



## SRMUN Charlotte 2022

*Reconciling the Past and Restoring Multilateral Partnerships for the Future*

March 24-26, 2022

[ilc\\_charlotte@srmun.org](mailto:ilc_charlotte@srmun.org)

Greetings Delegates,

Welcome to SRMUN Charlotte 2022 and the United Nations (UN) International Law Commission (ILC). My name is Ashley Drop, and I am honored to serve as your Director for the ILC this year. This will be my first year on SRMUN staff but my third experience as a Director as I have staffed other Model UN conferences. Currently, I am a senior with a planned double major in Economics and Political Science, and a minor in Communication. Serving alongside me as your Assistant Director is Joseph Bahr. This is Joseph's first time on SRMUN staff after having attended past SRMUN conferences as a delegate. Joseph graduated in 2021 with a major in Political Science and minor in Communication.

The ILC works to initiate research and offer recommendations with the intent to develop and codify international law. The commission is composed of 34 diplomats, each representing their respective Member State and chosen based on their expertise, qualifications, and competence in matters of international law. Every five years the United Nations General Assembly (UNGA) elects a new group to lead the ILC in its mission to aid other committees in their pursuance of peace across the global community.

By focusing on the mission of the ILC and the SRMUN Charlotte 2022 theme of "*Reconciling the Past and Restoring Multilateral Partnerships for the Future*," we have developed the following topics for delegates to discuss at the conference:

- I. Protecting the Environment Amid Armed Conflict
- II. Strengthening the Protection of Personal Data in Transborder Flows of Information

This background guide provides an introduction to the committee and the topics that will be debated at SRMUN Charlotte 2022. It should be utilized as a foundation for a delegate's independent research. However, while we have attempted to provide a holistic analysis of the issues, the background guide should not be used as the single mode of analysis for the topics. Delegates are expected to go beyond the background guide and engage in intellectual inquiry of their own. The Position Papers for the committee should reflect the complexity of these issues and their externalities. Delegations are expected to submit a Position Paper and be prepared for a vigorous discussion at the conference. Position Papers should be no longer than two pages in length (single spaced) and demonstrate your Member State's position, policies, and recommendations on each of the two topics. For more detailed information about formatting and how to write position papers, delegates can visit [srmun.org](http://srmun.org). **All Position Papers MUST be submitted no later than Friday, March 4, 2022, by 11:59pm EST via the SRMUN website.**

Joseph and I are incredibly excited to be serving as your dais for the ILC, and wish you the best of luck in your preparations. As we will be returning to an in-person conference after a year of virtual-only programming, Joseph and I leave you with one last encouragement: make the most of it. The opportunity to be a delegate is a special one. Please feel free to contact Director-General Chantel Hover, Joseph, or myself if you have any questions while preparing for the conference.

Ashley Drop  
Director  
[ilc\\_charlotte@srmun.org](mailto:ilc_charlotte@srmun.org)

Joseph Bahr  
Assistant Director  
[ilc\\_charlotte@srmun.org](mailto:ilc_charlotte@srmun.org)

Chantel Hover  
Director-General  
[dg\\_charlotte@srmun.org](mailto:dg_charlotte@srmun.org)

## History of the International Law Commission

The official mandate of the International Law Commission (ILC or the Commission) is to "initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification."<sup>1</sup> The ILC was created in 1947 by the United Nations (UN) General Assembly (GA), or UNGA, with the adoption of resolution A/RES/94(I).<sup>2</sup> It is a permanent part-time subsidiary organ of the GA, and meets annually.<sup>3</sup> The Commission primarily focuses on recommendations associated with public and criminal international law.<sup>4</sup> The ILC has published numerous draft articles foundational to the increased scope and responsibility of international law, such as the Nuremberg Principles of 1949, which set guidelines for the classification of war crimes in an effort to prevent future human rights abuses such as those witnessed during World War II.<sup>5</sup> It also adopted the Code of Crimes against the Peace and Security of Mankind in 1996, and played an influential role in the establishment of the International Criminal Court.<sup>6</sup> Due to the Commission's influential work, it is regarded as a key influencer of international law around the globe.<sup>7</sup>

