

XXIX TecMUN

**Commission on Crime
Prevention and Criminal
Justice**

XXIX TecMUN
28, 29 y 30 de abril





XXIX TecMUN

HORARIO DE SESIONES

Lunes 28 de abril

Registro	8:00 – 9:00 hrs
Ceremonia de Inauguración	9:00 – 10:00 hrs
Receso	10:00 – 10:30 hrs
Primera Sesión	10:30 – 12:30 hrs
Receso	12:30 – 13:00 hrs
Segunda Sesión	13:00 – 15:00 hrs
Comida	15:00 – 16:00 hrs
Tercera Sesión	16:00 – 18:00 hrs

Martes 29 de abril

Panel de Discusión	8:00 – 9:30 hrs
Receso	9:30 – 10:00 hrs
Cuarta Sesión	10:00 – 12:30 hrs
Receso	12:30 – 13:00 hrs
Quinta Sesión	13:00 – 15:00 hrs
Comida	15:00 – 16:00 hrs
Sexta Sesión	16:00 – 18:00 hrs

Miércoles 30 de abril

Séptima Sesión	8:00 – 10:00 hrs
Receso	10:00 – 10:30 hrs
Octava Sesión	10:30 – 12:30 hrs
Receso	12:30 – 13:00 hrs
Novena Sesión	13:00 – 14:30 hrs
Comida	14:30 – 16:00 hrs
Ceremonia de Clausura	16:00 – 17:30 hrs



XXIX TecMUN Sr.
Agenda

"Sólo en las manos del hombre está el destino de la humanidad"

Secretario General: Aldo Adrián Acosta Medina

ASAMBLEA GENERAL

Subsecretaría General: Carla Denise Paucic Osorio

Asamblea General Plenaria

Presidente: Zajari Almaraz Quintana

- A) Infracción radical egipcia en contra de migrantes refugiados sirios como forma de represión y crímenes dentro de éste y otros países de Medio Oriente.
- B) Inestabilidad política y enfrentamientos militares dentro de Sudán del Sur, resultante de tensiones étnicas, culturales y diplomáticas.

Primera Comisión en Desarme y Seguridad Internacional

Presidente: Juan Ramón Díaz Maldonado

- A) Acuerdos entre la OTAN y la Federación Rusa en busca de la paz y regulación de armamento peligroso en Medio Oriente.
- B) Consolidación del régimen establecido en el Tratado para la Proscripción de las Armas Nucleares en América Latina y el Caribe.

Tercera Comisión en Asuntos Sociales Culturales y Humanitarios

Presidente: Gabriela Zaragoza Meza

- A) Convenio del Consejo de Europeo sobre prevención y lucha contra la violencia de mujeres y la violencia doméstica.
- B) Violación de los derechos humanos dentro de las cárceles de América Latina.

Alto Comisionado de las Naciones Unidas para los Refugiados

Presidente: Uriel Trejo Pecero

- A) Desplazamiento de grupos congoleños a Uganda debido al conflicto M23, medidas para la protección de estos grupos y posible erradicación del conflicto.
- B) Medidas de protección a refugiados centroafricanos y resolución al conflicto de la República Centroafricana.

Office of the High Commissioner for Human Rights

President: Juan Carlos Velázquez Quiroz

- A) Solutions to an Arising Cultural Hegemony and Talibanisation within Indonesia.
- B) Banditry and insecurity Hindering Humanitarian Efforts in Timbuktu and Fellow Malian Cities.



Office of the Special Representative of the Secretary-General for Children and Armed Conflict

President: Andrea Cuéllar Medina

- A) The Recruitment of Child Soldiers in Darfur, Sudan by the Rebel Sudan Liberation Army.
- B) Intimidation and Abduction of Children by Maoist Groups in India for their Recruitment.

CONSEJO ECONÓMICO Y SOCIAL

Subsecretaria General: Paola Rodríguez Escobedo

Comité Contra el Terrorismo

Presidente: Héctor Palafox Prieto

- A) Disminución de la violencia dentro del territorio libanés provocada por el grupo de Hezbollah.
- B) Creación de una resolución para los posibles enlaces entre las protestas civiles en Egipto con grupos de agitadores o terroristas.

Commission on Crime Prevention and Criminal Justice

President: Gil Zárate Santiago

- A) Espionage Activity between Countries and Their Repercussion on Sovereignty.
- B) Thailand Violations to International Law towards Military Activity in Cambodia, Modern Irredentism and Measures to Avoid It.

Programa de las Naciones Unidas para el Medio Ambiente

Presidente: Nelly Elizabeth Marín Vargas

- A) Medidas para prevenir y reparar los daños causados por los desechos humanos en el lago victoria en África.
- B) Consecuencias para el medio ambiente por las posibles violaciones del Tratado de Prohibición Completa de Ensayos Nucleares.

Commission on the Status of Women

President: Karla Andrea Hernández Andrade

- A) Domestic Violence and Sexual Assaults Against Women in Fiji and the Islands in the Pacific.
- B) Eradication of Abortion and Female Infanticide in China and India.

World Health Organization

President: Melanie Vértiz Jiménez

- A) Possible Solutions to the Increasing Levels of Obesity in Urban Settings and Its Multiple Repercussions on Health.
- B) Potential Positive Use of Genetically Modified Foods and Their Impact on the Prevention of Diseases and the Eradication of Poverty and Malnourishment.



Oficina de las Naciones Unidas contra la Droga y el Delito

Presidente: Mariana Ceja Bojorge

- A) Extensión de la distribución de nuevas drogas como el Krokodil.
- B) Tráfico de mujeres entre Europa Occidental y Rusia.

AGENCIAS ESPECIALIZADAS Y ORGANISMOS REGIONALES

Subsecretaria General: María del Carmen Salas Alvarez

Council of Europe

President: Valeria Fernanda Valencia Flores

- A) Attacks Perpetrated within Council Borders by Active Terrorist cells.
- B) Racial Crimes Committed against European Ethnic Minorities.

