



SIMUN X

*St. Ignatius Model United Nations
Tenth Annual Conference*

DISEC

**November 5, 2011
St. Ignatius College Prep | Chicago, IL**

St. Ignatius Model United Nations Conference X

First Committee: Disarmament and International Security



Dear Delegates,

Welcome to the tenth annual meeting of the St. Ignatius Model United Nations Conference. My name is Joseph Cunningham, and I will be chairing the First Committee, DISEC. Charles Foster (Political Officer) and Patrick Holland (Vice Chair) will complete the Dais.

This year, DISEC will discuss nuclear technology, the definition of international waters, and a current issue, the Spratly Islands. Of particular interest to DISEC is to ensure the maintenance of global peace. Therefore, we will be debating issues that are crucial for avoiding brinkmanship and international accidents.

My co-moderators and I will work within committee to ensure continued, passionate debate. We ask, therefore, the members of DISEC to thoroughly prepare for this conference. Understanding both your country's position, as well as the topic area and the positions of other blocs, is absolutely critical for a successful, fun committee. We are looking forward to a great day of debate and diplomacy. Please bring your position papers to committee. Good luck!

-Your Dais

Contact Information:
Joseph Cunningham
Chair of DISEC

joseph.cunningham@students.ignatius.org

Topic A: Nuclear Weaponry

The Effectiveness of the NPT/IAEA in Managing the Spread of Nuclear Weaponry

On August 6, 1945 the world first bore witness to the gruesome nature of atomic warfare. The bombing of Hiroshima and, subsequently, Nagasaki showed the world the terrifying might of nuclear weaponry. During the détente period of the late 1960's, the world met to discuss limiting the proliferation of nuclear weapons. As a result, the Nuclear Non-Proliferation Treaty (NPT) was ratified and effective as of 1970 with 187 signatories including the five nuclear powers.¹ With the introduction of the NPT, the IAEA was established as the foremost forum for issues arising from nuclear technology, both civilian and military.

Now in 2011, many nations have expressed issues with the enforcement of the NPT. The NPT allows five nations to openly maintain nuclear weapons arsenals: the United States, China, France, the United Kingdom, and Russia. In addition, three nations, India, Israel, and Pakistan, have not ratified the treaty and openly maintain nuclear weapons arsenals. Further, the Nuclear Weapons States have often failed to abide by Article IV of the NPT, which preaches the full facilitation of civilian nuclear technologies for all members of the NPT.² With the seeming failures of the NPT in combination with the powerless, stratified IAEA, it is imperative that we reconsider initiatives to manage nuclear technologies while maintaining international peace.

History of the Topic

The Nuclear Age necessitated an increase in international dialogue to assure the world avoided Mutually Assured Destruction. Initially, the dialogue was solely between the United States and the Union of Soviet Socialist Republics. As tensions cooled between these superpowers, multi-national dialogue began to discuss solutions to nuclear challenges. To this end, the Nuclear Non-Proliferation Treaty was created.¹

The NPT is divided into a series of perambulatory clauses and eleven articles. The articles of particular importance are Articles 1-1V, VI, and X. Article I states that all nuclear weapons states will not “transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices”, while Article II enacts a counter-measure that no member shall receive nuclear weapons.² Article III established the International Atomic Energy Agency (IAEA) and directed member nations to follow the safeguards as delineated by the IAEA.² Further, Article IV protected the “inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes.”² Article VI affirmed the goal of the NPT to be continued, good faith negotiations on the limitation and cessation of nuclear technologies excluding civilian uses.² Finally, Article X allows nations to withdraw from the NPT if “[the nation] decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its

¹ <http://www.un.org/Depts/dda/WMD/treaty/>

² <http://www.state.gov/t/isn/trty/16281.htm>

country.”² These major articles have widely been recognized as the basis for the ‘three pillars’ of the NPT.

The ‘Three Pillars’ of the Nuclear Non-Proliferation Treaty are non-proliferation, disarmament, and the peaceful use of nuclear technology.³ The pillar of non-proliferation attempts to stop the spread of nuclear weaponry apart from the five Nuclear Weapons States (NWS), as aforementioned. The second pillar, disarmament, was created with the aim of reducing the tensions of the Cold War through reductions in the arsenals of the NWS. The final pillar, peaceful use of nuclear technology, has the purpose of providing civilian nuclear technology for all member states. The three pillars as established in the NPT are the basis for the IAEA.