Acknowledgment of the need for intergovernmental laws significantly predates the creation of the ILC. Numerous private societies, such as the Harvard Research in International Law publication and the International Law Association, were founded decades before the ILC and specialized in researching and proposing international laws.<sup>8</sup> Conventions such as the Hague Peace Conferences of 1899 and 1907 also established precedents for the potential benefits of codified international law.<sup>9</sup> The largest hindrance to the aims of these conventions was their limited scope. For example, an aim of the Hague Peace Conference was the successful establishment of international legal guidelines for the limitation of armaments, but the Conference was restricted by a limited time period without any permanent, knowledgeable, working groups or committees to carry on and advise with the work long-term.<sup>10</sup> The establishment of the ILC resulted in a full-time commission with a diverse range of membership that was able to provide guidance and research on a continual basis.<sup>11</sup> This enabled the international legal community to work more efficiently by using an existing framework to combat problems as they arose. It also allowed it to address multiple key issues simultaneously – a task in which prior conferences were incapable. Its creation fulfilled a structural shortcoming within the international community.

Upon its creation in 1947, the ILC was comprised of 15 "persons of recognized competence in international law."<sup>12</sup> Each member was elected to serve in an impartial and individual capacity, irrespective of their Member State of citizenship.<sup>13</sup> Eventually, the need to expand the ILC arose due to the influx of new Member States to the UN and a growing interest in the ILC's work.<sup>14</sup> In December 1956, the Commission grew in size to a membership of 21 by way of UNGA Resolution 1103 (XI) and in November 1961, the commission allowed for up to 25 members through

---

<sup>1</sup> United Nations General Assembly Resolution 174 (III), *Statute of the International Law Commission*, A/RES/174(II), (November 21, 1947), accessed August 8, 2021, <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/038/81/PDF/NR003881.pdf?OpenElement>.

<sup>2</sup> United Nations General Assembly Resolution 174 (III), *Statute of the International Law Commission*, A/RES/174(II).

<sup>3</sup> "The Work of the International Law Commission," *United Nations, International Law Commission*, Eighth Edition, Volume I, 2012, accessed August 8, 2021, [https://legal.un.org/avl/ILC/8th\\_E/Vol\\_I.pdf](https://legal.un.org/avl/ILC/8th_E/Vol_I.pdf).

<sup>4</sup> "The Work of the International Law Commission," *United Nations, International Law Commission*, 2012.

<sup>5</sup> "The Work of the International Law Commission," *United Nations, International Law Commission*.

<sup>6</sup> "The Work of the International Law Commission," *United Nations, International Law Commission*.

<sup>7</sup> "The Work of the International Law Commission," *United Nations, International Law Commission*, [https://legal.un.org/ilc/texts/instruments/english/draft\\_articles/7\\_4\\_1994.pdf](https://legal.un.org/ilc/texts/instruments/english/draft_articles/7_4_1994.pdf)

<sup>8</sup> "About the Commission: Origin and background," *International Law Commission*, July 31, 2017, accessed August 8, 2021, <https://legal.un.org/ilc/ilcintro.shtml>

<sup>9</sup> "About the Commission: Origin and background," *International Law Commission*.

<sup>10</sup> "About the Commission: Origin and background," *International Law Commission*.

<sup>11</sup> "Membership," *International Law Commission*, accessed November 10, 2021, <https://legal.un.org/ilc/ilcmembe.shtml>.

<sup>12</sup> "The Work of the International Law Commission," *United Nations, International Law Commission*, Ninth Edition, Volume 1, 2017, accessed November 6, 2021, <https://www.un-ilibrary.org/content/books/9789210609203/read>.

<sup>13</sup> "The Work of the International Law Commission," *United Nations, International Law Commission*, 2017.

<sup>14</sup> United Nations General Assembly resolution 36/39, *Enlargement of the International Law Commission: amendments to articles 2 and 9 of the Statute of the Commission*, A/RES/36/39, November 18, 1981, accessed November 12, 2021, <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/406/65/IMG/NR040665.pdf?OpenElement>.

