

Social, Humanitarian & Cultural
Committee

**BACKGROUND
GUIDE**

Taiwan Capital

Model United Nations

2015

Content

A Letter from the Chair.....	3
General Assembly the Third Committee--- Social, Humanitarian & Cultural Committee.....	4
Statement of the Problem.....	5
History and discussion	6
Latin America.....	6
Muslim World	7
Europe	7
China	8
United States	8
Privacy problem	9
Past UN Actions	9
Key Players	10
Questions A Resolution Must Answer	11
Reference	12

TCMUN II

A Letter from the Chair

Dear Delegates,

Welcome to the Social, Humanitarian and Cultural committee of Taiwan Capital Model United Nations 2015.

My name is Michael Lin, and I will be serving as your chair for this conference. I am a sophomore student majoring in Public Finance at National Cheng Chi University and double majoring Digital Content and Technology, minoring Diplomacy. I am also the minister of academics in Youth Association of International Conferences (YAIC) in our school. Yarn Liao and Anita Su will be serving as your assistant chairs for this conference. Yarn is in his second year studying at Taipei Municipal Chenggong High School and serves as an officer in the Cheng Gong High School Model United Nations Club. And Anita is also in her second year of high school, studying in Taipei Municipal Zhongshan Girls High School, and serves as an officer in the Maples.

The Social, Humanitarian and Cultural committee, The Third Committee of the six main committees at the General Assembly, was first founded upon the creation of the United Nations. The Council consists of all 193 members.

This year, the Social, Humanitarian and Cultural committee will be discussing the problem of Espionage. Espionage, or casually said as spying, is broadly defined as an act that involves a government, company or individual acquiring secret information without the permission of the holder. Since it is a severe violation of the privacy and state sovereignty, the international society has established several international laws and treaties after cold war to protect individuals and states from being spied. On December 10, 2013, SOCHUM adopted a draft resolution affirming that surveillance and collection of personal information violate the universal human right to privacy and expression. This resolution is the single UN document addressing mass surveillance and is considered to be only the first step towards eliminating unlawful electronic espionage. Therefore, this issue remains on the agenda of SOCHUM.

This study guide is meant to provide you with comprehensive background knowledge of the committee topic. However, further research is required in order for you to be well prepared for the conference. You should not only search on your own country but also understand the policies of other related countries. If you have any further questions, please do not hesitate to ask us. We really look forward to meeting all of you in February!

Sincerely,

Michael Lin

Chair, Taiwan Capital Model United Nations 2015

General Assembly the Third Committee---

Social, Humanitarian & Cultural Committee

¹United Nation (hereinafter cited as UN) is an essential international organization. Due to its powers, and its unique international character, they have vast impact on many aspects. There are seven main bodies in the UN, including General Assembly, Economic and Social Council, International Court of Justice, Security Council, Trusteeship Council, Secretariat, and Repertory of practice of United Nations Organ. Social, Humanitarian & Cultural committee (hereinafter cited as SOCHUM) is the third committee of the General Assembly.

The General Assembly allocates in the Third Committee agenda items relating to a range of human rights issues, and social, humanitarian affairs. Examinations of human rights are a crucial part of the work that SOCHUM focuses on.



²There are five main phases SOCHUM usually deal with: advancement of women, the protection of children, indigenous issues, the treatment of refugees, the promotion of fundamental freedoms through the elimination of racism and racial discrimination, and last but not least, the right to self-determination. SOCHM also concerns about social development questions such as issues related to youth, family, ageing, persons with disabilities, crime prevention, criminal justice, and international drug control.

Although SOCHUM have overlapping work to do, they have little force to the member states. SOCHUM have abilities on recommend the Security Council and the Secretariat to manage specific problem in ways suggested by member states and approved by the committee, while it is unable to trespass sanctions, authorize armed intervention or pass compulsory resolution.

Every state in SOCHUM has the same power of voting, and is equally in any form of discussion or having the same right.

Statement of the Problem

Espionage can be defined as a form of intelligence gathering conducted by individuals, states or companies in order to achieve self-interested goals. The term could be used with reference to business, economics, military or political decisions, but it most commonly relates to governmental foreign and defense policy. It implies the collection of confidential or secret information by varied methods without the consent of the holder of the information. The distinctive element in comparison with the intelligence gathering includes its inherently clandestine character, and is considered to be conducted unlawfully, in most of the cases.

The majority of states engage in espionage. However there is no specific international instrument on the espionage activities and the international law for it is also ambiguous.

Filled with paradox and contradiction, espionage continues to have an ambivalent place under international law. Even if states conduct it and there is no specific prohibition on it, it does not constitute a part of customary international law. As far as spy is concerned, they are not opining that their actions are in accordance with international law. When an intelligence officers gather intelligence through human sources in another country, they may regard it is lawful according to their country's law. In their parts, they are doing something useful and authorized to protect national security. However, the intelligence officer and the human sources may commit crimes in the other perspective in the other country.



