Al Qaeda post 9/11.

DISCOURSE ON THE ISSUE

As can be deduced from above, despite the advantages of data collection by governments through private sectors, its infringements on privacy, disruptions on competition, and exposure to threats has made it a debatable process. Such fears have increased with the use of 'systematic' government access (Cate et al., 2012). Through this, governments access private sector data directly without the mediation of the entity that possess the information. In addition, the individuals affected by this are not necessarily citizens of the nation that is obtaining the information. Furthermore, its effects on businesses is especially noteworthy. Such practices by governments could leave trade secrets and other sensitive information vulnerable, distort competition by compromising customer's trust, limit innovation due to specified designs, and create hesitation towards new services and business models (Cate et al., 2012).

Government access to private sector data is prevalent in many areas of the world. This is mainly due to the fact that the laws that address such matters permit the practice to a large extent. To begin with, the laws regarding such practices are often ambiguous and their method of appliance and interpretation is not made public. In addition to that, occurrences of these practices are discrete. Moreover, cases relating to law enforcement and national security are generally seen as exceptions to data protection laws. This exemption from the law has been problematic especially in cases that use the exception of national security to legalize their actions. Furthermore, the increasing demand for personal data has created a number of businesses who are voluntarily willing to provide such access for reasons of profit, fear, and patriotism (Cate et al., 2012). One can imagine how the concept of data collection increases in risk and in inducing debate as it becomes a transnational act.

PAST IO ACTIONS AND THE LATEST DEVELOPMENTS

Many organizations were built to protect online users from corrupt Cyber Threat Intelligence (CTI) practices. One such organization is the Privacy Projects (TPP), which aims to increase awareness on online vulnerabilities of personal information. In addition, the Center for Democracy and Technology (CDT), Privacy Rights Clearinghouse (PRC), Privacy International, and Electronic Privacy Information Center (EPIC) are other non-profit organizations that strengthen online individual rights. Moreover, several treaties and guidelines have been created to ensure the protection of privacy as a human right such as the Data Protection Directive which regulates the processing of personal data within the European Union. Similar to that was the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data by the Council of Europe. Additionally, there is the Organization

for Economic Cooperation and Development's Guidelines on the Protection of Privacy and Transborder Flows of Personal Data and the UN guidelines Computerized Data Files as well as many others. Furthermore, many treaties include articles on the protection of personal information such as Article 12 of the Universal Declaration of Human Rights (UDHR) that states, "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence". It can be seen that there is an increased international effort to protect the privacy of individuals and private sectors, but there still exists a debate that needs to be settled on the question of government access to the private sector.

QUESTIONS THE DISCUSSIONS AND THE RESOLUTIONS SHOULD ADDRESS

- What are the advantages and disadvantages of data collection by governments?
- What are the developments of international law and its appliance with regards to data collection?
- How are such laws applied in the country you are representing?
- Is it possible to structure this law in a way that allows for national security while still protecting the privacy of online users?
- What responsibilities do private sectors hold in regards to the matter and how can they be protected?

SUGGESTIONS FOR FURTHER RESEARCH

- National Agencies for Data Collection.
- National Laws and Actions Relevant to Data Collection.
- The Necessity of Data Storing by Private Sectors.

REFERENCES

Cate, F., Dempsey, J., & Rubinstein, I., (2012), Systematic government access to private-sector data, International Data Privacy Law, Volume 2, Issue 4, , Pages 195–199, <https://doi.org/10.1093/idpl/ips027>

United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI, available at: http://legal.un.org/repertory/art13_1a1.shtml

TOPIC 2

Criminal Accountability of the United Nations Officials and Experts on Mission

SUMMARY

Throughout the United Nations' (UN) peacekeeping missions, varying sources have asserted the committing of assault by UN soldiers or Blue Berets. At first, the UN did not do much to combat the issue. On the contrary, it granted its staff immunity from legal processes by overlooking such matters. However, seeing an influx of negative reactions to their dismissal, the United Nations agreed to investigate areas of speculation and prosecute criminals despite their position. Still, while members did agree to a call for action, debates among Member States emerged on the methods of appliance and prevention.

Although the works of the UN, its officials, and its experts is highly praised and appreciated, one must not overlook their criminal actions. Doing so will damage the reputation and credibility of the United Nations and the relationship it has built with local populations over the years. In addition, this dismissal will lower the standards of integrity among workers in the United Nations. Finally, such actions will have great collateral damage on their victims. Given that, all efforts must be made to ensure the closure of the impunity gap within the United Nations.