UNGA resolution 1647 (XVI).<sup>15</sup> At present, as adopted by A/RES/36/39 in 1981, the Commission expanded the composition of the ILC to 34 members and stipulated geographical requirements for membership.<sup>16</sup> The geographical requirements stipulated that the ILC had to elect eight nationals from African States, seven nationals from Asian States, three nationals from Eastern European States, six nationals from Latin American States and eight nationals from Western European or other States during every election cycle.<sup>17</sup> The remaining seats rotated between regions.<sup>18</sup> Members for the Commission come from varying backgrounds including but not limited to academia, the diplomatic corps and international organizations, to name a few.<sup>19</sup> This varying scope as well helps ensure that the collective is “in close touch with the realities of international life” and law.<sup>20</sup>

The ILC members cannot be replaced by “alternates or advisers” and as outlined in Article 2, paragraph 2 of the Statute, adding, “no two members of the Commission may be nationals of the same State.”<sup>21</sup> Elections for membership on the Commission are voted on every five years by the UNGA.<sup>22</sup> In the event of casual vacancies, the ILC itself elects a replacement to serve out the remainder of the five-year term.<sup>23</sup> Nominations for the ILC and eligibility to serve are not restricted solely “to nationals of Members of the United Nations, but no national of any non-Member State has ever [thus] been elected to the Commission.”<sup>24</sup>

Members serving on the ILC have a term of office of five years.<sup>25</sup> Originally, under Article 10 of the Statute it was provided to members a three-year term with re-election as a possibility, however, “in practice a longer term has proved beneficial to the progress of the Commission’s work, and the term of office expanded...first as an *ad hoc* and then on a permanent basis.”<sup>26</sup> The Commission has as well proposed to the UNGA to further expand the term of office of its members from “five to six or seven years,” as it has found the time period of six to seven years to be the “minimum required for the completion of a programme of work,” however, “the Sixth Committee of the General Assembly has...deferred taking a decision on it to a later session.”<sup>27</sup>

The ILC receives its funding through the UNGA.<sup>28</sup> Travel expenses and an allowance for each representative are allocated by the UN “in accordance with article 13 of the Commission’s statute.”<sup>29</sup> The Commission functions differently from other UN bodies in that it does not pass resolutions.<sup>30</sup> Instead, the organization focuses on publishing draft articles.<sup>31</sup> These articles typically provide helpful information and proposals to improve international law practices.<sup>32</sup> However for SRMUN purposes, the ILC will function as a resolution-writing body.

The structure of the Commission consists of special rapporteurs, the drafting committee, and various working groups.<sup>33</sup> A special rapporteur is assigned to each topic and plays a leading role in laying out the guidelines for its particular topic and ensuring the project is successful.<sup>34</sup> The drafting committee writes the draft articles in close

---

<sup>15</sup> “Membership,” *International Law Commission*.

<sup>16</sup> United Nations General Assembly resolution 36/39, *Enlargement of the International Law Commission: amendments to articles 2 and 9 of the Statute of the Commission*, A/RES/36/39.

<sup>17</sup> United Nations General Assembly resolution 36/39, *Enlargement of the International Law Commission: amendments to articles 2 and 9 of the Statute of the Commission*, A/RES/36/39.

<sup>18</sup> United Nations General Assembly resolution 36/39, *Enlargement of the International Law Commission: amendments to articles 2 and 9 of the Statute of the Commission*, A/RES/36/39.

<sup>19</sup> “Membership,” *International Law Commission*.

<sup>20</sup> “Membership,” *International Law Commission*.

<sup>21</sup> “Membership,” *International Law Commission*.

<sup>22</sup> United Nations General Assembly Resolution 174 (III), *Statute of the International Law Commission*, A/RES/174(II).

<sup>23</sup> United Nations General Assembly Resolution 174 (III), *Statute of the International Law Commission*, A/RES/174(II).

<sup>24</sup> “Membership,” *International Law Commission*.

<sup>25</sup> “Membership,” *International Law Commission*.

<sup>26</sup> “The Work of the International Law Commission,” *United Nations, International Law Commission, 2017*.

<sup>27</sup> “The Work of the International Law Commission,” *United Nations, International Law Commission, 2017*.

<sup>28</sup> “The Work of the International Law Commission,” *United Nations, International Law Commission, 2017*.

<sup>29</sup> “Membership,” *International Law Commission*.

<sup>30</sup> “The Work of the International Law Commission,” *United Nations, International Law Commission, 2017*.

<sup>31</sup> “The Work of the International Law Commission,” *United Nations, International Law Commission, 2017*.

<sup>32</sup> “The Work of the International Law Commission,” *United Nations, International Law Commission, 2017*.

<sup>33</sup> “About the Commission: Organization, programme and methods of work,” *International Law Commission*, accessed August 8, 2021, <https://legal.un.org/ilc/structure.shtml>.