The IAEA was established under Article III of the NPT whose mission statement declares itself “an independent intergovernmental, science and technology-based organization, in the United Nations family, that serves as the global focal point for nuclear cooperation.”⁴ The IAEA is meant to provide a place for both discussion on nuclear management and an exchange of civilian nuclear technologies for social and economic benefit. From the very beginning, however, the stratified existence of the IAEA has hindered its legitimacy. The Nuclear Weapons States (NWS) legally possessed nuclear weapons, while all other member nations are not allowed to possess these weapons. The double standard that the NPT established continues to anger many nations upset by the system of ‘haves’ and ‘have-nots.’ Further aggravating the lack of IAEA power is the lack of accountability for member nations due to no dedicated forum to bring allegations of violations of the NPT. For example, the constant violations by North Korea, before their withdrawal, had to be dealt with through the Security Council of the United Nations, rather than an effective IAEA subsidiary.⁵ Finally, the NPT is undermined by the lack of universal support, especially in regards to nuclear powers: India, Pakistan, and Israel (“allegedly”). While India, Israel, and Pakistan are all members of the IAEA, they are not accountable to the basis of the IAEA, creating an adverse situation for the battle for legitimacy of the NPT.

Current Situation

The IAEA has lost the legitimacy and support necessary for effective action. Many member nations protest the stratified nature of the IAEA between ‘haves’ and ‘have-nots,’ and the lack of diffusion of civilian nuclear technologies. North Korea, before withdrawing from the IAEA and NPT, openly flouted the dictums of the NPT for months before the Security Council enacted sanctions against it. Similarly, Pakistan and India have consistently flouted the NPT, which, although they are non-signatories, undermines the IAEA in addition to the NPT.

Current Issues

Technology Spread: One major tenet of the NPT is the spread of civilian nuclear technology to all member nations. The importance of this issue to this committee

³ <http://www.iaea.org/newscenter/focus/npt/index.shtml>

⁴ <http://www.iaea.org/About/mission.html>

⁵ <http://www.iaea.org/newscenter/>

should be to advise the IAEA on how to spread civilian nuclear technology while maintaining international security. Also, this committee needs to respect the IAEA's mandate. (Understand the difference between civilian and military technologies (esp. enrichment and reactor-grade and weapons-grade uranium))

Effectiveness of IAEA: The IAEA has become relatively ineffective in its main mission. As such, DISEC is able to advise on either the redrafting of the NPT/IAEA format or steps (e.g. Special Conference) to redefine the IAEA to increase legitimacy.

Democratic People's Republic of Korea: The DPRK, although it still does not have full nuclear weapons capabilities, undermined the NPT/IAEA by withdrawing from the treaty and openly pursuing nuclear weapons. As a committee member, it is necessary to consider the possibility of advising the Security Council on alternative measures to deal with this problem other than sanctions. Further, DISEC must consider how to enable the DPRK to return to full talks on nuclear reduction.

Fukushima Incident: Recently, natural disasters caused civilian reactors in Japan to spill hazardous nuclear wastes. These incidents have caused the world to reconsider the wide use of civilian technologies for energy. As a result, understand if your nation considers civilian nuclear technology to be dangerous. Further, research if your nation wishes all nations to cease using nuclear technology for energy purpose.

Questions for Consideration

1. Should the NPT or IAEA be revised?
2. How should DISEC approach the very real threat of the DPRK
3. Should the IAEA receive a mandate with the ability to enforce its decisions? (e.g. tribunal)
 - a. Ponder the IAEA's ability to enforce restrictions on black-market trade of technology.
4. Are there any multi-lateral means of enhancing the implementation of Article IV of the NPT that are universally acceptable?
5. Does the IAEA enact enough safeguards on civilian nuclear technology?

Bloc Positions:

NWS: The nuclear weapons states usually advocate maintaining the IAEA because of the favorable setup. These states, however, are averse to the gains of nations such as the DPRK or the Israel/India/Pakistan group.

Israel/India/Pakistan: This group is composed of non-signatories to the NPT; therefore, they generally are not cooperative with the decisions of the IAEA in committee and in practice. Their position in the Nuclear Age needs to be defined, and they are averse to solutions that bring them into the NPT without weapons.

The Rest: The other nations are split on the issue of civilian technology based on their view for energy. Some nations consider it ecologically dangerous, while others are in favor of full disclosure of civilian technologies. All of these nations are hesitant about the 'haves' being given full ability to marshal nuclear weaponry without legitimate checks on the size of their arsenals.

