



31st Annual

BRIGHAM YOUNG UNIVERSITY MODEL UNITED NATIONS CONFERENCE

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Esteemed Delegates,

SECRETARIAT

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Welcome to the first ever BYU Diplomacy Camp! Most importantly welcome to the General Assembly Plenary Committee. It takes a special kind of person to speak at this conference, and to attack these issues, so I feel as though I already know what kind of student you are. I am so excited to work with you as we make history in this online diplomacy camp.

Although this year will be a good deal different than it would have been otherwise, I am so excited to work together to better ourselves, and our skills. My name is Jenna Cook, and I will be your director for the General Assembly First Committee (GA1). I am a senior studying Human Development and International Development. I recently took the LSAT and I'm excited to be applying to law schools for this next fall. Although our team did not compete last year in New York, I loved being a part of the BYU team. MUN has truly given me a place to further develop my skills and push me to new limits, which I hope it will also do for you.

This year our committee will address the following topic: Data Protection and Online Privacy.

This topic is extremely important in our day and age especially with so much of our lives moving online due to the COVID-19 pandemic. It is expected that you will devote your time and energy into researching this topic so that you can come to the diplomacy camp prepared to collaborate with other Member States in order to establish your prepared solutions.

This background guide's purpose is to provide a starting point to launch you into individual research. As you research consider your countries' policies and point of view regarding this topic. Please do not hesitate to reach out to me with any questions concerning the conference or topics.

I look forward to meeting you in November!

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Committee History

“Established in 1945 under the Charter of the United Nations, the General Assembly occupies a central position as the chief deliberative, policymaking and representative organ of the United Nations. Comprising all 193 Members of the United Nations, it provides a unique forum for multilateral discussion of the full spectrum of international issues covered by the Charter.” - United Nations General Assembly

Introduction

The United Nations General Assembly was established as part of the United Nations in the year 1945, and since then it has served an essential role in the function of the UN framework. The General Assembly is the most broad of the all the organizations, but its stated goal to “provide a unique forum for multilateral discussion of the full spectrum of international issues covered by the [UN] Charter,” remains clear and powerful.¹ The General Assembly is able to discuss a variety of issues from space exploration to world hunger, and it is often used as the first place for Member States to bring issues to be introduced for UN discussion.

According to the United Nations Charter of 1945, which outlined the role and function of the UN in the aftermath of World War II, “political independence” and “sovereign equality” are of equal importance to the General Assembly.² That being said, the General Assembly deals specifically with those issues that require cooperation and coordination among many Member States. This means that each Member State is free to decide their own domestic and foreign policies while the UN functions as a peacemaker and a place for diplomatic resolution when conflict arises or when Member State policies or solutions require collective action.

During the years immediately following WWII, the world saw the prominent rise of several superpowers. The General Assembly was established in order to give each Member State an equal voice so that when conflict rose between superpowers, they would not overwhelm the problems faced by other, smaller states. Since its establishment, the GA has contributed heavily to the success of the UN. Examples of some of the successes of the GA include the UN Declaration of Human Rights, which has been called a “Magna Carta” for all mankind, and the “United for Peace” resolution, which allows for the UN to intervene in conflicts to provide peacekeeping operations.³

In the most recent years, the General Assembly has been involved in re-evaluating the Millennium Development Goals (MDGs), a set of international objectives that were initiated in 2000. The MDGs pertain to the improvement of the human condition around the world in areas such as public health and poverty relief. As the MDGs are reevaluated, the GA will be involved in the creation of new sustainable development goals that will likely have a lasting impact on many Member States.

¹ General Assembly of the United Nations.” UN.org <http://www.un.org/en/ga/about/background.shtml>. Accessed 2 October 2020.

² Charter of the United Nations.” UN.org <http://www.un.org/en/sections/un-charter/chapter-i/>. Accessed 2 October 2020.

³ CFR.org Staff. 2015. “The Role of the UN General Assembly.” *Council on Foreign Relations*. September 8, 2015 <http://www.cfr.org/international-organizations-and-alliances/role-un-general-assembly/p13490>.