<sup>34</sup> “About the Commission: Organization, programme and methods of work,” *International Law Commission*.

collaboration with the special rapporteur, working to harmonize viewpoints and ensure the Commission can reach agreement.<sup>35</sup> The Commission also makes use of *ad hoc* working groups to handle a specific area of a particularly complex topic from time to time.<sup>36</sup>

The current programme of work for the ILC consists of (1) Immunity of State officials from foreign criminal jurisdiction, (2) Protection of the environment in relation to armed conflicts, (3) Peremptory norms of general international law (*jus cogens*), (4) Succession of States in respect of State responsibility, (5) General principles of law, and (6) Sea-level rise in relation to international law.<sup>37</sup>

---

<sup>35</sup> “About the Commission: Organization, programme and methods of work,” *International Law Commission*.

<sup>36</sup> “About the Commission: Organization, programme and methods of work,” *International Law Commission*.

<sup>37</sup> “Home,” International Law Commission, accessed January 10, 2022, <https://legal.un.org/ilc/>.

## I. Protecting the Environment Amid Armed Conflict

### *Introduction*

Despite advances in environmental conservation and protection during peacetime, the environment continues to suffer as a silent victim during war and armed conflict. Just as the impacts of conflict continue to affect humans far beyond the moment a conflict formally ends, so do the impacts on the environment continue to be seen for months, years, and sometimes generations post-conflict. Understandably, humanitarian initiatives during wartime have historically been focused on the protection of civilians. However, as the impacts of climate change and severe environmental degradation due to conflict are studied, the United Nations (UN) and humanitarian organizations across the world are beginning to connect the impact of environmental damage to that of human suffering, and the ability for civilians affected by conflict to access the basic necessities for survival.

The International Law Commission (ILC) has recognized the protection of the environment during armed conflict as a necessary endeavor unfortified by any decisive international law.<sup>38</sup> While there is a long history of environmental damage caused by war and conflict, it is rare that any legal case regarding one participant's involvement in environmental damage on another's territory is seriously considered and pursued in the international court system.<sup>39</sup> This reluctance to pursue environment-related damages leads to minimal precedent in case law for any law-making body to rely upon when legislation regarding the issue is proposed.<sup>40</sup> While not an insurmountable challenge, approaching environmental law in regards to protection during armed conflict requires innovative planning, persistence in international campaigning, and revised and modified enforcement mechanisms with the trust that they will be followed through with.<sup>41</sup>

### *History*

The International Law Commission (ILC) first added the "protection of the environment in relation to armed conflict" to its program of work in 2011.<sup>42</sup> The UN concern for this issue, however, far predates the ILC's adoption of the topic to its program of work.<sup>43</sup> The United Nations Conference on the Human Environment in Stockholm, Sweden in 1972 served as the first global conference to place the environment at the forefront of international discussion.<sup>44</sup> While broad in scope, the conference addressed and heavily recommended against any radioactive weapons usage, specifically the testing of any nuclear weapons, noting its impacts on the environment.<sup>45</sup> It also established an instrumental framework for future efforts and supported education on conservation and the need to protect the environment.<sup>46</sup>

---

<sup>38</sup> "Protecting the Environment During Armed Conflict: An Inventory and Analysis of International Law," *United Nations Environment Programme*, November 2009, accessed September 10, 2021, [https://wedocs.unep.org/bitstream/handle/20.500.11822/7813/-Protecting%20the%20Environment%20During%20Armed%20Conflict\\_An%20Inventory%20and%20Analysis%20of%20International%20Law-2009891.pdf?amp%3BisAllowed=&sequence=3](https://wedocs.unep.org/bitstream/handle/20.500.11822/7813/-Protecting%20the%20Environment%20During%20Armed%20Conflict_An%20Inventory%20and%20Analysis%20of%20International%20Law-2009891.pdf?amp%3BisAllowed=&sequence=3).

<sup>39</sup> "Protecting the Environment During Armed Conflict: An Inventory and Analysis of International Law," *United Nations Environment Programme*.

<sup>40</sup> "Protecting the Environment During Armed Conflict: An Inventory and Analysis of International Law," *United Nations Environment Programme*.

<sup>41</sup> "Protecting the Environment During Armed Conflict: An Inventory and Analysis of International Law," *United Nations Environment Programme*.

<sup>42</sup> "Analytical Guide to the Work of the International Law Commission," *International Law Commission*, accessed September 12, 2021, [https://legal.un.org/ilc/guide/8\\_7.shtml](https://legal.un.org/ilc/guide/8_7.shtml).

<sup>43</sup> "Analytical Guide to the Work of the International Law Commission," *International Law Commission*.

