

### *Message from the Director*

#### *Introduction*

These topics were designed to be difficult. Recall that DAYMUNC is a learning conference, and no one expects you to have a working knowledge of nuclear reactors or robotics. *This is also supposed to be fun.* Due to the nature of the topics frequently under discussion, debate in this committee can and has taken a heated tone in the past. Delegates are reminded that a vital function of diplomacy is to manage the momentum of crises; the human element of this will be overlooked only at significant cost to your delegation. This background guide will provide you with the context necessary to begin your research. It is intended only to serve an ancillary function; delegates are highly encouraged to seek out other sources of information.<sup>1</sup> You are encouraged to ask questions of the director and bring a hardcopy of the DAYMUNC rules of procedure to committee; you will not be impugned for being prepared.<sup>2</sup>

#### *Mandate*

The UNSC is the arbiter of the international system as envisioned by the UN Charter. Composed of 15 Member States: 5 permanent members, plus and additional ten that serve on a rotating basis; UNSC is responsible for the maintenance of peace and security among UN Member States. While remaining a consensus building body, the permanent members are empowered to veto legislation proposed in committee. It falls to this body to define threats to international peace and security and prescribe responses as the states party to the UNSC deems fit:

“In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.”<sup>3</sup>

According to the UN charter, the UNSC is the only committee whose resolutions are to be considered binding, in effect, making the UNSC the only body that deals in anything other than recommendations:

“The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.”<sup>4</sup>

#### **UNSC Topics:**

- I. The Nuclear Program of the Democratic People’s Republic of Korea (DPRK).
- II. Lethal Autonomous Weapon Systems (LAWS) and the Future of the International System.

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<sup>1</sup> These footnotes should be of great help.

<sup>2</sup> DAYMUNC rules of procedure: [http://daymunc.org/documents/rules\\_090705.pdf](http://daymunc.org/documents/rules_090705.pdf). DAYMUNC rules short form: [http://daymunc.org/documents/shortform\\_090705.pdf](http://daymunc.org/documents/shortform_090705.pdf)

<sup>3</sup> United Nations (1945) Ch. V: The Security Council, Article 24. *Charter of the United Nations*

<sup>4</sup> United Nations (1945) Ch.: The Security Council, Article 25. *Charter of the United Nations*

Acronyms

ABM: Anti-Ballistic Missile

CCW: Convention on Certain Conventional Weapons

C-RAM: Counter Rocket Artillery and Mortar

CTBT: Comprehensive Nuclear Test Ban Treaty

DPRK: Democratic Peoples Republic of Korea

HCoC: Hague Code of Conduct against Ballistic Missile Proliferation

IAEA: International Atomic Energy Agency

ICMB: Intercontinental Ballistic Missile

IHL: International Humanitarian Law

IRBM: Intermediate Range Ballistic Missile

ISR: Intelligence, Surveillance, and Reconnaissance

LAWS: Lethal Autonomous Weapon System

MRBM: Medium Range Ballistic Missile

NPT: Nuclear Non-Proliferation Treaty

NTI: Nuclear Threat Initiative

PMC: Private Military Company

UAV: Unmanned Aerial Vehicle

UN: United Nations

UNODA: United Nations Office of Disarmament Affairs

UNSC: United Nations Security Council

ROK: Republic of Korea

SEAD: Suppression of Enemy Air Defense

SLMB: Submarine Launched Ballistic Missile

SLV: Space Launch Vehicle

SRBM: Short Range Ballistic Missile

THAAD: Terminal High Altitude Area Defense

I. The Nuclear Program of the DPRK

“...Anything less than 100 percent is unsatisfactory in a context where of, say, 1,000 incoming nuclear weapons, a penetration rate of even .5 percent could spell the end of five major cities.”<sup>5</sup>