Powers and Functions

The General Assembly meets from September to December each year although extra sessions can be organized as the situation requires. Each Member State is entitled to one equal vote, and a simple majority is required for most issues, with the exception of (1) issues involving peace and security, (2) the election of Security Council and Economic and Social Council members, and (3) budgetary matters, all three of which require a two-thirds majority.⁴ The General Assembly strives to reach consensus on most issues, with adoption by acclamation being the preferred method of resolution adoption.⁵

Each session of the General Assembly is led by a President who is elected by the GA membership through a rotating regional nomination.⁶ The President controls all aspects regarding procedure of GA debate and is able to limit or extend discussion as the President deems necessary. The President also facilitates many bilateral negotiations between Member States in order to make progress towards consensus. The United Nations Secretary General acts as the chief administrative officer of the General Assembly and is elected by the General Assembly after being nominated by the Security Council.⁷

While the purpose of the UN General Assembly involves nearly all aspects of international efforts toward peace, it is an organization that is mainly concerned with making recommendations. These recommendations have evolved into sustainable solutions for much of the UN community. According to the Charter of the United Nations, which is the founding document for the General Assembly, the roles of the GA are to:

1. Consider and approve the United Nations budget and establish the financial assessments of Member States;
2. Elect the non-permanent members of the Security Council and the members of other United Nations councils and organs and, on the recommendation of the Security Council, appoint the Secretary-General;
3. Consider and make recommendations on the general principles of cooperation for maintaining international peace and security, including disarmament;
4. Discuss any question relating to international peace and security and, except where a dispute or situation is currently being discussed by the Security Council, make recommendations on it;
5. Discuss, with the same exception, and make recommendations on any questions within the scope of the Charter or affecting the powers and functions of any organ of the United Nations; VI. Initiate studies and make recommendations to promote international political cooperation, the development and codification of international law, the realization of human rights and fundamental freedoms, and international collaboration in the economic, social, humanitarian, cultural, educational and health fields;
6. Make recommendations for the peaceful settlement of any situation that might impair

⁴ *Ibid.*

⁵ *Ibid.*

⁶ President of the General Assembly." *UN Elections*. <http://www.unelections.org/?q=node/27> ⁷"Charter of the United Nations." *UN.org* <http://www.un.org/en/sections/un-charter/chapter-xv/index.html>.

⁷ *Ibid.*

- friendly relations among nations; and
7. Consider reports from the Security Council and other United Nations organs.⁸

Conclusion

The General Assembly continues to be the main international forum for discussing world affairs, and the setting it provides is invaluable to the international community. All Member States have an equal voice in the General Assembly, creating an ideal environment for the communication of Member State interests.

⁸ "General Assembly of the United Nations." UN.org. <http://www.un.org/en/ga/about/background.shtml>.

Annotated Bibliography

CFR.org Staff. 2015. "The Role of the UN General Assembly." *Council on Foreign Relations*. September 8, 2015 <http://www.cfr.org/international-organizations-and-alliances/role-un-general-assembly/p13490>.

An overview by the staff writers at the Council on Foreign Relations on the purpose and role of the General Assembly.

"Charter of the United Nations." *UN.org*. <<http://www.un.org/en/sections/un-charter/chapter-i/>>. Accessed 2 October 2020.

The founding document of the United Nations. The General Assembly draws its power and mandate from the Charter.

General Assembly of the United Nations." *UN.org*. <<http://www.un.org/en/ga/about/background.shtml>>.

A review of the history of the General Assembly on their website.

**President of the General Assembly." *UN Elections*. <http://www.unelections.org/?q=node/27>
"Charter of the United Nations." *UN.org*. <http://www.un.org/en/sections/un-charter/chapter-xv/index.html>.**

A review of the roles performed in the General Assembly with an explanation for how it is run and the role of the President.

I. Personal Data Protection and Online Privacy

"Information is the oxygen of the modern age. It seeps through the walls topped by barbed wire, it wafts across the electrified borders."

-Former U.S. President Ronald Reagan

Introduction

Article 12 of the Universal Declaration of Human Rights states that “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.”⁹ This article brings to light and firmly establishes the universal right of privacy and security in one’s personal information.