<sup>44</sup> "United Nations Conference on the Human Environment, 6-6 June 1972, Stockholm" *United Nations*, accessed September 12, 2021, <https://www.un.org/en/conferences/environment/stockholm1972>.

<sup>45</sup> "Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1972" *United Nations*, 1973, accessed September 12, 2021, <https://undocs.org/en/A/CONF.48/14/Rev.1>.

<sup>46</sup> "Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1972" *United Nations*.

The Rio Declaration on Environment and Development in 1992 built upon the accomplishments of the United Nations Conference on the Human Environment in Stockholm.<sup>47</sup> The declaration laid out key principles of international law, most notably principle 24, which stated that “warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary.”<sup>48</sup> The United Nations Conference on the Human Environment and the Rio Declaration on Environment and Development were foundational to the international community formally recognizing the importance of shielding the environment from long-term destructive impacts in times of conflict.

Since introducing the topic to its program of work, the ILC has discussed this topic in its varying levels but the most notable as far as UN actions are concerned are by way of A/RES/74/186 and A/RES/75/135.<sup>49</sup> A/RES/74/186 “expresses its appreciation to the International Law Commission on the work accomplished at its seventy-first session,” and then in particular indicates its appreciation for “the completion of the first reading of the draft principles on protection of the environment in relation to armed conflict.”<sup>50</sup> A/RES/75/135 called the attention of Member States to the importance for the ILC of having their comments and observations on the draft principles on the topic by the 71<sup>st</sup> session and took note of the extension of the deadline to its stakeholders to submit comments and observations to the Secretary-General.<sup>51</sup>

### ***Current Situation***

The Intergovernmental Panel on Climate Change (IPCC) in 2021 reported that atmospheric carbon dioxide (CO<sup>2</sup>) concentrations are at the highest point they’ve been in millions of years.<sup>52</sup> The IPCC further revealed that global temperatures are at all-time highs, which will have catastrophic consequences on the environment.<sup>53</sup> Secretary-General Antonio Guterres called it “a code red for humanity.”<sup>54</sup> Armed conflict is directly linked to those issues.<sup>55</sup> More than 80 percent of armed conflict in the world occurs in biodiverse areas and often harms the environment.<sup>56</sup> For example, when the Democratic Republic of Congo (DRC) was mired in war in 1996 the environment was left severely unprotected.<sup>57</sup> The national government significantly cut funding for conservationist programs due to the high cost of war and international organizations withdrew developmental funding.<sup>58</sup> Wardens and rangers were forced into a reduced presence in forests in the eastern portion of the State due to the lack of funding and threat of

---

<sup>47</sup> United Nations General Assembly Report of the United Nations Conference on Environment and Development CONF.151/26 (Vol. I), *Rio Declaration on Environment and Development, Rio de Janeiro, 3-14 June 1992*, A/CONF.151/26 (Vol. I), accessed September 21, 2021, [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_CONF.151\\_26\\_Vol.I\\_Declaration.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf).

<sup>48</sup> United Nations General Assembly Report of the United Nations Conference on Environment and Development CONF.151/26 (Vol. I), *Rio Declaration on Environment and Development, Rio de Janeiro, 3-14 June 1992*, A/CONF.151/26 (Vol. I).

<sup>49</sup> “Analytical Guide to the Work of the International Law Commission,” *International Law Commission*.

<sup>50</sup> United Nations General Assembly Resolution 74/186, *Report of the International Law Commission on the work of its seventy-first session*, A/RES/74/186, January 2, 2020, accessed September 18, 2021, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/432/32/PDF/N1943232.pdf?OpenElement>.

<sup>51</sup> United Nations General Assembly Resolution 75/135, *Report of the International Law Commission on the work of its seventy-second session*, A/RES/75/135, December 22, 2020, accessed November 11, 2021, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/368/22/PDF/N2036822.pdf?OpenElement>.

<sup>52</sup> “Sixth Assessment Report,” *International Panel on Climate Change*, accessed September 12, 2021, <https://www.ipcc.ch/assessment-report/ar6/>.

<sup>53</sup> “Sixth Assessment Report,” *International Panel on Climate Change*.

<sup>54</sup> “IPCC report: ‘Code red’ for human driven global heating, warns UN chief,” *United Nations*, August 9, 2021, accessed September 12, 2021, <https://news.un.org/en/story/2021/08/1097362>.

