

Forum: The General Assembly Legal Committee

Question of: Transparency of investments in the arms trade

Submitted by: Swaziland

THE GENERAL ASSEMBLY,

Considering that transparency in investments in arms will help ease relations between states and govern confidence and trust,

Recognizing that excessive build-ups of arms disrupt national, regional and international peace by heightening tensions and misperceptions which may cause conflict,

Recalling its resolution 46/36 of 6th December 1991 and resolution 47/52 of 9th December 1992 which outlines the importance of transparency as well as methods to achieve transparency,

Realizing the need to resolve underlying conflicts and reduce tensions to further work towards the goal of complete disarmament under strict law and international regulations,

Disturbed by the destructive and destabilizing effects of illicit trading of arms and violation of human rights,

Applauding the Arms Trade Treaty (ATT) and its signatories for working towards regulating arms trades,

Noting that reporting imports to the UN remains a sensitive issue as states are concerned that they are revealing sensitive information on national defense capabilities,

Stressing the importance of standardized reporting of international arms transfers along with other interrelated information to the UN register will help take further steps to promote transparency in military matters which may help the UN in limiting arms and disarmament,

Noting with deep concern that tracking and marking weapons is essential for the registry of weapons to increase transparency as well as help prevent misplacement and theft,

Emphasizing that increased transparency and openness in the field of arms will enhance confidence, promote stability and diminish tensions and misperceptions between states and reduce conflicts and strengthens international peace,

1. Requests the UNMOVIC (United Nations Monitoring, Verification and Inspection Commission) assist states which lack the resources to mark small and light weapons with the help of:
 - a) finance which may allow a state to purchase and operate machinery
 - b) training which will allow the machinery to be operated with minimal error
 - c) technical equipment which will be used to mark and track weapons;
 - d) Monitoring units which assure the aforementioned resources provided by the UNMOVIC are used properly

2. Encourages all member states to reach a score of 20 on the UN Register of

conventional arms by 2020 and to join the ATT using methods such as but not limited to:

- a) giving subsidies provided by the UN to member states who reach a score of above 20 to encourage said states to increase their transparency in regards to the arms trade such as but not limited to:
 - i. decreased intervention by the UN on matters which do not violate basic human rights
 - ii. increased funding for projects on resolutions previously passed in the UN to help the country improve themselves;
 - b) giving higher penalties to any party involved in illicit arms trade with a score over 20, thus demoting any illegal actions taken by any member states using means such as but not limited to imposing economic sanctions on the countries involved
 - c) rewarding member states that move five points per year towards the goal of a minimum of 20 with subsidization of amount paid by the UN to said member states;
3. Urges the ATT to develop the small arms survey guidelines in order to help states submit a more comprehensive and specific transparency report such as but not limited to:
- a) a minimum standard that states should aim towards including:
 - i. numbers and descriptions of the weapons transferred
 - ii. the financial value of the license
 - iii. transit countries and recipient countries
 - b) a standardized report template to ensure a uniform quality of information and provide additional information comprising of:
 - i. details of end users and conditions of the weapons
 - ii. exports of ammunition, components and production licenses as well as means of the manufacture of arms such as equipment and technologies;
4. Calls for mandatory reporting to UNMOVIC of military deals that are over \$10 million relevant to and including the arms trade that reflect ATT obligations at the end of each month in a report by the UN, stating:
- a) the identity of the recipient
 - b) the quantity of arms transferred
 - c) the type of arms transferred
 - d) the value of the transfer
 - e) details of all licenses granted in association with the transfer
 - f) details of the delivery of the arms;
5. Encourages reporting to UNMOVIC of all international arms weapons trades with sales under the previous \$10 million regarding weapons not used for typical civilians such as:
- a) high powered rifles specifically designed to shoot enemy combatants
 - b) high powered artillery rounds
 - c) explosive devices (excluding mining explosives) under sales of 15 tons in which case all sales at the end of the month must be accounted for

internally and, in the case that sales exceed 15 tons, they must be reported

- d) all forms of ammunition, in which case all sales at the end of the month must be accounted for internally and, in the case that sales exceed 25,000 units, they must be publically reported;

6. Further encourages member states to enforce asset management companies to provide transparency in financing of defense businesses subject to:

- a) size of investment or company targeted
- b) type of industry
- c) ethical investment criteria such as:
 - i. human rights abuses
 - ii. criminality of activities
 - iii. conflicts
 - iv. undermining sustainable development by depletion of natural resources and destruction of territories holding agriculture;
- d) disclosure of geography of usage;

7. Recommends that arms research and inspection to be carried out by the UNIDIR (United Nations Institute for Disarmament Research) is in collaboration with the arms trade treaty to:

- a) seek out and prosecute traffickers by collecting information and assisting national agencies
- b) track down illicit transfers of arms
- c) undertake Inspection and supervise the implementation of its regulations;

8. Requests the Security Council to set dissuasive, criminal and administrative sanctions on member states using weapons gained in trade from member states violating the ATT through means such as but not limited to:

- a) violating international humanitarian law
- b) prolonging violent conflicts as defined by the Security Council
- c) contributing to regional instabilities
- d) facilitating organized crime
- e) committing or facilitating an act constituting an offence under international conventions or protocols relating to terrorism to which the exporting state is a party
- f) diverting or re-selling the arms for purposes a through e;