League of Arab States

President: Moisés Romero Guzmán

- A) Needed Actions to Enhance Public Security due to Transgressions by Extremist Paramilitary Groups in the Arab Region.
- B) Course of Actions Towards the Reduction of Oil and Gas Dependence on Persian Gulf Countries with Oil Based Economies.

North Atlantic Treaty Organization

President: Iván Gilberto Martín Enciso

- A) Consequences of ISAF's Withdrawal from the Islamic Republic of Afghanistan in 2014 after the Country's Democratic Elections.
- B) NATO-Russian Federation Plans in order to Achieve Peace in Middle East with Special focus in the Islamic Republic of Afghanistan, the Islamic Republic of Iran and the Syrian Arab Republic.

Security Council

President: Emiliano Reyes Pardo

- A) Violations of the International Humanitarian Law by Seleka Elements within the Central African Republic.
- B) Peace Implementation in Liberia following their Civil Conflict regarding the Influence of the United Nations Mission in Liberia

Weapons of Mass Destruction Commission

President: Emilio González Rentería

- A) Possible Nuclear Breakout regarding Iran's Nuclear Fuel Facilities.
- B) Course of Action towards the Control of Improvised Nuclear Devices and their Assembly by Terrorist Groups.

International Court of Justice

President: Marco Antonio Casas Moreno

- A) Jurisdictional Immunity of the State regarding Post World War II Proceedings (Germany vs Italy).
- B) Belgian Arrest Warrant of April 2000 (Democratic Republic of Congo vs Belgium).



Delegados,

Siempre pensé en la importancia de esta carta, de este último discurso, de esta despedida. Al escribirla sólo pienso en la manera correcta de englobar todo lo que TecMUN me ha enseñado, lo que espero que les enseñé a ustedes , y las altas expectativas que tengo de todos los presentes. Como sé que es imposible lograrlo en su totalidad, a través de palabras y en tan poco tiempo, tendré que conformarme con darles sólo los aspectos que considero más importantes de la experiencia que ha significado TecMUN para mí. Quiero platicarles que soy una persona que genuinamente cree en las corazonadas y, hasta el momento , nunca me han fallado. Una de esas corazonadas se llama TecMUN.

Gracias a esa corazonada fui delegada, moderadora, vicepresidente, presidente y ahora subsecretaria, y por fin, 13 años después de mi primer contacto con TecMUN, entiendo por qué la vida puso esto en mi camino. Les puedo decir que este modelo es parte fundamental de lo que soy hoy y quiero invitarlos a que encuentren algo, como lo ha sido TecMUN para mí, que les de identidad y fuerza para levantarse todos los días y hacer lo que desean. La gente con pasión hace mejor las cosas, la gente con pasión es exitosa y cambia al mundo.

Aquí voy de nuevo, hablando del éxito, como siempre lo hago. Para mí, la clave del éxito se encuentra en hacer las cosas con coraje y entrega, pero sobre todo, la clave está en confiar en uno mismo. Créanme que todo lo que necesitan para ser aún más grandes en la vida ya lo tienen, ya les fue otorgado. Ustedes tiene la máquina perfecta para lograr todo lo que se propongan, su única limitante, escúchenme bien, es su mente. Lamentablemente, uno suele darse cuenta de esto hasta que es llevado al límite y hasta que sólo cuenta consigo mismo. Es por eso que me gustaría ahorrarles unas cuantas decepciones y garantizarles que ustedes son los dueños de su destino.

Yo no me dirijo a ustedes como futuros líderes del planeta, sino como líderes actuales del mundo, porque el desempeño que han tenido estos tres días lo demuestran. Tengo la certeza que el universo está mejorando por personas como nosotros, con hambre de cambiar el orden actual, empezando por cambiarnos a nosotros mismos. Porque nosotros no tenemos miedo a equivocarnos, nosotros únicamente tememos a quedarnos con los brazos cruzados mientras todo se queda igual.

Claro es, que necesitamos la suma de fuerzas para cambiar los problemas globales que nos aquejan; por lo cual es indispensable que aprendamos a escuchar, dialogar, alzar la voz y sobre todo, a ceder. Y esto es algo que sí se aprende en tres días y que se aplica para toda la vida, así es que vayan y aplíquenlo día con día.



Les deseo lo mejor,

Paola Rodríguez Escobedo

Subsecretaria General para el Consejo Económico y Social para el XXIX TecMUN





Dear Delegates:

Thank you for accepting our invitation for participating in this Tecmun. This model is prepared for you with constant effort and dedication from the entire secretariat. You are expected to prepare yourself to guarantee a successful performance during these three days of debate. What I expect from you is to enjoy the experience that Tecmun represents, this means to meet new people, work hard and enjoy the debate. Feel free to consult any doubts or comments with the chair.

This Tecmun is different to me because of two reasons. First, this is my last Tecmun and represents the culmination of eight years of lots of experiences and knowledge earned. Second, this model is directed to High School students. The last reason is the most important to me because the goal is different from the goal we established for Tecmun Jr. During Tecmun Jr. our main goal is to leave conscience in the minds of our Middle School delegates while our goal in Tecmun is to enrich our minds and spirits through debate and effort. Tecmun is an event where you and I are going to learn something from the others and from us.

In other terms, I would like to express myself to you, regarding some aspects of life; that is why I use this letter to establish a better dialogue with you, delegate. Comprehend this letter from young adult to young adult instead from president to delegate. I know that the term “young adult” is way too formal to define ourselves, but the truth is that life is getting formal for us, sooner or later is time for making decisions, is time to start being responsible for ourselves, in summary, it is time to mature. Unfortunately, life is constantly changing; some of us who made plans know that nothing is for certain. Hard working is not enough to carry on with our daily fight. Sometimes we forget which is our fight or what are we fighting for. These dilemmas challenge our self-knowledge and identity. Only through decisions and actions we are going to be able to solve them. I really believe that decisions define our identity, so is the way we remind ourselves which is our fight and what we want to achieve, the way we consolidate our identity.