Topic B

Redefining the Protocols and Traditions of “International Waters” (Esp. UNCLOS III)

The beginning of the Age of Exploration in the early 15th Century marked a revolutionary advancement in the peregrination of mankind. The maritime revolution that followed the introduction of improved naval technology created the conditions necessary to make use of the waterways of the world for the purposes of trade and war. An unintended consequence, however, arose from the decrease in the isolation of the nations of the world, increased tensions in regards to the territorial claims of nations extending into the seas and the customary extent of these claims. The most recent attempt to amalgamate tradition with a standard definition of the protocols of territorial and international waterways arose from the Third United Nations Conference on the Law of the Seas (UNCLOS III)⁶.

Increasingly, the UNCLOS III has failed to prevent incidents and claims both in territorial and international waters. These failures predominantly emanate from powerful nations redefining their claims in proportion to their military capability to enforce their claims. These new claims have led to tensions both between international superpowers and between superpowers and the nations unable to militarily compete. Increasingly, sentiments have assumed revisionist stances as smaller nations protest the inefficiency of UNCLOS III, and international incidents endanger the international peace that has lasted since the end of the Cold War.

History of Topic

The Age of Exploration sparked a revolution in international relations as nations were brought closer together through advances in ship making capabilities. Driven by advances in the types of ship, mainly in caravels, and the addition of the compass, nations moved outside the coastal waterways and often traveled into the coastal waters of neighboring nations. Increasingly, these explorations necessitated a clear classification of the waterways throughout the globe.

The first attempt to classify the seas resulted in a weak concept promulgated by Hugo Grotius of the Netherlands. Grotius proposed a concept of ‘*mare liberum*’, or a free sea outside of territorial waters (generally about three nautical miles).⁷ The Dutch due to the opposing Portuguese and English policy of ‘*mare clausum*’ largely disseminated this ‘freedom of the seas’ concept.⁸ The Portuguese and English defended the closed sea concept, elucidated in the noted *Mare Clausum* by English jurist John Selden, on the basis of sea control resembling the control of land.³ The Dutch, unable to compete with the navies of the Portuguese and English advocated

⁶http://www.un.org/Depts/los/convention_agreements/convention_historical_perspective.htm

⁷ <http://www.dutchembassyuk.org/page/index.php?i=639>

⁸ http://tarlton.law.utexas.edu/exhibits/selden/mare_clausum.html

the freedom to trade openly. Although the English attempted to hold onto the closed sea policy, the open seas concept became the predominantly accepted method of nautical interaction by the early 18th century.

By the mid 1900's, however, the concept of 'freedom of the seas' increasingly was destroyed by conflicting nations.¹ President Harry S. Truman of the United States initiated the destruction of this concept when he claimed all natural resources along the continental shelf surrounding the United States. Soon, a litany of other nations claimed portions of the 'free sea', fundamentally destroying the concept, which pacified the oceans for over 350 years.⁹

On the urging of the Maltese ambassador to the United Nations, Arvid Pardo in 1967, the United Nations began the process of regulating the seas. For the next fifteen years, the United Nations Seabed Committee began to eliminate dangerous practices such as nuclear testing underwater.⁴ Finally, beginning in 1973 and ending in 1982, the three versions of the United Nations Convention on the Law of the Sea prescribed the provisional establishment of important regulations on the seas in the basis of a binding treaty.

Current Situation

Rather than the previous general understanding that had governed international relations, the UNCLOS III established many regulations in a formalized treaty. The treaty replaced the traditional three miles with a universally accepted twelve miles. In addition, the treaty made 'innocent passages' through the coastal, controlled waters of all nations. This conference also established the concept of 'transit passage' through the straits as a compromise between military powers and nations situated at strategic locations. The most revolutionary addition, however, was the 'Exclusive Economic Zone' (EEZ).¹ The EEZ allowed nations to control the resources within the accepted territorial waters that they controlled. The UNCLOS III has established many necessary restrictions on the global waterways.

Current Issues

South China Sea: At particular issue in the South China Sea is to ascertain the division of the waters between the many nations ringing this strategic waterway. Complicating the issue, however, are the claims by China to the entirety of the South China Sea. This political posturing has led to intense conflicts in the region revolving around both land and the critical waterways.

Deep Sea Fishing/Whaling/Minerals: The waterways outside traditional territorial waters are full of resources nominally without claims. How the UNCLOS III defines these claims are relatively hazy. Therefore, many nations are competing to use these resources without a particular means of adjudication. The conflicts often approach situations that endanger international security. Therefore, DISEC should consider a means of resolving these disputes (See Next).