Over 3.3 billion people use the internet, which results in over 169 billion emails and over 3.5 billion Google searches being performed daily.¹⁰ With these statistics one can easily conclude that the World Wide Web is the main contributor to the transfer of information internationally, as well as information considered to be more private and personal. One can also safely assume that such an influential and powerful tool can and has ignited worldwide debate centered on the protection of privacy in both domestic and international spheres. For this reason, *Resolution 68/167* was adopted in January 2014.¹¹ This resolution calls further measures to be taken in order to combat the dilemma of internet privacy. Additionally, in October of 2018 the UN High Level Committee on Management (HLCM) adopted principles to set the basic framework of processing “personal data.” This document defined personal data and described the ways in which the principles would be implemented and used.¹²

Due to the daily internet activity that occurs worldwide, personal data is collected and stored by a number of corporate, governmental, and social organizations. This reliance on the internet has increased since the WHO declared a worldwide pandemic in March 2020 due to COVID 19. Since March the world has become much more dependent on technology. Businesses have gone remote, schools have transferred more data online than ever before, and new platforms for social media have escalated. Because lives are moving completely online, there is a much greater possibility for potential abuse and corruption in the world of personal data.¹³ Potential breaches of internet privacy can take on many forms. Areas of susceptibility can include, but are not limited to: “storage of personal data on networked computers,” “the collection and marketing of personal data by Web sites and direct marketers,” and “the introduction of new snooping software and technology.”¹⁴ Although in recent years this has been a major problem, it has increased dramatically since the pandemic began.

While certain software companies have provided solutions aimed at battling breaches in internet

⁹ United Nations, General Assembly. (1948). *Universal Declaration of Human Rights*. Retrieved 16 July 2014 ¹⁰ <http://www.internetlivestats.com>.

¹⁰ Internet Live Stats. Real Time Statistics Project. <http://www.internetlivestats.com>

¹¹ United Nations, General Assembly, Sixty-eighth session. (2013). *The right to privacy in the digital age (A/RES/68/167) [Resolution]*. Adopted on the report of the Third Committee (A/ 68/456/Add.2) .

¹² “Personal Data Protection and Privacy Principles.” *UN High Level Committee on Management*. 11 October 2018.

¹³ Paul M. Schwartz. 1999. Internet Privacy and the State, 32 Conn. L. Rev. 815 815.

¹⁴ *Ibid.* at 818.

privacy, such solutions are often “too complicated to use,” and they rarely guarantee complete security on the internet.¹⁵

Role of the International System

Moving forward with a future plan of action requires consideration of past or current efforts to fight issues of internet privacy. Non-Governmental Organizations (NGO’s) have been the leaders in the development of solutions and legislation regarding internet privacy. One of the NGO’s on the front lines has been *Privacy International*. Their efforts focus on research designed to identify weak points in the digital framework where personal information could be vulnerable. They have made claims of frequently running into government-created walls that slow down or halt their research.¹⁶

As a result of these barriers, *Privacy International* has also invested in fighting legislation that supports online surveillance and monitoring.¹⁷ Additionally, the Electronic Frontier Foundation (EFF) serves as one of the leading nonprofit organizations defending civil liberties in the digital world.¹⁸ EFF uses its technical skills to recognize and then correct a party, body, or individual whenever there appears to be signs of abuse or suppression of freedom of speech or expression in any technological setting, including the Internet.¹⁹ In the European Union, where some of the most heated debates about Internet Privacy take place, the European Digital Rights Association (EDRi) secures that new technologies and systems approved by the EU are able to preserve people’s privacy by also ensuring that intellectual property rights are preserved and not lost online.²⁰

There is concern that Member States may be engaging in surveillance activities that go beyond those they espouse in UN resolutions and agreements. In an in-depth report by the Carnegie Endowment for International Peace, lack of transparency about state behavior was listed as one of the key hindrances to progress in international cybersecurity and privacy. Specifically, the lack of transparency made it difficult to identify which proposals made in the General Assembly and other venues reflected actual existing norms (i.e., norms countries actually follow).²¹

In 2018, the General Assembly passed Res/73/179, calling on member states to respect and protect the right to privacy, and to regularly review their regulations governing surveillance activities, by, among other things, creating a transparent process for the review of government surveillance.²² The resolution also called for private businesses to respect the human right to privacy by following the Guiding Principles on Business and Human Rights and implementing the United Nations “Protect, Respect and Remedy” Framework for promoting the right to privacy in a digital age.²³

Addressing the Problem

¹⁵ Gorodyansky, David. 2014. “Privacy and Security in the Digital Age.” *Wired.com*

¹⁶ “IGO & NGO Resources on Data Security and Online Privacy.” International and Foreign Cyberspace Law Research Guide. Georgetown Law Library.