It is important to know us completely. The best way to do it is to explore our identities and personality through experimentation. What I want you to understand is that sometimes we fall into a comfort zone where we think we know ourselves without trying new things. I am asking you to play carefully with your existence, with your likes. Be brave to meet new people, to meet aspects that you didn't know of yourself. By doing this, we live instead of just existing. Living implies risks, conscience, decisions, consequences, and rewards. I have been trying new things to get to know me better during High School, and some of my likes have changed while others have stayed, as well as my passions; and through this introspection I found out that the passion that isn't going to change is Tecmun, because it reminds me who I am and which are my goals. Delegate I hope that Tecmun gets to fill you with in the way it does to me, I will work with you to achieve it. The important thing, delegate, is to find our true passions, because they help us to carry on. Passions save you from routine, even from yourself. Find your Passion and live.

Gil Zárate Santiago

President of the Commission on Crime Prevention and Criminal Justice



Topic A: Espionage Activity Between Countries, their Repercussion in Sovereignty and Measures to Avoid It.

Introduction:

United Nations Commission on Crime Prevention and Criminal Justice mandates and priorities include international action to combat national and transnational crime such as improving the efficiency and fairness of criminal justice administration systems. Despite espionage being considered a criminal activity, many institutions such as governments, spy on others. Some governments are more active in espionage than others, the question is: Why are they spying on others? These facts make us wonder if governments consider espionage an illicit activity. Espionage is the practice of secretly gathering information about an institution, with the purpose of placing one's own at some strategic advantage. Since many years ago, kingdoms and nations have been spying on others to place themselves at the head of hegemony. They performed this activity and when is known they recognize it as a crime even when they know they had done the same. For many governments spying is right only if it remains unknown at the eyes of everyone. Are governments willing to stop their activity of espionage? During the sessions your work is to answer that question. Delegate, the chair reminds you this document was gathered with the purpose of exposing general information regarding this topic; it is your obligation to make a complete research for you to have an excellent performance during this model.

Espionage During History:

Espionage activity is a phenomenon with no author or established origin. It was used since the first civilizations were created, from west to east and from North to South. Sun Tzu (a chinese general) wrote in his book *The Art of War*: “The brilliant leaders and the best generals who are capable of obtaining intelligent agents as spies, are able to accomplish big achievements.”

Rome: They presumed to win battles with no tricks, their superior army was enough to make the Roman Empire an undefeatable State during that age; but they placed themselves in a strategic position by sending undercover agents to the different civilizations, allies or enemies of Rome alike. They were the first to know that it is not enough to gather information from others to assure power and positions, they had undercover agents working with Roman society to guarantee success. Spying on their own population was a tool for governments to avoid insurrections. Romans were masters of espionage, even the members of State spied on each other. Each Patrician (Roman aristocrat) had their own line of spies, they gathered information from other Patricians to be aware of schemings, to be able to betray and to reach power. These aristocrats even spied on the head of the Roman Empire,



the Caesar and he did the same to them.

Middle Age: During this age the world order was at chaos, everyone wanted to be at the top of hegemony with the fall of the Roman Empire; different kingdoms wanted to expand themselves, but there was an important force that placed itself at top. It had an important role in politics and society; this institution was not a monarchy nor was a government, this institution the Church. The Church had power enough to proclaim emperors and disappear kingdoms. Priests were mandated to evangelize and at the same time to observe and spy different nations. The Pope during those years was the most powerful man on Earth, he had more power than governors and he even was the head of some wars. The period of time when the church made an abusive work of espionage was the Inquisition. The french bishop Bernand Gui was one of the movement's leaders and his work served to promote the Inquisition during the XII and XIV centuries. He wrote the book *Conduct of the Inquisition into Heretical Wickedness* where he explained how heretic people were identified and how they were treated, this book shows the espionage techniques that inquisitors used.

Enlightenment: During this century, humans released themselves from corrupt monarchy; while democracy and nationalism became symbols of revolution. These enlightened people, who called themselves revolutionaries, used the same methods that monarchy used once: instead of respecting human life and giving value to life through social development, once they became the head of State, began to spy on people and their opponents to avoid insurrections as Romans did. During the French Revolution, one of its fathers, Maximilien Robespierre, established twelve "vigilance committees" across the country. These committees had the faculties to monitor, identify and arrest anyone who was a suspect or considered a threat for the new State. It is shown that less than half a million people were victims of these vigilance committees.

Robespierre's vigilance committees served as a base for the development of espionage as a bureaucratic activity. In Europe, during XVIII and XIX centuries, some governments created black cabins, which were official departments that served for reading private mail. They developed skills to open and close letters without leaving evidence the envelope had been opened. These activities became public thanks to a scandal that involved the British government. It became known that the correspondence of Giuseppe Mazzini (Italian writer exiled to Great Britain) was opened and read by officers of the black cabin, and it is speculated that the British government sent information regarding Mazzini's letters to the Italian government in order for them to execute Mazzini's revolutionary friends.

Technological advances regarding proliferation of weapons and devices for spying were developed during the Second World War. Nazi Germany began an espionage program, as well as the other nations involved in the conflict. During those years, there were undercover spies all around the world. Espionage activity was highly active. These undercover agents



were trained and sometimes they moved in the high level spheres of society without being noticed.

By the end of the Second World War, a period began where the United States of America and the Soviet Union started a competition (known as the Cold War) in every field, including espionage technology and the increase of this activity.

Stasi: Ministry of State Security (Ministerium für Staatssicherheit) of the Democratic Republic of Germany was known to be one of the most efficient and repressive police agencies with espionage activity. It was located in East Berlin and it was considered the most effective intelligence agency in transnational operations during the Cold War. Stasi performed many tasks, the most important was to spy on the population with the help of a civilian net of informants. Stasi hired around 173 000 unofficial workers. They mastered a technique called *Zersetzung* that means decomposition; this technique consisted on psychological harassment to perceive enemies. They realized that torture and arrest was not useful and was crude, the usage of psychology provided them the ability to persuade their opponents to continue with their activities against the state. *Zersetzung* was used to identify and give an end to state enemies. Stasi official and unofficial employees infiltrated all sectors of society, industry, healthcare, army, and government. They even were secretly present in the United States of America, the Federal Republic of Germany and the Soviet Union.