⁹http://www.un.org/Depts/los/convention_agreements/convention_historical_perspective.htm

Solving Disputes: Solving disputes are often obfuscated by the lack of a clear judicial oversight. Oversights include: Seabed Disputes Chamber, a conciliation committee, the International Tribunal for the Law of the Sea, and other bodies. Therefore, many smaller nations are advocating the transforming of this complex judicial system with clearly delineated bodies.

Piracy: Piracy is a particularly difficult issue to prescribe a solution for. Piracy often occurs outside territorial seas. Either individual governments or a coalition of governments, therefore, must decide the means they will employ to combat piracy. If individual governments attack or prosecute pirates domestically, however, conflicts might ensue over the rights pirates enjoy as citizens of other nations and disagreements as to the definition and proof of piracy. (e.g. Somali Pirates)

Transit Passages: One particular issue for 'transit passages' is their use by warring parties to engage the enemy through the waters of neighboring nations. For example, the United States use of the Persian Gulf in the Second Iraq War has made use of the territorial waters of all claimant nations to the Persian Gulf, with the intent of war on Iraq, without the permission of the claimant nations. 'Transit passage' generally implies that the nation is not attempting to inflict harm on any of the nations with territorial waters in question. This violation of the UNCLOS III has not been challenged at the United Nations. This violation of territorial sovereignty and similar violations must be discussed and resolved to avoid sovereignty disputes.

Questions for Consideration:

1. Does the UNCLOS III need to be revised?
2. Do military powers, such as China or the United States, disregard the UNCLOS III? If so, what should be done to combat this?
3. How should international commerce and resource disputes use be governed in the open seas?
4. Should the ICJ still be used to adjudicate maritime disputes, or should a powerful high court with the specific, universal jurisdiction concerning maritime disputes?
5. One major issue of the UNCLOS is a lack of binding power, what steps should be established to remedy this situation?

Bloc Positions

Blocs are generally not regionally based; rather, blocs are often dependant on the naval abilities of your nation. Smaller nations are generally in favor of greater regulations. Conversely, larger nations generally advocate the relative deregulation of the seas in favor of using their maritime ability to enforce their will.

Topic C

Case Study: Spratly Islands and Securing the South China Sea

Background:

Located in the South China Sea, the Spratly Islands consist of over one hundred, largely uninhabited islands. This archipelago is, however, highly coveted based upon the resources, both fishing and gas and oil deposits. These islands are claimed entirely by China, Taiwan, and Vietnam, while Malaysia and the Philippines claim parts of the islands. The military forces of the claimant nations are the main inhabitants of these islands.¹⁰

The Spratly Islands are important for the resources they have as well as its strategic location near the major shipping lanes through the South China Sea. The location has only heightened the tensions surrounding the Islands causing forty-five of the Islands to be occupied by the claimant nations. These conflicting garrisons have recently led to transnational issues as China continues to assert its dominance. In November 2002, the nations signed the “Declaration on the Conduct of Parties in the South China Sea” in an attempt to ease the tensions; however, this treaty has not ultimately secured peaceful relations concerning the Islands.¹

Current Issues:

Recently, military posturing has arisen as a result of Filipino accusations that China was intruding on its land in the Spratlys. The Philippines claim two hundred nautical miles off its coast as their Exclusive Economic Zone, thus claiming the Spratly Islands.¹¹ The Philippines has accused China of intruding into the Spratly Islands nine times in recent months. This conflict has led to a senior Chinese official being banned from negotiations and political posturing from both sides. Chinese aggression in the region has also upset the Vietnamese.

After rising tensions for months, Vietnam staged live-fire military exercises in the Spratly Islands. In response, China sent the largest patrol ship in its military for a supposedly routine patrol. The rising tensions have led to both Vietnam and the Philippines declaring that they will defend against any advances on their military installations in the Spratly Islands.

Importance of Case to the Committee:

The major objective of DISEC is international security in pursuit of global peace. Therefore, resolving the issues in the Spratly Archipelago need immediate attention to avoid a conflict sweeping through South-East Asia.

Points of Consideration:

1. Amicably resolve the immediate issue of which nation controls what area.
2. Possible extensions:
 - a. A new or revised forum for territorial sovereignty resolution.
 - b. Revision of UNCLOS III.

¹⁰ <https://www.cia.gov/library/publications/the-world-factbook/geos/pg.html>

¹¹ http://online.wsj.com/article/SB10001424052702304760604576427370310504128.html?mod=googlenews_wsj