A study of the Korean peninsula is a study in extremes. Due to its conspicuous location, this landmass is ideally suited to threaten the Japanese home islands and the Chinese mainland in equal measure. Presently, the peninsula is host to one of the least developed economies on the planet, directly adjacent to the epicenter of one of the greatest economic success stories in recent memory.<sup>6</sup> The most recent war on the peninsula represented possibly the greatest challenge the Korean people have ever faced, and the first test of the new multilateral security structure. On July 25<sup>th</sup>, 1950 the armed forces of the DPRK crossed the 38<sup>th</sup> parallel into the sovereign territory of the ROK. The following days saw the passing of multiple resolutions acknowledging the actions of the DPRK as an illegal breach of international peace and security and prescribing a remedy under the leadership of an American force commander.<sup>7</sup> Despite a conflict that grew well past the original mandate, UN forces were eventually successful in restoring the borders of the two Koreas to their pre-July 25<sup>th</sup> status.<sup>8</sup> To the present day, a lasting peace agreement remains elusive; the equilibrium holds under the auspices of an official cease-fire and a sizeable U.S. military presence. While another general war has been avoided, spasms of violence along the 38<sup>th</sup> parallel and other contested territories are not unheard of.<sup>9</sup> To the present date, the DPRK remains the only party to the NPT to withdraw, citing a clear and present danger to the security of the state in the form of bilateral ROK-U.S. military exercises; a notice of intention to withdraw was filed with the IAEA in 1994<sup>10</sup>, followed in 2003 with a public abrogation of the NPT, prompting a swift response from the international community.<sup>11</sup> Delegates should remain cognizant of the fact that, as the formal process of submitting intent to withdraw implies, the right to withdraw is enshrined in the NPT:

“Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.”<sup>12</sup>

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<sup>5</sup> Heuser, B. (2010). Deterrence: The British 'fleet in being' heritage. *The evolution of strategy: Thinking war from antiquity to the present* (pp. 357-360).

<sup>6</sup> Roehrig, T. (2013). South Korea, foreign aid, and UN peacekeeping: Contributing to international peace and security as a middle power. *Korea Observer*, 44(4), 623-645.

<sup>7</sup> S/RES/83 (1950) & S/RES/84 (1950)

<sup>8</sup> The mandate of the UN forces was expanded after a series of successes against the DRPK. See: A/RES/376(V)

<sup>9</sup> For more on this reference, open source data for conflict on Yeonpyeong Island and intermittent conflict in the vicinity of the northern limit line. <http://www.bbc.com/news/world-asia-pacific-11818005>

<sup>10</sup> This one gets a little crazy so bear with me: the DPRK announced it's withdrawal the required three months before the intended date as per the legalisms of the NPT (IAEA (1994) INFCIRC-447). However, the DPRK suspended this action prior to the end of this three-month period. The DPRK again threatened to withdraw in 2003. The prevailing opinion is the DPRK withdrew in 2003. For more on this please refer to the NTI: ([http://www.nti.org/media/pdfs/dprk.pdf?\\_id=1316466791](http://www.nti.org/media/pdfs/dprk.pdf?_id=1316466791))

<sup>11</sup> S/RES/825 (1993)

<sup>12</sup> United Nations (1968). Article X. *Nuclear Non-Proliferation treaty*.

The reigning legal opinion of the international community is that withdrawal from the NPT does not negate the former state party of responsibilities to the IAEA. Despite a highly restrictive litany of sanctions levied since 1993, and multiple rounds of the six party talks, the DPRK appears no closer to re-acceding to the NPT in the near future. More recently, the DPRK conducted its 4<sup>th</sup> and 5<sup>th</sup> nuclear tests in January and September of 2016 exacerbating fears of a North Korea armed with miniaturized boosted-fission or hydrogen weapons and prompting an additional round of sanctions.<sup>13</sup> Multiple ballistic missile tests at MRBM ranges were conducted shortly after the 6<sup>th</sup> nuclear test, falling within the exclusive economic zone of Japan. While not a party to the CTBT or the HCoC, the international community regards this activity as illegal. The core of the issue in many ways remains the question of miniaturization; without this feat accomplished the DPRK is reliant on fixed wing aircraft to accomplish a nuclear deterrent or strike mission. There is strong evidence to suggest that the DPRK is actively seeking to acquire a submerged deterrent capacity in the form of SLBMs.<sup>14</sup> A State that can miniaturize nuclear weapons is more than capable of affixing them to SRBMs or MRBMs. Additionally, citing fears about continued belligerence from the DPRK, the ROK and the United States have agreed to deploy the THAAD ABM platform to the peninsula despite the objections of other prominent parties to the six party talks.<sup>15</sup>