9. Calls for the United Nations Office for Disarmament Affairs (UNODA) to act as the international forerunner in the effort to increase transparency in the arms trade and perform functions such as, but not limited to:

- a) creating an international database on the illicit arms trade using intelligence gathered by all relevant organizations in order to provide information such as, but not limited to:
 - i. insight to the weapons in circulation

- ii. the locations where the illicit trade is at its worst
 - iii. the social and economic factors behind the trade
 - iv. the successes and failures of previous strategies composed to combat the illicit trade of arms;
- b) collaborating with the ATT to advise and assist member states in making national plans to combat the illicit trade of arms;

10. Asks member states to cooperate with the International Criminal Police Organization (INTERPOL) on a framework that ensures immediate and effective actions in cases of illegal distribution and resale of arms:

- a) member states providing INTERPOL with the information, such as but not limited to the serial number and transport details of the weapons lost in cases of leakage or theft of government issued arms
- b) INTERPOL acting upon the information given by the member state to trace, identify, and assist the arrest of the guilty parties;

11. Calls upon member states to monitor and diminish the sale of illicit arms through ways such as, but not limited to:

- a) working with INTERPOL to monitor black market trade in order to spot sources and instances of illicit arms trade
- b) outlawing unlicensed manufacture and trade of weaponry, through ways such as, but not limited to:
 - i. passing legislation so manufacturers are required to have production licenses
 - ii. having the UN develop and distribute end-user certificates to all nations
 - iii. having law enforcement agencies perform regular checks to verify said licenses and certificates.

FORUM: GA-6

QUESTION OF: Designing a legal framework to stop environmental damage as a result of armed conflict

SUBMITTER: Estonia

CO-SUBMITTERS: Austria, Barbados, The Republic of Benin, Belgium, Comoros, Costa Rica, Cuba, Finland, Grenada, Guyana, Hellenic Republic, Holy See, Latvia, Nauru, Nepal, New Zealand, Russian Federation, Saint Lucia, San Marino, The Republic of Sudan,

THE GENERAL ASSEMBLY,

Defining the environment as consisting of water, air, soil, flora and fauna as per the English Environment Protection Act,

Emphasizing that damage to the environment as a direct or indirect result of armed conflict is a serious issue which threatens the world and is in need of immediate international attention,

Expressing its hope that all member states will work together to ensure that the environment is preserved during armed conflicts, and furthermore will keep the ‘Transforming our world: the 2030 Agenda for Sustainable Development’ goals in mind,

Recognising General Assembly resolution 47/37, which asks states to affirm that they undertake all possible actions to make sure that their laws on protection of the environment during warfare are compliant with existing international law,

Noting with concern that the 'Law of Armed Conflict' (LOAC) concentrates on such a small range of cases that it does not ensure an adequate protection of the environment and still gives nations a wide variety of options and allows them to justify most environmental harm during warfare,

Recalling General Assembly resolution 31/72 (Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques), which was intended to prohibit the military use of environmental modification techniques to protect humankind from possible consequences,

Keeping in mind the 1994 International Committee of the Red Cross and Red Crescent 'Guidelines for Military Manuals and Instructions on the Protection of the Environment in Time of Armed Conflict' which were developed by an intergovernmental group of experts,

Bearing in mind General Assembly resolution 70/1, entitled 'Transforming our world: the 2030 Agenda for Sustainable Development' with its goals of protecting the planet from environmental damage and climate change for the present and upcoming generations,

Referring to chemical ammunition and other war goods which have been discarded in the sea during and after the world wars, and have caused long-lasting environmental damage as stated in General Assembly Resolution 68/208, entitled ‘Cooperative measures to assess and increase awareness of environmental effects related to waste originating from chemical ammunitions dumped at sea’,

1. Asks member states to enact measures to protect sensitive areas from attacks and:
 - a) these will include but are not limited to:
 - i. industrial sites
 - ii. chemical production sites
 - iii. nuclear plants
 - iv. civilian locations
 - v. conservation areas such as forests, lakes and reefs
 - b) the environmental damage which should be reduced to a minimum and be addressed as soon as possible after combat
 - c) this will not include cases where extreme humanitarian causes are prioritized such as during hostage situations
 - d) these will be left to the general discretion of the relevant member states but will be subject to UN audit;
2. Urges that salvation measures be taken by all member states to salvage war waste that harm the environment:
 - a) referring to all discarded products of war which may harm the environment including but not limited to:
 - i. discarded weaponry and other equipment
 - ii. chemical waste
 - iii. undetonated explosive devices;
3. Further Urges member states to prioritize the role of International Humanitarian Law (IHL) in the issue in the contexts of:
 - a) direct violations of IHL as a result of war crimes due to violent conflict
 - b) indirect violations of IHL as a result of damage to the environment, leading to:
 - i. disproportionate collateral damage due to inadequacy of water, food or shelter
 - ii. damage of civilian property resulting in extreme negative humanitarian consequences;
4. Requests all Member States to comply with existing international law and guidelines which are applicable for the protection of nature and climate during armed conflicts such as but not limited to:
 - a) the law of armed conflict (LOAC) GP I, Arts. 35 (3) & 55 (1) which prohibits the use of methods of warfare which are intended to cause damage to the environment
 - b) the 1994 Guidelines for Military Manuals and Instructions on the protection of the environment in times of armed conflict of the International Committee of the Red Cross and Red Crescent
 - c) the ethical commitment to protect planet Earth and its atmosphere for today's and future generations