³ There are different forms of espionage, categorized by the method of gathering information. Take Human Intelligence (HUMINT) as an example, defined as a type of intelligence derived from information collected and provided by human sources. It refers to information given by individuals. This form of espionage indicates the common form of gathering intelligence – the one conducted by spies. Besides, there is also the Electronic Surveillance (SIGNIT) comprising communications intelligence and electronic intelligence. The SIGNIT relies on technological methods to a larger extent such as the communications passed by radio, wire, or other electromagnetic means. The rapid development of technology determined the advancement use of this form of espionage at a large scale.

History and discussion

Latin America

In Latin America, since Edward Snowden, a former contractor for the United States' ⁴National Security Agency (NSA), claim that spies from NSA had monitored their phone and internet activity for a decade, the problem on espionage in Latin America had emerged to the stage. The evidences seem to be surface, for the NSA presentation displaying text messages sent by Mexico's president, Enrique Peña Nieto, during his election campaign last year. Immediately after the scandals erupt, ⁵Mexico summoned the United States' ambassador for an explanation. Likewise, Brazil demanded for an answer, and considering shutting down firms that co-operate with NSA eavesdropping. The communications minister, Paulo Bernardo declares "An encrypted e-mail system being developed for sale to businesses by the national postal service has nothing to do with national security. This indiscriminate spying is industrial espionage."



6

Also in Venezuela, two Colombian nationals are accused for being spies.⁷ And early before the news vents, Peruvian aviation official was said that Peru gave the Chilean government secret documents revealing his government's arms purchases until 2021. Although the government of Peru protests against Chile, Chile rejected a protest note from Peru. Diplomatic relations between Chile and Peru were challenged.

Due to the poor intelligent equipment, the states in this region have not developed sophisticated method of spying. They use blackmail to keep their internal security. The former Soviet Union, the US and other countries had intelligence operations in Latin America because of the Interest in the region. With the cold war ended, lots of states have removed their agent. However, the proof shows that the US still keeps lose tabs on Latin America, especially Colombia, where Marxist rebels are embroiled in a decades-long war to overthrow the government, and the country is awash with drug cartels which run the cocaine trade. Another area of interest is the

"Triple Border" between Argentina, Brazil and Paraguay, where there are suspicions that some organizations are funding radical Islamist groups around the world.

Recently, with the high-growing economy, other countries are beginning to take greater notice of Latin America.

And some of the agent has refer to as Russia and China may have recently increased their intelligence-gathering in Latin America to gain more influence in the region and, in Russia's case, to secure arms deals

Muslim World

⁸In 2013, Iranian intelligence agent was accused to play the role as two-side agent for many years and was arrested by Saudi Arabian government. Though the Iranian government dismissed the allegation as “baseless and repetitive”, Saudi government acclaims that the spy has received the money from Iran intelligent agencies.

As for other area in middle Asia, Edward Snowden and journalist Glenn Greenwald has revealed in his new memoir. In the memoir, it says

⁹“The Israelis are extraordinarily good [Signals Intelligence] partners for us,” the NSA document says, as reported in Newsweek, “but on the other [hand], they target us to learn our positions on Middle East problems.”

¹⁰The document indicated that a 2013 National Intelligence Estimate on cyber threats “ranked Israel the third most aggressive intelligence service against the US” behind only China and Russia, Newsweek reported.

Europe

In 2001, ¹¹ EUROPEAN PARLIAMENT has made a resolution towards espionage activities. The report has indicated the heavy impact on spy and interception. Besides, the document also inducts the intelligence service and stellate communications technology. To keep



European data protection standards, Europeans shows their concern on TTIP agreement. ¹²

¹³Though the legislation and protection as Euro has made, the data was still stolen by the spy, and the security in Europe was invaded. The case of Snowden has made a clearly proof. With the case releases, the European protest against NSA was aroused. Diplomatic relations and the TTIP have been tense.

China

Cyber-attack from China has been very severely. ¹⁴PLA Unit 61398 (the Military Unit Cover Designator (MUCD) of a People's Liberation Army advanced persistent threat unit that has been alleged to be the source of Chinese computer hacking attacks.) has been mistrusted to be one of the departments of Chinese government. Mandiant (an American cybersecurity firm) released a report indicates that ¹⁵APT1 has been stealing ¹⁶

hundreds of terabytes of data by PLA Unit 61398 from at least 141 organizations across a diverse set of industries beginning as early as 2006. Mandiant declare they have witnessed ¹⁷APT1 target dozens of organizations simultaneously. Further, the report says that PLA Unit 61398 attempted to steal large



volumes of valuable intellectual property, including technology blueprints, proprietary manufacturing processes, test results, business plans, pricing documents, partnership agreements, emails and contact lists from victim organizations' leadership.