Project SHAMROCK was an initiative of espionage exercise started in August 1945 by United States of America. This project consisted on the accumulation of telegraphic data that entered and left a country. This project gave special faculties to AFSA (Armed Forces Security Agency) and later on to the NSA (National Security Agency) to have direct access to daily microfilm copies of all the incoming and outgoing telegrams via the principal communication companies such as Western Union and RCA (Radio Corporation of America). The data that was of interest to other agencies, such as FBI and CIA, was given by NSA. It who was in charge of intercepting operations and this exercise had no limitations or warrants until in 1975, when Project SHAMROCK began receiving critics from the Congress and in 1978, this exercise was limited by the Foreign Intelligence Surveillance Act (FISA). FISA established process warrants and judicial review to NSA espionage exercises. In 1980 NSA itself created the U.S. Signal Intelligence Directive (USSID), which is a manual of procedures and guidelines for handling Signal Intelligence gathered from USA citizens without warrants. USSID practices were considered a violation to FISA intent and came under investigation during George W. Bush administration.

Project MINARET was the sister of Project SHAMROCK. It was an espionage exercise that intercepted electronic communications that contained the names of predesigned



citizens. These activities were practiced by the NSA, which had the faculties to handle the information they considered pertinent to different agencies such as the FBI and the CIA. Those names belong to a so called “watch list” made by Executive Law Branch enforcement and included the people who were suspects of attempting against national security. This practice, like the ones of Project SHAMROCK, had neither warrant process nor judicial review. “Watch Lists” included over 5, 500 foreigners, 1,690 organizations and American citizens. Britain’s intelligence agency, Government Communication Headquarters (GCHQ) took part in the project by targeting several anti-Vietnam War dissidents. Project MINARET operated that way from 1967 to 1963, until in 1972, the US Supreme Court considered that the government had the right and the authority to protect the nation from anarchy and subversive activity, but it did not allow the government faculty to use electronic debugging for espionage practice. Project MINARET got the same limitations as Project SHAMROCK; FISA established a process of warrants and judicial overview to NSA. The USSID procedures and guidelines took part in NSA espionage exercise and it was considered an attempt to accomplish what FISA did. Finally it came under congress investigation during George W. Bush's administration.

Technology:

Intelligence is restricted to crucial information about the target or enemy, his strength, location, likely intentions, and capabilities. Also, good intelligence has a time factor; it must be quickly collected, analyzed, and delivered in time for the user to act upon it. The last step is dissemination. Many times, people mess up between intelligence and espionage; though they go hand by hand sometimes, they are not the same thing, not even close. Espionage is not something recent, actually it is almost everywhere. Have you ever noticed the cameras around the street? Or surveillance in a mall? Those are in some way a kind of espionage to maintain order. The use of information technology in espionage has increased in recent decades due to the use of services as the internet, GPS, television, and some other communication systems. The United States of America and Japan are the two countries that spend more money in developing ways for the espionage without the need of being connected to a network. According to a recent article, the past year the United States achieved to spy on 100 computers without Internet access by using MAN (Metropolitan Area Network). Also there are other ways to spy on people or even complete nations.

- **Concealment Devices:** these are devices that are camouflaged as conventional objects used with motives of security or surveillance. A clear example of this is the common spy pen or coin used in movies. They appear to be something obvious, but nowadays nations use this kind of devices for keeping a record of their allies and enemies in order to know what they are doing or planning.
- **Cyber Spying:** one of the most common ways of spying is through the web. This is widely known because common people use it sometimes to get information from



others, like bank accounts or passwords. The way of getting into it is with the use of malware known as spyware, which registers the information you enter and sends it to a specific address.

- Surveillance: this one is divided in three: aircraft surveillance, satellite surveillance, and common surveillance. The use of photographs or videos is very important in this type of espionage, as it can be inferred the satellite surveillance is taken from outside the Earth and it helps to give a big overview of what is happening in all the world, but with very small details. In that order, the second one is aircraft surveillance, which is made in a specific region with specific purposes but it is always dangerous and obvious. The last kind is the one we see in the malls or private places whose purpose is to watch that nothing goes out of control.
- Signal intervention: government agencies and even some industries have developed technology for getting information out of common devices such as radios, radars, etc. The interception can go from big devices such as supercomputers or antennas to small devices as smartphones and hand radios. The most recent improvement to this technology was the use of the GPS to get information of the position and even listen to conversations through this, United States free service. It is implied that the technology for intercepting this signal was developed by the creator of it. The interception is almost invisible to the user and the ways to avoid it are scarce; the only way you can be sure it is not happening is to turn off the device, but as it is needed a lot of infrastructure to spy this way, they only use it on politicians and leaders.

Development:

United States, Korea and Japan are the three countries that invest most of their money in the development of technology for espionage. The past year the USA inverted around 75 thousand millions in this area; from that amount, one thousand million was used for a satellite launched in August at California. Now the USA has two satellites in the atmosphere that help them know what is happening around the globe. During 2012, the amount of money dedicated to this area increased 7.9 %, motivated by the new threats of crimes and by the ambition of some nations. Japanese companies destine a big amount of their capital in the development of surveillance hardware and software, for example the NEC invests 10% of its capital.

United States of America Espionage Activity:

United States of America is one of the most active countries regarding espionage practice. Since many years ago, United State of America has entrepreneured some of the best programs of intelligence around the world and even towards their citizens. This nation has a global position where they are at the top of the world order. Recently, thanks to a lot of



filtered information, it is known that the United States of America has spied on its allies, its commercial competitors and different nations around the world. The reason they spy on others is uncertain; the fact is the United States of America is responsible for many practices of espionage. In June 2013, a scandal broke thanks to a release by The Guardian Newspaper, which stated that the NSA was collecting telephone records of tens of millions of Americans. The newspaper published the court order where NSA demanded Verizon (telecommunication enterprise) to hand over all its telephone data on an “ongoing daily basis”. This information shows part of the American espionage scope.