- d) enforcing applicable international law by educating armed forces officials and soldiers in international law and guidelines relating to the protection of the environment throughout armed conflicts including:
 - i. informing soldiers about the 'International Day for Preventing the Exploitation of the Environment in War and Armed Conflict' which falls on the 6th of November
 - ii. establishing a United Nations fund providing financial support to member states who otherwise wouldn't be able to provide sufficient information to their armed forces officials and soldiers;
 - iii.
5. Recommends the establishment of an appropriate UN compliance panel with the sole responsibility of monitoring the environmental impacts of ongoing armed conflicts and ensuring that participants meet the necessary regulations needed to protect the environment which:
 - a) will report to the UN Security Council and can recommend appropriate action
 - b) will be elected by the General Assembly and approved by the Security Council
 - c) will operate under Security Council supervision and may be authorized to take appropriate action;
6. Endorses the notion of particularly prohibiting the usage of herbicides for military or any other hostile use, as they are designed to destroy plant-based ecosystems and have caused massive and long-lasting environmental and humanitarian damage in history;
7. Calls upon all nations which are signatories of the Comprehensive Nuclear-Test-ban Treaty (approved by the General Assembly in 1996) to prioritize a fast ratification and adoption process in order to ensure that the environmental and humanitarian effects of nuclear weapon testing is minimized;
8. Calls for a United Nations summit to adopt specific definitions to the terms "widespread," "long-lasting," and "severe" in order to determine when States are illegally bypassing this triple cumulative standard in order to:
 - a) identify damage thresholds and lower them to:
 - i. allow for a much easier interpretation and enforcement of the laws
 - ii. lower the chance of cases going unpunished or responsibility being avoided
 - iii. ensure that intervention for the environmental damage is not being delayed;
9. Proposes that States identify and establish demilitarized zones in locations or potential areas where natural resources may create tension with the help of the UN Peacekeeping Forces between groups such as but not limited to:
 - a) oil wells
 - b) mines
 - c) forests;

10. Wishes that all member states that are still active in armed conflicts and have to protect the basic natural resources for human survival to cooperate with existing institutions including the World Food Programme and the United Nations Development Programme (UNDP);
11. Encourages all nations to further minimize any funding spent on the manufacturing of new technology that may harm the environment through means such as but not limited to:
 - a) the loss of natural resources due to their excessive use to manufacture such arms
 - b) the use of materials that cannot be degraded or recycled to mass-produce such arms;
12. Hopes that all member states will work together to ensure that the environment is preserved during armed conflicts, and furthermore will keep the ‘Transforming our world: the 2030 Agenda for Sustainable Development’ goals in mind.

FORUM: GA6

QUESTION: Transparency of investments in arms trade

SUBMITTED BY: United States

GENERAL ASSEMBLY

Emphasizes that a lack of transparency causes arms to end up in the hands of terrorists, where they are used to fuel armed conflicts and violence leading to fears of human rights,

Realizing that the Arms Trade Treaty (ATT) is an attempt to regulate the international trade of conventional weapons for the purpose of contributing to international and regional peace; to reduce human suffering and promote co-operation, transparency, and responsible action by and among states,

Acknowledging the right of States to regulate internal transfers of arms and national ownership, including through national constitutional protections on private ownership, exclusively within their territory,

1. Requests Member States to modify the ATT, which has been signed and ratified by less than half of the Member States, in order to reach a universal consensus on regulating and ensuring the safety of arms in circulation by following the suggested guidelines such as:
 - a. regarding Article 2, which lists the conventional arms that the treaty aims to regulate, making the following adjustments:
 - i. including unmanned aerial vehicles and military drones in the list of arms that this treaty applies to
 - b. regarding Article 6, which lists the specific situations where the transfer of arms is condemned to take place, adding a punishment system which will include:
 - i. applying appropriate consequences only for the Member States who are proven to be violating this article by International Court of Justice (ICJ) such as implementing sanctions or suspending the seats of the Member States to UN meetings for an appropriate time
 - ii. if the inspection agencies find out that a country is violating the treaty's obligation, the financial sanctions should be imposed depending on the economic status of the country and the severity of the violation
 - iii. making sure the citizens of the Member State who has been proven to violate this article will not get financially affected by the sanctions mentioned above by excluding the form of sanctions that would affect public
 - iv. making sure that the ideals established in the ATT will properly be put in action by establishing an incentive not to violate the agreed upon standards
 - c. amending a section on the precautions that should be taken when the arms trade with a country which is regionally close to a UN embargoed state takes place in order to ensure that the ammunitions securely end up at their intended location;