HISTORY

In 2015, the UN undertook a bolt of criticism when it failed to investigate allegations of sexual assault by French peacekeepers in Central Africa between December 2013 to June 2014. The troops were said to have targeted children in the center of the internally displaced communities. The fact that these troops have failed to accomplish their duty to protect by harming the vulnerable themselves was highly disappointing. When a UN aid worker reported a complaint on such activities, he was accused of leaking confidential information and breaching UN protocol. The UN never reported the event to French authorities and did not respond to the abuse in urgency. This is only one example of many occurrences such as in the Democratic Republic of Congo, Bosnia, and Haiti. However, ever since the upsurge of criticism in the media and international organizations, the UN began to slowly recognize the importance of the matter at hand.

DISCOURSE ON THE ISSUE

The issue of criminal accountability among the United Nations officials and experts on missions marks the 75th topic on the GA6's agenda. After agreeing on the need to eliminate potential jurisdictional gaps and to ensure criminal accountability, the committee has met on three prominent occasions to discuss the matter at hand in its 69th, 72nd, and 73rd session. Throughout their meetings, delegates have generally agreed on several points. Firstly, they saw that national legislation should allow the advancement of criminal accountability. Secondly, they have acknowledged the need for better reporting and surveillance to ensure that the matters are reflected to its true extent and nature. Thirdly, they saw a need for cooperation among Member States through processes of investigation, data sharing, evidence collection, and jurisdiction processes. Lastly, the committee has found it beneficial to better pre-deployment for peacekeepers to ensure high levels of integrity and commitment to their fulfillment of their objectives in respect to the UN charter, with that being the maintenance of peace and security. However, one general issue remains of concern, which is the need for a multilateral convention to hold such criminals accountable for their actions. While some saw this as a great proposal for a comprehensive international legal framework, others viewed the idea as premature to discuss. They argued that efforts must instead be focused on strengthening existing institutions that deal with such matters.

PAST IO ACTIONS AND THE LATEST DEVELOPMENTS

One of the most well-known movements that battle for criminal accountability among UN officials and experts is the Code Blue Campaign. This campaign aims to end impunity in regards to sexual abuse by peacekeepers by engaging peacekeeping communities and providing hearings for victims. Furthermore, this campaign has helped bring great awareness on the dismissal of the UN on offenses by its staff which pushed the UN to address the matter.

In addition to that, the United Nations Security Council has passed Resolutions 2436 and 1674. Resolution 2436 looks to enhance the performance of peacekeepers in all levels. The resolution explains the importance of the qualities of accountability, leadership, and initiative for peacekeepers while promoting peace and security. To increase efficiency towards this goal, the resolution asks for comprehensive studies on the methods, challenges, and outcomes of peacekeepers training. Additionally, prior to deployment, it must be ensured that they meet UN standards and comply with its regulations. However, it was noted how such efforts will require great deals of cooperation. In terms of Resolution

1674, it addresses the protection of civilians in armed conflicts. This mainly focuses on the need to prevent conflict, provide humanitarian assistance, and the restoration of peaceful condition for displaced people. The end of the resolution condemns all acts of exploitation and harassment by personnel working for the United Nations. However, despite these resolutions, there still exists circumstances

QUESTIONS THE DISCUSSIONS AND THE RESOLUTIONS SHOULD ADDRESS

- How does international law or the rule of law contribute to the prevention of immunity to certain personnel?
- How well do national laws allow for criminal accountability of citizens working abroad?
- What methods in surveillance and training could be adopted to combat and to prevent this issue?

SUGGESTIONS FOR FURTHER RESEARCH

- Previous Dismissal of the UN on Offences by its Employees.
- Improvements in UN Accountability.
- Methods that have Failed and have Succeeded in Advancing Accountability.

REFERENCES

United Nations. (2018). Sixth Committee (Legal) — 69th session. Retrieved from http://www.un.org/en/ga/sixth/69/criminal_accountability.shtml

United Nations. (2017). Officials, Experts Must Be Held Accountable for Crimes Committed on Mission, Sixth Committee Speakers Stress, But Disagree over Need for Convention. Retrieved from <https://www.un.org/press/en/2017/ga3546.doc.htm>