The newspaper, Washington Post, released data explaining how the NSA gathers and has access to Internet servers of different Internet firms included Facebook, Yahoo, Microsoft, Google, Youtube, Skype, AOL and Apple Inc. NSA was tapped directly through a surveillance programme known as Prism. Internet Firms denied they gave direct access to NSA. The scope of these electronic tools has been analyzed by experts in surveillance programs, and it has been concluded that the power of Prism is questionable. This information was provided to the media by the former CIA analyst Edward Snowden.

Another scandal affected United States of America, only this time the scandal may compromise international relationships with others countries. Different media released that NSA had intercepted phone calls from different international leaders, including the Mexican president, Enrique Peña Nieto, the Brazilian president, Dilma Rousseff and the German chancellor Angela Merkel. The last one, following the german newspaper *Der Spiegel* was spied by NSA since 2002. Two of her cellphones were equipped with an encryption system. This allowed the NSA to intercept Angela Merkel's phone activity from a building separated from the United States of America Embassy in Berlin. This building without windows served as an operational office where NSA could gather information from the chancellor's phone and others. Angela Merkel, Enrique Peña Nieto and Dilma Rousseff are part of the foreigners who are persons of interest and were named in the “watch lists”.

Embassies play an important role in diplomacy and for many countries, such as United States of America; they play an important role in espionage. USA Embassies serve as operational centers where they can coordinate their operations. The Guardian Post published that more than 38 American embassies and diplomatic missions are under surveillance operations; this surveillance embassies are in places such as France, Germany, Italy, Greece, Japan, South Korea, etc. Also, it is known that the United States of America has a well-covered programme of surveillance in Latin America, which includes the governments of Mexico, Brazil, Chile and Colombia. In this region the governments are not the only targets of espionage, economic interests come by nature, it is known also that the state-own oil enterprise Petrobras had also been spied by NSA.

United State of America is a country at the top of many fields as industry, economy,



education and espionage, but it does not mean that is the only country with experience in those fields, fortunately or unfortunately for some, United States of America is not the only country who spies. Another emerging economies have similar technology of surveillance and use it the same way. United States is not the only country that attempts against sovereignty and privacy.

International Espionage Activity:

When the NSA scandal began, many countries felt offended and some were exhibited as well as the United States of America. It is known that countries spy on each other, but most of the times it has been indirectly accepted as long as this espionage is not public and is discrete.

Five Eyed Alliance: United States of America, Great Britain, Canada, Australia and New Zealand are members of this espionage alliance where they exchange and use each other's intelligence for their own objectives. Great Britain used American intelligence to contrast a terrorist attack, New Zealand supported the alliance in order for other countries to be able to send troops to Afghanistan and Australia used this net of espionage to condemn a man who was producing bombs. These nations are aware of the benefits of surveillance operations; they enjoy the benefits of American database and use it to accomplish their achievements. As Bruce Ferguson (ex former-headmaster of New Zealand exterior intelligence agency) said: "Information is like gold, if you do not possess it, you will not survive." Together these five nations had developed surveillance technology as follows:

- Echelon: a system that collects and processes information derived from intercepting civil satellite communications.
- Thinthread: an analysis tool that creates graphs showing relationships and patterns that can tell analysts which targets they should look at and which calls they should listen to.
- Tempora: a programme that collects intelligence via undersea fiber optic cable taps.
- Xkeyscore: an analytic framework that indexes email addresses, file names, IP addresses, cookies, phone numbers and metadata, and enables a single search to query a three-day rolling buffer of all unfiltered data stored at 150 global sites.

Great Britain is a nation with a very active espionage exercise, (GCHQ) the Government Communication Headquarters (British intelligence agency) was involved in espionage through Fiber-optic cables. GCHQ intercepted more than 200 fiber-optic cables and was able to monitor more than 600 million communications a day. Information regarding web



navigation and telephone usage was kept for a while and then was gathered and analyzed by GCHQ. The Guardian Post released this information. Although Great Britain did not break the law, it is important to take into consideration if law is legitimate for allowing the accumulation of that amount of data.

After French president, François Hollande, demonstrated his indignation after the report that showed NSA's phone interception in France, an ex-former headmaster of French intelligence during Nicolás Sarkozy administration, Bernard Squarcini, exposed: “We spied on the United States of America too... French intelligence knows well that every country no matter if it is an ally against terrorism or not, spies on others all the time”. He finally explained, as well, that Washington spies Paris for commercial and political purposes, but Paris does the same towards Washington.

The list of countries that practice espionage is very long. From the United States to People's Republic of China, many countries spy on each other for industrial, commercial and political purposes. They develop surveillance equipment just as the United States of America does. They enjoy the benefits of the possession of information. The interchange of data is positive, but espionage is an activity that shades the ethic practice of collecting data. Espionage is an activity with no borders and it is not practiced only by a few.

Edward Snowden:

Edward Snowden is an intelligence analyst who worked for the CIA and was a witness of the NSA practices performed to spy important leaders. He decided to quit his job and took a plane to Hong Kong where he contacted *The Guardian*, and *The Washington Post*. He shared important news about espionage committed by the US, which gathered information from Skype, Google, Facebook and other internet monsters. By the nickname of Verax he passed the news and afterwards the US threatened to chase him; eventhough, he got involved with the Wikileaks's leader and founder Julian Assange, who wanted to help Snowden in his important task of sharing this information. Russia hosted Snowden after a month in which he was inside the airport in Moscow but not passing through the check to avoid the chance of getting caught by the local police. Nowadays Russia is hosting the man who spread secret government documents, and he has declared that he will continue doing so until he wishes to return to the US. Snowden has made many articles talking about US espionage, the tactics they use and the information they gather from that. Also he has



published answers to the US government's demand on his return to the country.