2. Recommends the UN Office of Disarmament Affairs (UNODA) to establish annual meetings with the attendance representatives from Member States who have signed the ATT in order to:
 - a. go through the ways of implementing high security standards mentioned in ATT for different countries by examining research reports on topic such as:
 - i. the report of Amnesty International titled “A Catalogue of Failures: G8 Arms Exports and Human Rights Violations”
 - ii. other case studies that are specific to countries conducted by UN NGO’s
 - b. establish a platform where the ATT can be revised and new amendments can be discussed by the full house before the approval procedure involving Secretariat takes place as mentioned in the Article 20 of the treaty
 - c. develop and strengthen partnership among Member States to share resources and information on illicit trade and exports and imports of conventional arms;
3. Emphasizes the strong need for higher levels of transparency within the arms trade and the most straight forward way to reach this is through reports including information such as publications of comprehensive detailed and clearly structured annual reports on arms exports where:
 - a. the governments in each country will appoint a unit that research about the black market
 - b. the member states who are not able to have their own separate task forces may join their black market research unit with another country it shares borders with and all these units will have regular meetings (depending on the severity of the illegal trade network activities) to share information on actions to take against the black market
 - c. Interpol’s aid will be employed in necessary cases, such as conflictual relations between countries;
4. Encourages the creation of a treaty to address the issue of arms trade with non-state actors (NSA) which will aim to establish a universal guideline to regulate how and specify on which occasions this type of trade should take place instead banning all transfer of arms to NSA’s by following the suggested criteria that includes:
 - a. completely allowing the trade to take place under international regulations if the NSA is an autonomous country with a UN delegation that is unrecognized by some states
 - b. allowing the arms transfer, under restricted conditions, to non-violent NSAs only if they qualify the following criteria of:
 - i. not having a history of being involved or claiming credit to a terror event directed towards civilians
 - ii. not proposing a future threat to the lives of civilians
 - iii. not engaging in trade of arms or other goods with terrorist organizations to financially sustain themselves
 - c. not allowing, under any circumstances, the transfer of arms to terrorist groups
 - d. emphasizing the importance that the arms trade should to take place only when:
 - i. the benefits of supplying weaponry will be outweighed by the possible damage it can cause
 - ii. armed weaponry exports can be fully controlled to ensure that they won’t end up at the hands of terrorists;

5. Further encourages the Member States to further develop their export control systems for arms by following the mentioned guidelines:
 - a. building a single export licensing agency instead of requiring the approval of several government agencies such as the department of state, commerce, treasury etc. in order to:
 - i. ensure transparency in record keeping
 - ii. prevent information being lost during transfer procedure between agencies
 - iii. create efficiency in a timely licensing process
 - b. establishing an arms export control system where:
 - i. control lists for different export items will be established which clearly shows the regulations and guidelines for control
 - ii. these guidelines will be available for officials who receive exports and can prepare reports accordingly
 - iii. such reports of export authorizations, created annual and quarterly, can be sent to the congress or state departments of the Member State;
6. Suggests the Member States, especially the ones who are currently experiencing armed conflict, to take active measures in reassuring the security of the weaponry they own and prevent any legally acquired arms to end up at the hands of terrorist groups by means such as:
 - a. increasing background checks of government officials and personnel involved in receiving military exports or maintaining the security of weapons stockpiles in military bases
 - b. implementing harsh consequences in the events of corruption of high ranked government officials, that can include compromising the immunity of these individuals
 - c. consulting private military security companies about installing new security systems to increase the protection of military base stockpiles such as:
 - i. developing an encoding system with accordance to the International Tracing Instrument (ITI) to associate weapons with serial numbers to ensure the traceability of the weapons
 - ii. creating an encrypted database for the purpose of enlisting track down numbers of especially small arms that can only be accessed by passing several security steps;
7. Further recommends the elimination of “ant trade” in arms, which is a common method for illegal arms trade to take place among arms traffickers without notice, by means such as:
 - a. requiring all small arms to have universal identification numbers (in addition to other serial numbers it may possess) with accordance to the International Tracing Instruments (ITI) in order to enable international cooperation to track down illicit arms in circulation
 - b. conducting operations to stop illegal “garage sales” of arms to prevent individuals to acquire arms without going through licensing procedures
 - c. conducting more thorough checks on suspicious vehicles entering the borders
 - d. developing the cooperation and information exchange between intelligence agencies of the Member States;

8. Calls for the creation of a Education Program (EP) with the purpose of raising public awareness through means of educating the children and companies, especially the ones living near conflict regions, on the severe effects of arms trafficking and the extreme need for complete transparency in order to promote stability and strengthen regional or international peace and security which can be done through ideas, such as, but not limited to:
 - a. expanding existing campaigns and programs throughout the world by providing information about the dangers of the lack transparency
 - b. implementing an annual day to remind the international community of the threats for worldwide peace and security brought through lack of transparency
 - c. providing food and other basic necessities to families and especially children so that they are not forced to illegally smuggle arms
 - d. encouraging national governments to further strengthen awareness through extracurricular programs in schools to further educate and inform children as they are future of our generation
 - e. Educating private companies that it is their best interest to provide information on arms sales
 - f. Educating managers of private companies about the route of providing on arms trade.