¹⁷ Targeting Governments. Privacy International. October 2020.

¹⁸ *See fn. 16 above.*

¹⁹ Electronic Frontier Foundation. “Issues.” October 2020.

²⁰ European Digital Rights Annual Report 2018. EDRi.

²¹ Cyberspace and Geopolitics: Assessing Global Cybersecurity Norm Processes at a Crossroad.” Carnegie Endowment for International Peace. 2020.

²² UN General Assembly. A/RE/73/179. 2018.

²³ *Id.*

Any solution that can be taken into consideration should be focused around three topics: clearly defining the issue, creating new opportunities for coordination among Member States, and adapting to changes in technology and development.

While clearly defining the issue, it is important to note that both the UN and civil society have identified data protection and mass surveillance as the two most relevant privacy issues of our time.²⁴ The issue of data protection is periodically tied to the efforts to preserve Internet “anonymity,” or the ability to avoid identification on the web, but is more often tied to efforts to fight those who attempt to steal and misuse consumer information that is voluntarily given. The European Union has been able to implement laws against this type of data misuse by requiring web companies to clearly lay out what data they request from their customers and how they intend to use that data, as well as by giving individuals the right to have their information deleted.²⁵

A frequent topic of debate amongst a majority of Member States is how mass surveillance can be an effective and safe tool rather than a destructive weapon. According to a 2011 report by the UN Human Rights Council’s Special Rapporteur, “the right to privacy can be subject to restrictions or limitations under certain exceptional circumstances. This may include State surveillance measures for the purposes of administration of criminal justice, prevention of crime, or combatting terrorism.”²⁶ The use, or as some say, abuse, of government access has become increasingly relevant, with government requests for Google customer data nearly doubling between 2009 and 2012.²² Having said this, the limits of these restrictions are often ambiguous, adding to one of the large issues of this generation, determining the balance between security and privacy in regards to government surveillance on the internet. The use of mass data collection and processing to influence elections and to target and control political dissenters are just a few examples of how government and individual interests can be at odds regarding the right to privacy.

The creation of the position of the Special Rapporteur and the European Union’s new General Data Protection Regulation are two examples of international cooperation in the area of privacy protection. The General Assembly is dedicated to finding additional ways in which Member States can effectively work together to increase data privacy without compromising national security.

Additionally, just as in most aspects of government dealings, transparency is an important factor in considering how to attack the issue. Because of a lack of international cooperation, business have, by and large, been allowed to set their own rules in this space, which has led to a number of problems for both individuals and nations as they strive to both enable businesses to continue to prosper and contribute to economic development and reign in the invasive use of information. Finally, it is vital that proposed solutions consider the ever-changing nature of internet issues. As technological development and internet use will continue to increase, Member States have an obligation to be proactive in finding solutions and coordinating efforts. Any potential solutions will have to be adaptable to the dynamic world of digital technology.

²⁴ *Id.*

²⁵ “What is GDPR, the EU’s new data protection law?” GDPR.EU.

²⁶ UN Human Rights Council. 2013. Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue (A/HRC/23/40).

Questions to Consider

1. How can the General Assembly effectively investigate the use of consumer data by digital corporations?
2. How can Member State governments effectively monitor suspicious internet activity without infringing on their citizens' right to privacy?
3. What solutions encourage long-term adaptation to internet technology?

Annotated Bibliography

Cyberspace and Geopolitics: Assessing Global Cybersecurity Norm Processes at a Crossroad. Carnegie Endowment for International Peace. February 2020. <<https://carnegieendowment.org/2020/02/26/cyberspace-and-geopolitics-assessing-global-cybersecurity-norm-processes-at-crossroads-pub-81110>>.

A report that reviews multiple different international efforts at the General Assembly and other bodies to improve data privacy and cybersecurity, noting both successes and failures as well as future obstacles.

Electronic Frontier Foundation. “Issues.” Accessed August 29, 2018). <<https://www.eff.org/issues>>.

The Electronic Frontier Foundation (EFF) is an organization that attempts to protect digital innovation by fighting any attempts at restricting internet freedom while simultaneously educating the public on digital issues and advocating a higher level of transparency.