### Questions to Consider

1. What is your state's policy regarding article X of the NPT? What does (insert sovereign entity here) want to see the UNSC adopt by way of a definition of "the supreme interests" of a state party?
2. What is the state of relations between your state and both the DPRK and the ROK?
3. What is your state's policy regarding dual use good control regimes akin to the Wassenaar arrangement, multilateral transparency initiatives similar to the HCoC, and the development/deployment of ABMs akin to THAAD? Additionally, does your State maintain ballistic missile arsenals?
4. What is your state's stance on the six party talks?<sup>16</sup>

## II. LAWS and the Future of the International System

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<sup>13</sup> Suzuki, K. (2016), The Military and Technological Significance of North Korea's nuclear test: The threat is far greater than it was before. *The Diplomat*. & Schilling, John. (2016). North Korea's Largest Engine Test yet. *38 North*. & Union of Concerned Scientists (2016) How do Nuclear Weapons Works? [http://www.ucsusa.org/nuclear-weapons/how-do-nuclear-weapons-work#.V\\_D7qCMrJdg](http://www.ucsusa.org/nuclear-weapons/how-do-nuclear-weapons-work#.V_D7qCMrJdg)

<sup>14</sup> *ibid*

<sup>15</sup> Lockheed Martin (2016) <http://www.lockheedmartin.com/us/products/thaad.html> & Klingner, B. (2015). The importance of thaad missile defense. *Journal of East Asian Affairs*, 29(2), 21-41.

<sup>16</sup> Taking the time to familiarize yourself with the geopolitical situation relative to your government and the individual members of the six party talks is advisable.

“For seeing life is but a motion of limbs, the beginning whereof is in some principal part within, why may we not say that all automata (engines that move themselves by springs and wheels as doth a watch) have an artificial life?”<sup>17</sup>

The use of remotely piloted vehicles in military settings is not a recent phenomenon. In one of its earliest manifestations this activity can be traced back to the utilization of remotely piloted aircraft for training purposes. While UAVs have civilian applications, as noted by the UNODA, States are making ever-greater use of UAVs to conduct ISR missions, kinetic strikes against opposition forces, and more specialized tasks akin to SEAD. As a general rule, it would appear that armed drones are cheaper than traditional manned aircraft making them an ideal alternative for especially hazardous missions.<sup>18</sup> State use of UAVs as they are popularly understood has its roots in the American global war on terror.<sup>19</sup> Crucially, while the use of UAVs has been a reality for some time, the development and deployment of LAWS is still in its infancy. Reflecting this fact, the UN system has taken steps to clarify the differences between UAVs and LAWS, including the 2015 and 2016 informal meeting of experts on Lethal Autonomous Weapons Systems convened under the auspices of the CCW. The general consensus within the UN System remains that fully autonomous weapons systems are not yet a reality; LAWS are an emerging technology. However, organs of the UN system have flagged several existing weapons systems that are capable of degrees of autonomy: phalanx close in weapon systems,<sup>20</sup> C-RAMs,<sup>21</sup> Israeli systems intended for SEAD mission sets,<sup>22</sup> and other systems under development or actively deployed by multiple UN Member States.<sup>23</sup> A principle issue of this debate is the concern that distinct characteristics of UAVs will accelerate the development of LAWS and catalyze a drop in the psychological threshold of policy makers relative to the use of force:

“These characteristics—such as, inter alia, their low cost, relatively small size and portability, as well as the perceptions of reduced risk of harm to operators, potentially lowering the political risks associated with decisions to use force...”<sup>24</sup>

A justifiable concern considering LAWS would represent a significant leap forward from any conceivable battle implement when the foundations of IHL were being laid.<sup>25</sup> According to the field of robotics, if a system is capable of carrying out a task independent of human control, then it is autonomous:

<sup>17</sup> Hobbes, T. (1651) *Leviathan*. Chapters and paragraph numbers from the web extracts at (<http://studymore.org.uk/xhobin.htm>)

<sup>18</sup> Boyle, A. (2016). The US and its UAVs: A cost benefit analysis. *American Security Project*. & Technology Quarterly. (2009) Attack of the drones. *The Economist*.

<sup>19</sup> Blom, J. (2010). Ch.4 UAV Systems in Iraq and Afghanistan. US Army Combined Arms Center. *Unmanned Aerial Systems: A Historical Perspective* (pp. 105-119) Combat Studies Institute Press.

<sup>20</sup> <https://www.youtube.com/watch?v=lrre7STy5Pw&app=desktop>

<sup>21</sup> <https://www.youtube.com/watch?v=tZSJDcYDeBc>

<sup>22</sup> <https://www.youtube.com/watch?v=AyKXUfOubH0>

<sup>23</sup> United Nations (2013) The Emergence of LARs (7-11) A/HRC/23/47

<sup>24</sup> UNODA. (2015). Ch 1. *Study on armed unmanned aerial vehicles*. United Nations. <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/assets/publications/more/drones-study/drones-study.pdf>

<sup>25</sup> Docherty, B. (2016). *Mind the gap: The lack of accountability for killer robots*. Human Rights Watch. & International Committee of the Red Cross (2013). The Use of Armed Drones Must Comply with Laws. <https://www.icrc.org/eng/resources/documents/interview/2013/05-10-drone-weapons-ihl.htm>

“Autonomous weapons select and engage targets without human intervention. They might include, for example, armed quadcopters that can search for and eliminate people meeting certain pre-defined criteria, but do not include cruise missiles or remotely piloted drones for which humans make all targeting decisions.”<sup>26</sup>

Numerous NGOs have made their positions on LAWS known within the UN system.<sup>27</sup> The primary organ responsible for the defense of human rights has expressed concern over the proliferation of the concepts and technologies necessary for their development.<sup>28</sup>

Questions to Consider:

1. What is your state’s policy on the use of UAVs? Does your state have a history of utilizing UAVs for ISR, SEAD, or other security related missions?
2. What legal parameter does your state place on the use of UAVs in armed conflict? To what degree does your state utilize PMCs to conduct operations with unmanned systems?
3. What is your state’s policy on the development of LAWS? Is a blanket ban similar to Protocol IV of the CCW or other such goal hoped for?
4. Where do UAVs and LAWS fit in the broader context of IHL? What, if any, NGOs is your government in favor of relative to this topic?

**Ballistic Missile Categories**<sup>29</sup>

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<sup>26</sup> Project For Life Institute (2015). Autonomous Weapons Systems: An Open Letter From AI & Robotics Researchers. <http://futureoflife.org/open-letter-autonomous-weapons/>

<sup>27</sup> Campaign to Stop Killer Robots. <https://www.stopkillerrobots.org/about-us/>

<sup>28</sup> A/HRC/RES/25/22 & A/HRC/RES/28/3

<sup>29</sup> Arms Control Association (2014) World Wide Ballistic Missile Inventories <https://www.armscontrol.org/factsheets/missiles>

<u>SRBM</u>	<u>MRBM</u>	<u>IRBM</u>	<u>ICBM/SLV</u>
-1,000 km	1000-3000 km	3000-5000 km	5,500+ km
-620 mi	620-1860 mi	1860-3410 mi	3410+ mi