FORUM: General Assembly 6 (Legal)

QUESTION OF: Designing a legal framework to stop environmental damage as a result of armed conflict

MAIN SUBMITTER: FYR Macedonia

Recognizing articles 35 and 55 of the 1949 Geneva Convention, and their “triple cumulative standard”, which only allows for the prohibition of war due to environmental damage if the environmental damage is widespread, long term, and severe,

Guided by the 14th and 15th Sustainable Development Goal which aim to sustainably manage life below water and life on land,

Stating that the UN defines environmental damage as instances of water pollution, damage to biodiversity, land contamination, desertification, or any other action which damages fauna or floral,

Keeping in mind that direct and indirect environmental damage, will lead to environmental risks that can threaten people’s lives, livelihoods and security, and can result in damaging the post-conflict peacebuilding,

Noting with deep concern that at least 40% of all internal conflicts have been linked to the exploitation of natural resources,

Acknowledging the importance of the work on environmental protection carried out within the framework of the UN system and within other international bodies, including the UNEP, on providing assistance in monitoring and reducing the impacts of environmental damage from armed conflicts,

1. Asks the (UNEP) and the International Committee of the Red Cross (ICRC) to produce a study on the effects of military testing and armed conflict on the environment including, but not limited to:
 - a) the effects of bombing on plant and animal life
 - b) the long term effects of nuclear fallout

c) the effects of war at sea, both above and below water;

2. Calls for the United Nations Environmental Programme (UNEP) to:

- a) encourage the creation of a database conducted by a panel of experts on the issue which will detail the direct, indirect, and institutional environmental impacts caused by ongoing international and non-international armed conflicts while also suggesting remedial measures for fixing the environment
- b) create a ranking system, based on Articles 35 and 55 of the Geneva Conventions of 1949, that will rank environmental damage on a 1-10 scale and will be moderated by a panel of experts using the following guidelines:
 - i) an assessment of 1-3 would mean that the environmental damage causes little damage to the environment, encompasses a small land area proportional to a country's total land mass, and lasts for a relatively short time, as discerned by the panel
 - ii) an assessment of 4-7 on the scale would mean that the environmental damage causes mild damage to the environment, encompasses a moderate land area proportional to the country's total land mass, and lasts for a medial amount of time, as discerned by the panel
 - iii) an assessment of 8-10 on the scale would mean that the environmental damage causes a great deal of damage to the environment, affects a large area of land proportional to the country's total land mass, and lasts for a long amount of time, as discerned by the panel;

3. Asks that in accordance to the Geneva Convention and the Nuclear Non-Proliferation Treaty, weapons containing radioactive substances be accounted for and legalized in ways, such as but not limited to:

- a) requesting that weapons containing Uranium-235 be used under agreement of the United Nations Office of Disarmament Affairs (UNODA) to the extent necessary to ensure its use as a last resort, as its radioactivity is expected to cause widespread, long-term and severe damage to the natural environment as mentioned in Paragraph 3 of Article 35 of the Additional Protocols to the Geneva Conventions

- b) encouraging the diminution of the production of weapons containing “weapons-grade” radioactive substances and their depleted forms, for instance fissile isotopes Plutonium-239, Uranium-233 and Neptunium-237;
4. Further calls for the updating of The UN Convention on the Prohibition of Military or Any Other Use of Environmental Modification Techniques (ENMOD), with the purpose of including modern weaponry and new warfare techniques;
 5. Encourages the UN to request that countries not included in treaties like the Geneva Conventions and its protocols sign the aforementioned documents;
 6. Asking for the creation of a new international legal treaty granting protection for critical natural resources and areas of ecological importance during both international and non-international conflicts which will:
 - a) define ‘conflict resources’ as natural resources whose systematic exploitation and trade in the context of conflict contribute to, benefit from, or result in the violations of International Humanitarian Law (IHL), or violations amounting to environmental crimes under international law
 - b) designate as ‘demilitarised zones’ areas of ecological importance and critical natural resources such as:
 - i) watersheds and groundwater aquifers
 - ii) conservation areas
 - iii) natural world heritage sites
 - c) review and expand on the mandate of peacekeeping operations for monitoring the illegal exploitation and trade of natural resources;
 7. Supports the strengthening of the Environmental Panel within the Permanent Court of Arbitration dealing solely with disputes related to environmental damage during armed conflict which will aid in establishing international crimes against the environment by:
 - a) establishing a comprehensive list of scientific and technical experts who may be appointed as expert advisors and/or witnesses in assessing environmental damage and compensation levels

- b) ensuring that the environmental rules contained in the dispute resolution clauses are incorporated as amendments in existing multilateral environmental agreements or as new agreements
 - c) working in close cooperation with permanent and temporary compensation mechanisms that are established or are going to be established;
8. Recommends that countries amend or create laws similar to those established under the Extractive Industries Transparency Initiative (EITI) in order to create a nationwide transparency of how resources are being used, and to prevent any possible conflict from the abuse of natural resources;
9. Urges all member states to partake in the following measures after military caused spills, wreckage, and testing that include:
- a) notifying citizens and neighbouring countries of possible hazards,
 - b) working with the UN and other member states to remove leftover wreckage and hazardous materials left as a result of war.

FORUM: General Assembly 6 (Legal)

QUESTION OF: Designing a legal framework to stop environmental damage as a result of armed conflict.