United States

¹⁸United States is a noticeable target by other countries. Back to the 1917, during the cold war, the Soviet Union conducted a determined espionage program in the US, and attempted to recruit America citizens to spy for Soviet. With the cold war ended, the spy characteristic has changed. To maintain the security, the government has founded the National Security Agency (NSA), Central Intelligence Agency (CIA) and Federal Bureau of Investigation (FBI).However, the function of these three departments has been challenged to invade the right of the public privacy.

Privacy problem



¹⁹As the reported by Privacy International, we are closer than ever on preventing the export of surveillance technologies to repressive governments. According to the cases in 2013, we can see a lot of controversial trials. Courts

push back against surveillance and strengthen privacy is under concerned. Though the United Nations defends the right of privacy, privacy has its time at the United Nations. The UN General Assembly passed a resolution recognizing that any digital surveillance ²⁰programmer must be compliant with the right to privacy, and that any interference with the right to privacy must not be arbitrary and must be conducted on the basis of a legal framework, which is publicly accessible, clear, precise, comprehensive and non-discriminatory. ²¹And based on the cases of Snowden revelations, we can see there is lack of response from the Five Eyes. The report also prefigure that Kenya, Colombia Egypt, Tunisia, Argentina, Uganda, Arabia, are the districts which are under risks of privacy protection.

Past UN Actions

Espionage hasn't played an important role until May, 2013, the case of Snowden, when it became the most debatable cause of international concern.



The event which placed espionage on daily committee sessions of UN were the revelations about the programs of surveillance of the US intelligence and the UK on the Internet.²²

Inevitably, the United Nations did take action on the issue. In June, the discussions before the United Nations Human

Rights Council focused on how to protect the human rights of privacy and free expression in the digital age. During the debates, states identified the necessity of specific international regulation related to this matter. After a joint struggle of states, SOCHUM adopted a draft resolution affirming that arbitrary surveillance and collection of personal information violate the universal human right to privacy and expression. The resolution is essentially to reaffirm the human right to privacy despite the fact that emerging technologies make pervasive and boundless spying easier to undertake than ever before. This resolution is the single UN document addressing mass surveillance and it is considered to be only the first step towards eliminating unlawful mass surveillance and electronic espionage. Therefore, the issue remains on the agenda of SOCHUM.

In order to prevent the international espionage activities, international groups has made many international laws regarding to the topic espionage. Geneva Convention. Art. 5 addresses the treatment of persons detained as spies, providing that captured spies could be denied privileges that would permit spies to reveal damaging information, but otherwise requiring the same protection for spies as for other prisoners; in context, this article prohibits the treatment of espionage in wartime as a capital offense.

The Protocol Additional to the Geneva Conventions Art.46 recognizes the definition of espionage as stated in Hague Conventions (1907) and reaffirms the process of punishment to it. Agreement on Trade-Related Aspects of Intellectual Property Rights (1994) is an annex to the Marrakesh Agreement establishing the World Trade Organization. It is concerned with protection of intellectual property; it prohibits private corporate espionage.

Also, the objective of the United Nations is to create an efficient legal international framework which address the espionage issues and which will be in accordance with the advancement of technologies.

Key Players

Brazil and Germany have formally presented a draft UN resolution which calls for an end to electronic espionage and extended to the global Internet for the right to privacy. The document also contains a request to the UN High Commissioner for Human Rights on preparations for a year report with recommendations to protect the

right to privacy in the context of electronic espionage programs.

Many governments organize counterintelligence agencies separate and distinct from their intelligence collection services for specialized purposes. In most countries the counterintelligence mission is spread over multiple organizations. There is usually a domestic counterintelligence service, usually part of a larger law enforcement organization such as the Federal Bureau of Investigation in the United States.

On the other hand, non-governmental organizations have also reacted, after the mass surveillance scandals, by developing different project to fight against the phenomenon. Together, the NGOs addressed an open letter to the United Nations General Assembly in 2013 calling upon all states members to take a stand against indiscriminate mass surveillance, interception and data collection, both at home and abroad and to uphold the right of all individuals to use information and communication technologies such as the internet without fear of unwarranted interference.

Questions A Resolution Must Answer

1. Definite the range of the right of privacy.
2. How to balance between the security of country and the public right of privacy?
3. UN has committed a lot of action on protection of the right of privacy, but how can't it prevents the agent or government invades the public privacy, and how to advance it?
4. How to prevent the cases such as Snowden revelation?
5. How should UN take action on preventing the international cyber-attack?
6. How to make the international rule on espionage into practice?

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