Julian Assange:

Julian Assange has taken an important role in the topic of international espionage with his publishing in the company, in which he is actually the director and editor-in-chief, Wikileaks. In this page, Assange and a whole group of investigators, who keep their anonymity, decided to reveal secret information of private companies and strong and powerful governments, classified by him as totalitarian.

As a teenager, he co-founded a group of hackers named the International Subversives and made clear what his interest was not to: damage the systems nor change the found information, but he would always share it. He became known as the most famous ethical hacker in Australia because of this. The group was found to enter the systems of the Pentagon and thus, the Australian policy tapped the group's phone line. After three years, Assange was accused for over 30 hacking crimes and damages of more than 100, 000 dollars. In 1995, he was released with a fine of 2,100 dollars when he pleaded guilty of 25 charges, the other six were dropped.

Near 1999, he alerted the world for the first time about control and espionage the National Security Agency was attempting to develop. Even though Leaks.org was patented later that year; it was not until 2006 that Wikileaks appeared in the map. Assange declared in the page that it was a not-for-profit company that intended to provide "innovative, secure and anonymous" information to make clear how political representatives were managing the world.

Assange has been already accused of many crimes in many countries, mainly in the United States of America; this State accused him of collaborating with Chelsea Manning, a soldier of the United States Army who was convicted in July 2013, to make public classified documents in Wikileaks, including July 12, 2007 Baghdad airstrike, Granai strike, Iraq War documents and other documents exposing the United States of America of a series of attacks mainly to Iraq, Baghdad, Kenya and Afghanistan.

Sovereignty and Ethics:

The meaning of sovereignty has varied throughout the course of history, but it can be defined as "the authority of a state to govern itself", but it can also mean "the supreme



authority within a territory”. On the other side, Ethics have a larger definition, which can be well-founded standards of what is right or wrong and determine what a person should or should not do in terms of rights, obligations, and benefits to society and virtues.

It has been greatly debated that sovereignty and ethics are rarely discussed with the seriousness they deserve because of skepticism, national interests, or that Ethic’s definitions vary from country to country. Whether or not everyone possesses the same understanding of Ethics, it is clear the world is in need of a deep and serious discussion regarding this topic, not only because of globalization and the enormous changes it has generated, but because there are questions that have to be answered and that regard both sovereignty and ethics, for example: how should the world act in critical situations such as immigration for political and economic reasons, environment protection, the creation of new States, intervention were human rights violations are taking place, hunger and lack of proper medical attention, or the current situation of how countries spy on each other? Edward Snowden's declarations have helped to attract attention towards mass surveillance programs, to the threat they pose against sovereignty, and the violation of the International Law. Programs like these greatly affect relationships between countries and reduce the credibility and sincerity of diplomatic policies while -as it has been mentioned before- threatens the sovereignty of the targeted countries.

Conclusion:

Espionage is an activity that threatens sovereignty. It is a fact that countries are aware of their own espionage exercise and the one that is exercised by other nations. Citizenship does not know the espionage activity over them and in the worst of the cases they accept it and try to live with it. Sovereignty allows us to develop, to act with responsibility and with these, become free. Espionage is an obstacle for us to be free. It has become so common for humanity, that we learn about it and enjoy the benefits of this activity. Espionage brings profits and advantages. For this activity to be partially stopped, it is necessary international cooperation and commitment, severe sanctions and the compliance of those. Which benefits is it going to bring the end of espionage at a political, economic and international level?



Topic B: Thailand Violations to International Law towards Military Activity in Cambodia, Modern Irredentism, and Measures to Avoid It

Introduction

The conflict between Thailand and Cambodia has existed since a century ago, but during 2008 and up to the present, the tension has increased. Due to the political crisis in Thailand, the frontier conflict has positioned the region as the second worst conflict nowadays; only the Syrian war is above it. The problem can be easily resumed as the border demarcation of the Preah Vihear temple, which is situated in Cambodia, but Thailand claims, this and the whole region that surrounds it, as Thailand territory. During 1962 the International Court of Justice (ICJ) decided that the territory was part of Cambodia, but Thailand did not give up regarding it. Though the conflict stopped after the court's verdict, in 2008 the tension increased once more because Cambodia achieved that the temple was considered as world heritage. The conflict is not only an international dispute, but also a matter of national political interests in Thailand. During 2010 and 2011 there were continuous encounters between the militia of both countries that provoked the death of dozens of soldiers.

Political Crisis in Thailand

Since 2006, Thailand has been immersed in a severe political crisis due to the Army's (supported by the monarchy and the president's political opposition) recent Coup d'état. This happened when President Thaksin Shinawatra was out of the country. Later came a series of events that would decide Thailand's political future and the conflict regarding the Preah Vihear temple. The first issue came in the form of elections in 2007 that were supposedly an answer to the previous Coup d'état, but it became evident they were of no use. The elected candidate, Samaj Sundarajev, belonged to the People Power Party banner, which was also Shinawatra's party. He lasted just a few months in office, mainly because of numerous protests of the *yellow shirts* (social group opposed to the government mainly composed by the upper-middle class: professionals, small and medium sized business owners, etc). The second elected candidate, Somchai Wongsawat (also of the PPP), was accused of fraud and corruption, which would cost him the presidency too. Within this chaos, in December 2008, the current president, Abhisit Vejjajiva was elected, although many members of the parliament (members of the People Power Party mostly) were absent or had been also accused of fraud amongst other crimes. This caused protests from the *red shirts* (social group that supports the Shinawatra's government), which turned violent and led to the death of many people. The lack of democratic values, corruption, protests and general inconformity have prolonged Thailand's political instability in a great measure.



How Does This Relate to the Dispute with Cambodia?