SUBMITTED BY: United Kingdom

CO-SUBMITTED BY: Australia, Azerbaijan, Belarus, Chad, Czech Republic, Côte d'Ivoire, Democratic Republic of the Congo, Ecuador, France, Guatemala, Israel, Malawi, Marshall Islands, Morocco, Palestine, Poland, Qatar, Serbia, Solomon Islands, Sweden, Thailand, The United States of America, Turkey, UNIDIR, United Arab Emirates

THE GENERAL ASSEMBLY,

Deeply disturbed by the effects armed conflict has on our society, as it not only is disruptive, but also causes considerable damage to the environment,

Guided by Article 35 and 55 of the Additional Protocol to the Geneva Convention, which in summary prohibit the exploitation of the environment during warfare, and of the research performed and data collected by the United Nations Environment Program (UNEP) to conclude the adverse effects of armed conflict on the natural environment,

Fully aware that due to the occurrence of infractions of environmental laws, armed conflict has become a major and outrageous issue as it is a cause of terrible harm for the future generations and devastating effects on natural life,

Noting with regret the absence of a permanent international body to supervise and determine penalties for those Member States who have caused environmental damage during armed conflict,

Discouraged by the lack of enthusiasm by Member States to bring environmental destruction matters during armed conflict to the attention of the International Court of Justice's (ICJ) Chamber for Environmental Matters, created in 1993, but inactive since 2006,

Acknowledging resolution 2/15, adopted at the Nairobi assembly in May of 2016, entitled "Protection of the environment in areas affected by armed conflict", which called for the implementation of international law to preserve the environment,

Bearing in mind that population crashes in certain areas, due to conflict and displacement of people, can shift both capital and personnel to other parts of the country, making it difficult to sustain conservationist efforts and protect wildlife.

- 1) Requests the establishment of an immediate international organization named Post-Armed Conflict Committee (PACC), which works in collaboration with the states that are involved in any sorts of armed conflict, which will:
 - a) monitor the abuse of the environment in such ways that the agriculture of a nation is no longer able to monitor
 - b) advise the practices of International Environmental Law;

- 2) Recommends that the UNEP Disaster and Conflicts Programme under UNEP stop and/or reduce the effects of the armed conflict on the environment by focusing mainly on activities such as but not limited to:
 - a) applying the Environmental Impact Assessment (EIA), holding accounts and evaluating results to avoid a violation on environment through the armed conflict
 - b) urging the creation of a database to track potentially harmful environmental threats as well as monitoring violations and reparations
 - c) further protecting the sites that can be harmed due to armed conflict,
 - d) discouraging the use of 'cluster bombs' and 'landmines' and asserts that:
 - i) any area where such explosives remain are to be clearly identified by the commission
 - ii) upon the placing of such explosives, the environment within the blast radius be thoroughly cleared of any and all endangered species
any such explosives are to be cleared at the expense of the nation or non-governmental group who placed the explosives
 - e) attempting to reduce the contamination of the environment throughout the armed conflict such as:
 - i) water pollution from oil spills
 - ii) land deterioration due to the destruction of infrastructure
 - iii) excessive use of natural resources
 - iv) deforestation;
- 3) Strongly recommends that the UNEP assist nations to more widely publicize the endangerment and ruination of the natural environment with the help of media services such as, social media, newspapers, or advertisements in order to:
 - a) increase awareness of the consequences of infractions on the Environmental Law
 - b) raise awareness of the long-term effects of the contamination and violation of the environment on individuals and communities, and how it will affect the future states of the environment;
- 4) Encourages the World Bank to open, monitor, regulate and limit at their own discretion with the advice of the UN a mutual fund account, which will be accessible by all Non Governmental Organizations (NGOs) related to the issue, such as ERI (Earth-Rights International), Project Underground, Environmental Defense Fund, and all member states that have been affected by the issue, who will be protected by the court previously mentioned, where member states can provide financial aid to the citizens or areas that have been damaged by armed conflict such as:
 - a) families whose financial incomes depend on their natural territories, such as those who own farms, livestock, or fisheries, so that the financial means of those dependent on the environment can be helped
 - b) communities or countries whose financial income depends on areas for agricultural use

- c) tourism Sectors in the countries that benefit from the countries own natural wonders, species, or heritage sites;
- 5) Calls for all member states and relevant NGOs to gather annually on a previously set date to discuss the existing international law on protecting the environment in the occurrence of an armed conflict, so the law can be further developed in order to:
- a) extend law and order to include protection of said species in areas affected by armed conflict
 - b) ensure efficiency of application of the law is in order to reduce the amount of damage that such conflict is causing to the environment;
- 6) Further recommends that member nations account for environmental risk when making military and tactical decisions while also considering interest groups, parties, and various organizations working on their own, working outside of legal systems and who could intentionally or inadvertently risk the stability of the ecosystem by:
- a) calling upon the instalment of the ‘polluter pays’ principle, in which those held accountable of environmental damage and/or pollution are subjected to a heavy monetary fine
 - b) exempting parties or individuals acting under compulsory order or instruction from the principle
 - c) stressing the need for a convention, such as The Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment (1993), to further develop an effective reparation system to be put in place in relation to environmental damage done by an invading or foreign country;
- 7) Invites The Department of Peacekeeping Operations and the Department of Field Support to work closely with countries at risk of conflict in order to monitor said areas of conflict and protect both viable economic resources and civilian safety;
- 8) Further encourages the development of a legal framework concerning the use of new weapons in order to place extensive security regulations that will protect the flora, fauna, and the human population in areas affected by armed conflict by:
- a) defining the terms to extend to chemical, nuclear, weapons of mass destruction, and other new weapons from existing treaties and legislations,
 - b) passing new declarations to monitor the use of such weapons and their deteriorating effect on the population’s health and the environment:
 - i) holding annual meetings with representatives from all member states involved in the inventory of such weapons as well as scientific advisors present,
 - ii) receiving status report on the current disposal process of dangerous weapons and their residue,
 - c) calling all nations to consider armed conflict on an internal and external level including civil conflict