European Digital Rights Annual Report 2018. EDRi. 2018. <https://edri.org/files/EDRi_annual_report_2018_web.pdf>.

This site belongs to the EU body that deals with “protecting digital freedom.” While the organization specifically lobbies the EU in any issue involving digital freedom, it also advises EU member states. The EU is on the forefront of affronting internet privacy issues, and many private corporations encounter legal roadblocks in the EU.

Gorodyansky, David. 2014. “Privacy and Security in the Digital Age.” *Wired.com* <http://www.wired.com/insights/2015/01/privacy-and-security-in-the-internet-age/>

This article come from “Wired,” a prominent technology periodical, and it describes the internet privacy issue from the perspective of private technology companies, and how potential action by the UN or similarly powerful governmental organizations would affect the way that we use the internet today.

Human Rights Watch. 2015. “UN: Major Step on Internet Privacy” <https://www.hrw.org/news/2015/03/26/un-major-step-internet-privacy>

This article provides analysis in regards to the position of the UN on digital privacy. The authors of the article are from Human Rights Watch, an advocacy group that specializes on lobbying the UN for human rights related action.

“IGO & NGO Resources on Data Security and Online Privacy.” International and Foreign Cyberspace Law Research Guide. Georgetown Law Library. <<https://guides.ll.georgetown.edu/c.php?g=363530&p=4783483>>.

This library guide from Georgetown Law can give you direction on research in this space. Specifically, it outlines different available resources and describes what information can be found using each.

Paul M. Schwartz. 1999. Internet Privacy and the State, 32 Conn. L. Rev. 815 <[http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1765&context=facpubs&seiredir=1&referer=https%3A%2F%2Fscholar.google.com%2Fscholar%3Fhl%3Den%26q%3Dinternet%2Bprivacy%26btnG%3D%26as_sdt%3D1%252C23%26as_sdt%3D#search=%22inter net %20privacy%22](http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1765&context=facpubs&seiredir=1&referer=https%3A%2F%2Fscholar.google.com%2Fscholar%3Fhl%3Den%26q%3Dinternet%2Bprivacy%26btnG%3D%26as_sdt%3D1%252C23%26as_sdt%3D#search=%22inter%20net%20privacy%22)>.

This scholarly article argues that government provides a crucial role in regulating and monitoring internet data, and it helps to outline the purpose of the government in this aspect. While it acknowledges the dangers of government overreach, it can provide delegates with a clear outline on several steps that government bodies can take in advancing the issue.

Privacy International. (2014). Data Protection [Website]. Retrieved 2 October 2020 from: <<https://www.privacyinternational.org/campaigns/targeting-governments>>.

Privacy International is an advocacy group whose stated mission is to “see a world where we are in control of information about us.” They write reports and propose legislation aimed at protecting internet freedom.

United Nations, General Assembly, Seventy-third session. The right to privacy in the digital age. 2018. A/RE/73/179. 5 December 2018. <<https://undocs.org/en/A/RES/73/179>>.

Reviews developments in the field of information and telecommunications in the context of international security and encourages privacy.

United Nations, General Assembly, Sixty-eighth session. (2013). The right to privacy in the digital age (A/RES/68/167) [Resolution]. Adopted on the report of the Third Committee (A/68/456/Add.2). 2014. <<https://undocs.org/A/RES/68/167>>.

This resolution by the General Assembly discusses how the right to privacy applies to digital technology. It provides a unique insight into how the United Nations has begun to deal with the issue at hand, and lays a foundation for future resolutions.

United Nations, General Assembly. (1948). Universal Declaration of Human Rights. Retrieved 16 July 2014 from: <http://www.un.org/en/documents/udhr/>

The Universal Declaration of Human Rights is a widely-accepted declaration which outlines the fundamental rights of mankind. Because the right to privacy is the basis for the Issue, it is important to read this section and determine how internet freedom can fall under the right to privacy.

UN Human Rights Council. 2013. Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue (A/HRC/23/40). <http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf>.

This document is an UNHCR report by the “special rapporteur on the promotion and protection of the right to freedom of opinion and expression.” The purpose of this report is to outline the issue of state digital surveillance, and to make recommendations to the General Assembly regarding the matter.