Before Thaksin Shinawatra was brought down, the conflict of the temple of Preah Vihear began. When the UNESCO declared the temple as a world heritage site property of Cambodia, the president's opposition heavily criticized the national government to the point of accusing them of traitors supporting Cambodia's interests, which debilitated Shinawatra's image. The conflict of the temple is linked to Thailand's political crisis, but with the new government, things got even worse. Tensions between the two countries increased. Soldiers of both sides have faced each other resulting in the death of many people and making this the main armed conflict in Southeast Asia. Things escalated once more when former president Thaksin Shinawatra, exiled from Thailand, was named economic counselor to Cambodia's President Hun Sen.

The Preah Vihear temple:

The Preah Vihear temple is an infrastructure that belonged to the Khmer Empire which developed in Southeast Asia, its territory spread through Laos, Thailand and Cambodia. It was the greatest Hindu-Buddhist civilization in terms of wealth and culture. The temple was dedicated to the Hindu God Shiva. Its construction began at the early 9th century and it is situated at the top of Pey Tadi, a cliff in the Dangrek Mountains which straddle the border between Thailand and Cambodia. Preah Vihear it is a unique Khmer temple due to its construction characteristics. Represented a spiritual icon for the Khmer Empire, "Preah" means God and "Vihear" means Temple, Gods Temple is the meaning of this temple to Khmer civilization. During the course of time, different Khmer emperors paid attention and added temples and architectural details to form the complex of Preah Vihear. After the Khmer Empire came to its end, this region was controlled by different kingdoms, which were part of Khmer heritage. The complex runs over 800 meters and today it is cut by the border line between Cambodia and Thailand.

History of the conflict :

Origins:

The dispute for Preah Vihear temple began in the early 20th century. Thailand's and Cambodia's borders were defined by the Indo China treaty on February 1904, between France's colonial government there and the kingdom of Siam (which would later become Thailand). A line supposedly sketched to follow a watershed boundary made the temple part of Cambodian territory. The situation was thought to be settled until 1953, when



France withdrew from Cambodia, and Thailand sent troops to Preah Vihear in 1954, so Cambodia decided to file a suit in the United Nations International Court of Justice in 1959. Thailand's arguments stated that the previous French maps were wrong, and that the temple was actually on their side of the border. Finally, on June 15th 1962, the ICJ declared that the temple was on Cambodian territory. Thailand lost the case because the court considered they had accepted the border agreement by not complaining since the treaty of 1904.

The sentence has 2 important points that would define future situations. The first one read:

Temple of Preah Vihear was situated in territory under the sovereignty of Cambodia and, in consequence, that Thailand was under an obligation to withdraw any military or police forces, or other guards or keepers, stationed by her at the Temple, or in its vicinity on Cambodian territory.

In summary, the ICJ determined the temple was Cambodia's and Thailand had the obligation to pull back its troops.

The second one read:

Thailand was under an obligation to restore to Cambodia any sculptures, stelaes, fragments of monuments, sandstone model and ancient pottery which might, since the date of the occupation of the Temple by Thailand in 1954, have been removed from the Temple or the Temple area by the Thai authorities.

Now, while the ICJ said the temple was Cambodia's, they did not rule on an area of about 2 miles that surrounds the place, and which is now the site of the fighting nowadays.

With this verdict, the conflict was solved until 2008 after the UNESCO named Preah Vihear a World Heritage Site.

Previously, on 2003, the UNESCO nomination list offered Cambodia the opportunity to reach an agreement with Thailand over the temple. Both countries decided the site would be a transboundary site and would be managed by the two. But after the Coup d'état that ended Thaksin Shinawatra's administration, and the rise of Thailand's *yellow shirts*, things began going bad. The *yellow shirts* protested against the temple's status as World Heritage Site and began investigating the politicians who supported this, accusing them of diverse crimes like corruption and fraud.

After this, protests and fire exchange between both countries have taken place near the site, something that not only destabilizes the situation in the region and has claimed tens of lives, but also can cause severe damage to the temple's structure.



Timeline:

In July 8, 2008 the UNESCO named the temple a World Heritage Site, causing protests amongst Thailand nationalists. A few days later, three protesters from Thailand jumped a wire fence to go to the temple and they were arrested for it so both countries decided to send soldiers to the site. This action generated an exchange of fire for a short period of time and a few months later, Thailand accused Cambodia of putting land mines in the site after 2 Thai soldiers are injured in a blast near the border.

For about a year, several confrontations took place, generating several deaths for both nations. On September 28, 2009 a declaration was made by Cambodia's prime minister, Hun Sen; he stated he had ordered his troops to shoot anyone coming from Thailand that dared cross into the land surrounding the temple and afterwards he pleaded his people to defend their territory bravely.

On February 2010, Cambodia complained to Google that they had to review their maps because it was shown that half of the temple was in Thailand and in August a letter by Cambodian prime minister, Hun Sen, arrived to the United Nations in which he accused Thailand of threatening to use their military force, which was later denied by Bangkok.

On February 1, 2011, Cambodian authorities arrested two Thai (one was a high profile national activists) and sentenced them to jail for illegally entering Cambodia and for espionage. They had been inspecting the border territory at the moment of their detention. A week later, the Cambodian prime minister, Hun Sen, declared that the conflict on the border was no longer a "clash", it was now a war. He claimed that Thailand initiated it and that there would be no more bilateral talks. He also added that, since bilateral mechanisms were useless, they would support the usage of the international mechanism, which included asking the United Nations to do an urgent meeting and sending UN peacekeepers or observers to Cambodia. More Cambodian troops are placed near the border. After this, an exchange of fire occurred, leaving more tens of deaths and heavy artillery arrived to the zone.

In April, the longest clash between both countries' military power took place and Cambodia requested an interpretation of the 1962 verdict to the ICJ and "indications of provisional measures". In May, Thai prime minister said no watchers would be allowed near the border until Cambodian troops left the area, but in the next few days, it was agreed that Indonesia would send observers to the border. As well, in July 18, 2011, the ICJ said the provisional measures would be to declare a provisional demilitarized zone, to let the observers continue doing their duty and urged the countries not to do anything that might aggravate the conflict.