- d) encouraging the World Bank to act as a mediator to set up a superfund in order to aid the disposal of dangerous weapon residue;
- 9) Calls for the establishment of an individual court (or the reopening of the International Court of Justice Chamber for Environmental Matters) under the UN, which specifically works on environmental violation cases which are involved in armed conflict to avoid the occurrence of corruption in the justice system in order to:
- a) establish a common ground where national and international laws combine
 - b) make sure to have international experts be included in the trial process
 - c) help and solve the damage done on the environment when two countries are in conflict with each other by establishing decided measures that are protective of the environment during such conflict;
- 10) Further invites all member states with forests that cover more than 0.5% of the territory, to be inspected and certified by NGOs such as but not limited to, Svensk Skogs Certifiering AB (SSC) in cooperation with The School for Forest Engineers, in order to gain recognition and protection for warfare from rebel groups by both the government and the international community;
- 11) Encourages research in the areas of Environmental Engineering and Alternate Weapons Development in the hopes finding alternate forms of weaponry that could alleviate the environmental stress during and after times of war;
- 12) Emphasizes the importance of Member States to strengthen the environmental provisions of Additional Protocol I (1977) to the Geneva Conventions;
- 13) Calls upon all member states to introduce legislations into their respective legal systems that ensure the protection of the environment during the time of conflict internally or externally by adding legislations such as but not limited to:
- a) conserving vulnerable flora and fauna present in native areas by making it illegal to hunt or harvest endangered species, or any species whose hunting would disrupt the vulnerable flora and fauna
 - i) making sure that such protection of specific species will not lead to an imbalance in the local diverse ecosystem
 - b) protecting waterways by making it illegal to dump toxic waste into rivers and waterways that lead into lakes and populated areas,
 - c) protecting forests by prohibiting the deforestation of certain areas of land and prohibiting negotiations and distributions without a license.

FORUM: General Assembly 6: Legal

QUESTION OF: Consideration of Prevention of Transboundary Harm from Hazardous Activities and Allocation of Loss in the Case of Such Harm

SUBMITTED BY: Portugal

CO-SUBMITTED BY: Namibia, Equatorial Guinea, Luxembourg, Slovakia, Bosnia, EU/FRONTEX, Italy, Portugal, Guinea, Papua New Guinea, Tunisia, Japan, Germany, Bangladesh, the Bahamas, Chile, Bahrain, Iran, Argentina, Lithuania, Egypt, Bhutan, Croatia, Cyprus, Ukraine, Russian Federation, Greenpeace, China

THE GENERAL ASSEMBLY,

Alarmed by the lack of recent international legislation on the topic of transboundary harm,

Acknowledging the threats transboundary harm poses to the environment, wildlife, and citizens,

Defining transboundary harm as physical damage inflicted by handling, storage, production, carriage, unloading, or other similar operation of one or more dangerous substance and as the use of hazardous radiation and/or introducing dangerous genetically altered organisms and microorganisms in the territory/jurisdiction of another State,

Aware of the General Assembly resolution on The Topic (“Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm”) created on the 30th of November, 1993 that recommended appropriate time to be allotted for the discussion of the topic,

Noting the International Law Commission’s decision to first discuss simply “Prevention of transboundary damage from hazardous activities,” a subtopic of “Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm,”

Acknowledging the work done by the International Law Commission in the form of Draft Article on the Prevention of Transboundary Harm from Hazardous Activities (2001) and Draft principles on the Allocation of Loss in the Case of Transboundary Harm Arising out of Hazardous Activities (2006),

Emphasises the importance of States abiding by the already agreed international agreements such as but not limited to the Rio Declaration, the Trail Smelter Arbitration, the Convention on Long-Range Transboundary Air Pollution and the Principles in the Allocation of Loss in the Case of Transboundary Harm Arising Out of Hazardous Activities set out by the International Law Commission,

Recognizing laws and regulations previously put into place to address the potential of the Article and Principles by the International Law Commission as a legally binding treaty covering both the fields of public international law and private international law, as well as the consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm, such as: Customary International Law to do with environmental harm, laws and regulations having to do with international liability, and the No - Harm rule, under which a country must do all within its power to reduce or eliminate

environmental harm to another country,

Confident that the Article and Principles are widely acceptable as they find common ground between the different theories surrounding state responsibility and liability,

Welcoming the report submitted by the Secretary General surrounding the compilation of decisions of international courts, tribunals and other bodies referring to transboundary harm as requested by the International Law Commission in 2013,

1. Invites all States to agree on the definition of 'hazardous activities' stated in the Preambulatory clauses and to ratify it;
2. Urges Member States to cooperate on the basis of regional cooperation to negotiate a mutually beneficial agreement regarding air, soil and water pollution so as to reduce acid rain, especially in the regions of, but not limited to:
 - a. Eastern Europe
 - b. South Asia
 - c. South America;
3. Strongly encourages that a state proceeding with an activity that is categorized as hazardous, regardless of the risks, it must comply with the following:
 - a. the state in question must consult its neighbouring states and the international community, and put forward its plans, in the spirit of:
 - i. improving relations between neighbouring countries, as well as international relations
 - ii. preventing any future disputes in the case of transboundary harm within the specific activity
 - b. the state must provide the international community with a clear and precise compensation plan in the event of such hazardous activities causing transboundary harm in the forms of but not limited to:
 - i. capital sum
 - ii. equipment
 - iii. human resources
 - c. take the necessary precautions to reduce the level of risk of the activity in question in order to ensure a maximum level of safety
 - d. Calls for the UNEP to work in collaboration with experts on the issue at hand to publish case studies detailing the risks, advantages and disadvantages of the activity that individual states are looking to undertake;
4. Recommends that in the case of a country objecting to another state's plan of undertaking one or more hazardous activities, the following steps should be taken:
 - a. negotiations should take place
 - b. if no agreement can be found within a time frame of six to twelve months, the problem should be taken to the International Court of Justice which will decide whether or not the country's objection to the hazardous activity is valid and whether or not the state may proceed with the activity in question;

5. Asks for a council made up of experts on the issue of transboundary harm to be created who will:
 - a. create a framework for diminishing transboundary harm
 - b. identify which states are affected by another state's hazardous activities
 - c. identify which state/states are responsible for the harm and to what extent each of them are responsible
 - d. assessing how necessary these activities are for the state/states responsible by analysing the benefits the activities bring upon them
 - e. classify how much harm has been suffered by the affected states
 - f. decide whether the harm is due to non-accidental or accidental hazardous activities;

6. Requests that issues of water crisis, disruption, and pollution caused as an effect of transboundary harm to be dealt with in the utmost importance by means of:
 - a. sending experts to the location to test and assess the severity of pollution in order to assess the type of action to be taken
 - b. introducing cleaning facilities in the location to clean the water supply if this is deemed necessary and efficient using funds obtained by:
 - i. the affected state
 - ii. the state/states which have been determined to be responsible for the pollution
 - iii. the organisation/organisations responsible
 - iv. Non-Governmental Organisations (NGOs) which are willing to provide these funds
 - v. other Member States
 - c. Investigating cases of water crisis caused by transboundary harm by:
 - i. identifying a cause of such crisis
 - ii. creating solutions that may or may not induce monetary fines;

7. Invites NGOs to continue their work in regard to the issues by:
 - a. participating in negotiations about protocols to be followed and treaties,
 - b. conducting research into specific situations of transboundary harm and providing unbiased reports and data;

8. Calls for the assignment of a specialized working group under the United Nations Environment Programme for:
 - a. the investigation and simulation of the viability of the Draft Article on the Prevention of Transboundary Harm from Hazardous Activities (2001) submitted by the International Law Commission as binding international law
 - b. the investigation and simulation of the viability of the Draft principles on the Allocation of Loss in the Case of Transboundary Harm Arising out of

Hazardous Activities (2006) submitted by the International Law Commission as binding international law;

9. Recommends that the General Assembly, having taken into account the report created by said working group, activate a convention named as Convention on International Laws for the Prevention of Transboundary Harm, which would include:
 - a. explicit definitions and explanations on what events are considered to be in the realm of transboundary harm,
 - b. clauses on the superseding manner of these Laws over previously made conventions
 - c. a clause on allocation of loss in cases of transboundary law, which will include:
 - i. Conditions in cases of economic dependency,
 - ii. Exceptions of those conditions
 - iii. Controls
 - d. a clause on the enforcement of these laws, which will include:
 - i. possible sanctions
 - ii. fines
 - e. a clause identifying current and previous cases of transboundary harm and if they should be reopened;
10. Calls upon Member States to seek international support for the restraint of the trade and for the containment of hazardous cargoes in safe sinks by such means as, but not limited to:
 - a. require and assist in the innovation of green production methods and of preventive and recycling technologies
 - b. encourage the phasing out of processes that produce high risks because of the hazardous wastes they generate
 - c. establish public information programmes and ensure that training programmes are provided for industry and government workers on hazardous-waste issues, especially use minimisation by building treatment centres for hazardous wastes, either at the national or regional level
 - d. ensure that the military conforms to national environmental norms for hazardous-waste treatment and disposal
11. Encourages violators of transboundary harm regulations to provide compensation to the recipient of transboundary harm with financial aid, of which the amount shall be decided by assessing the specific circumstances, should it be concluded that the hazardous activities cannot be helped, in order for the government to:
 - a. reduce or eradicate completely the danger of harm from hazardous activities
 - b. provide aid to the victims of the hazardous activity.