In August 5, 2011, Thaksin Shinawatra's sister, Yingluck Shinawatra, won the elections and became prime minister of Thailand, which meant that *red shirts* once more governed the



country. A couple months later, the ICJ dictated that the temple of Preah Vihear and the surrounding territories were property of Cambodia and urged Thailand to remove its troops.

Thai Disobedience Towards International Law.

The Preah Vihear temple dispute between Thailand and Cambodia is a cultural and political issue which originated since many years ago. Thai disobedience towards the verdict of the International Court of Justice suggests that there are another interest from Thailand to disobey international law. Preah Vihear temple dispute hides another dispute between both countries. A dispute that interests Thailand more than Cambodia. Both nations seek the control of oil and gas reserves along the marine frontier in the Thai Gulf, the dispute zone is known as Overlapping Claims Area (OCA). The solution of this conflict would promote the investigation and exploitation of oil and gas in Southeast Asia. With the Preah Vihear conflict resolved in favor of Thailand, the terrestrial borders would be established and then both countries would start with the negotiations of establishing the marine borders.

The OCA is calculated to have 11 trillions cubic feet of natural gas and immeasurable amounts of oil and condensate oil (mixture of hydrocarbons that exist in gaseous state and thanks to the temperature and pressure of the surface proximity it becomes liquid state.) The Overlapping Claims Area is limited by the claim of Cambodia in 1972, by the claim of Thailand in 1973 and by the marine frontier between Cambodia and Vietnam. These undefined borders make the area unexploitable for everyone.

It is known that Thailand energy demand is bigger than its supply, placing Thailand in a possible energy crisis, which is getting harder to endure. Thailand needs to increase its oil and gas reserves. Meanwhile Cambodia has a growing oil industry that is still below the competitive Thai oil and gas industry. Both conflicts create tension between Thailand and Cambodia and the whole region of Southeast Asia. Some want both conflicts to end in order to start investing in Thais' oil exploitation principally, while others do not have a rush for the conflict to be solved.

Irredentism :

Irredentism comes from Italian word *irredenta*, which means unredeemed. It referred to a political movement during the mid 1800's until early 1900's that was meant to make Italian speakers free of Swiss and Austro-Hungarian control and bring them to the new Italian State.

However, the meaning of irredentism, or its nature, has changed over the years. In the past, conflict between states appeared because of the desire of territorial expansion, justified by



saying co-nationals lived in the bordering state. Pressure to redefine borders came from the wish to expand, not from the secessionists' initiative for changing the borders in a way that it would benefit their motherland.

After World War II, territorial expansion became more difficult because states were "dominated" by the two great countries of the time: the USA and the Soviet Union. After the separation of the USSR, a new opportunity for irredentism to arise came, mainly because of two important reasons. First, the end of socialism brought back nationalism, and politicians supporting these ideas were able to create new states on the ruins of the old one. Second, a series of claims to change borders to delineate ethnic regions were supported greatly. This would help new states gather their predominant ethnic groups inside their newly acquired borders and would gain them access to more resources or to the sea. So, the same reasons why irredenta appeared in Italy a century before once more arrived and were adapted to the new system.

Irredentism, such as separatism, are phenomenons that occur because of historical unfortunate events that are not resolved. A state is an independent country consisting of territory and citizens headed by a government that commands loyalty. The importance of this definition is to understand that a State is not the ideal term regarding politics, a nation joins the same characteristics as a State does (sovereignty, territory, population and government) but also joins a common cultural and historical heritage among its population. Sometimes States are created without considering ethnic and cultural links. States are created and vanished with frequency, remembering us humans are still trying to organize themselves. With this simple knowledge we can understand better the behavior of states.

Irredentism happens because of population unconformity regarding their sense of pertinence, because the willing to recover territory and sometimes to enjoy the control of certain strategic areas. This phenomenon is natural. United Nations mandate is to spread legality among states, is where states organize themselves. The conflict between Thailand and Cambodia is an example of modern irredentism as well as Spain claims Gibraltar State and Palestine claims part of Israeli territory.

Conclusions :

Thailand and Cambodia conflict represents modern irredentism and expose the interests that are behind the conflict. The temple represent a cultural icon, which Thailand and Cambodia want to possess. This is also a step for the possession of Overlapping Claim Area (OCA) where oil and natural gas represent an opportunity for Thailand, and different states in Southeast Asia, to exploit and enjoy the profits. Thailand violated international law, this threatens the influence of United Nations and different organism such as the International Court of Justice. The verdicts should be respected, and there are certain



protocols to follow when there is a disagreement but the verdict can never be ignored. This Crime directly affects United Nations organisms and countries in Southeast Asia. The tension in this region is growing and military assaults are taking more lives. Preah Vihear has transformed from a spiritual place to a conflict region. The hidden economic interests make this situation even worse. Only with international cooperation and respecting the outcome verdicts of such organs, this border dispute between Thailand and Cambodia can come to an end.

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Operative Clauses

- Accepts
- Affirms
- Approves
- Authorizes
- Calls
- Calls upon
- Condemns
- Congratulates
- Considers
- Deplores
- Designates
- Emphasizes
- Encourages
- Expresses in appreciation
- Further proclaims
- Further recommends
- Further requests
- Further resolves
- Notes
- Proclaims
- Reaffirms
- Recommends
- Regrets
- Resolves
- Solemnly affirms
- Strongly condemns
- Supports
- Urges

Preambulatory clauses

- Affirming
- Alarmed by
- Approving
- Aware of
- Conscious of
- Confident
- Contemplating
- Deeply concerned
- Deeply disturbed
- Desiring
- Emphasizing
- Expressing its appreciation
- Expressing its satisfaction
- Fully aware
- Alarmed
- Further recalling
- Guided by
- Having adopted
- Having considered
- Having examined
- Having studied
- Keeping in mind
- Noting
- Reaffirming
- Realizing
- Welcoming
- Having Heard
- Believe