<sup>55</sup> “The natural environment is also a casualty of war, Guterres warns,” *United Nations*, November 6, 2020, accessed September 12, 2021, <https://news.un.org/en/story/2020/11/1077032>.

<sup>56</sup> Thor Hanson, Thomas M. Brooks, Gustavo A. B. Da Fonseca, Michael Hoffman, John F. Lamoreux, Gary Machlis, Cristina G. Mittermeier, Russell A. Mittermeier, and John D. Pilgrim, “Warfare in Biodiversity Hotspots,” *Conservation Biology*, Volume 23, No.3, 578-587, 2009, accessed December 31, 2021, <https://conbio.onlinelibrary.wiley.com/doi/epdf/10.1111/j.1523-1739.2009.01166.x>.

<sup>57</sup> Thor Hanson, Thomas M. Brooks, Gustavo A. B. Da Fonseca, Michael Hoffman, John F. Lamoreux, Gary Machlis, Cristina G. Mittermeier, Russell A. Mittermeier, and John D. Pilgrim, “Warfare in Biodiversity Hotspots,” *Conservation Biology*.

<sup>58</sup> Thor Hanson, Thomas M. Brooks, Gustavo A. B. Da Fonseca, Michael Hoffman, John F. Lamoreux, Gary Machlis, Cristina G. Mittermeier, Russell A. Mittermeier, and John D. Pilgrim, “Warfare in Biodiversity Hotspots,” *Conservation Biology*.

violence.<sup>59</sup> As a result, profiteers and insurgents were able to mine, log, and poach in the world's second largest rainforest with little pushback.<sup>60</sup> The destruction of trees and other vegetation reduced the amount of absorbed CO<sup>2</sup> and destabilized the biodiverse area.<sup>61</sup> The preservation of biodiverse environments is crucial in the fight against climate change.<sup>62</sup> Yet in biodiverse and non-biodiverse alike, armed conflict is traumatic for the environment.<sup>63</sup> The production and use of military technology can harm land, marine environments, and the atmosphere.<sup>64</sup> While certainly not the sole cause of climate change, conflict undoubtedly contributes to it.<sup>65</sup>

Member States impacted by conflict are also significantly less likely to reach their Sustainable Development Goals (SDGs).<sup>66</sup> SDGs are centered around reducing emissions and preventing climate change, and failure to reach them hinders any significant efforts globally to halt climate change.<sup>67</sup> To understand how SDGs are hampered by armed conflict, it is important to examine the SDG's predecessor, the Millennium Development Goals (MDGs). The Peace Research Institute Oslo estimated that armed conflict severely inhibited a Member States ability to reach MDGs because it often resulted in economic and environmental calamity.<sup>68</sup> Their model projected that five years of conflict would result in a Gross Domestic Product (GDP) per capita that was 25 percent lower.<sup>69</sup> An actualized example of the effect of conflict on MDGs can be seen by examining the Syrian Arab Republic.<sup>70</sup> One key goal of the MDGs was reducing extreme poverty.<sup>71</sup> The Syrian Arab Republic made significant strides in this area from 1997 to 2010.<sup>72</sup> In 1997, extreme poverty in the Syrian Arab Republic was estimated at 7.9 percent.<sup>73</sup> Following significant government reforms and investments, by 2010, it had fallen to 0.3 percent.<sup>74</sup> Its economy was one of the best in its region and the world.<sup>75</sup> Unfortunately, in 2011, the Syrian Civil War caused an environmental and economic

---

<sup>59</sup> Thor Hanson, Thomas M. Brooks, Gustavo A. B. Da Fonseca, Michael Hoffman, John F. Lamoreux, Gary Machlis, Cristina G. Mittermeier, Russell A. Mittermeier, and John D. Pilgrim, "Warfare in Biodiversity Hotspots," *Conservation Biology*.

<sup>60</sup> Thor Hanson, Thomas M. Brooks, Gustavo A. B. Da Fonseca, Michael Hoffman, John F. Lamoreux, Gary Machlis, Cristina G. Mittermeier, Russell A. Mittermeier, and John D. Pilgrim, "Warfare in Biodiversity Hotspots," *Conservation Biology*.

<sup>61</sup> Thor Hanson, Thomas M. Brooks, Gustavo A. B. Da Fonseca, Michael Hoffman, John F. Lamoreux, Gary Machlis, Cristina G. Mittermeier, Russell A. Mittermeier, and John D. Pilgrim, "Warfare in Biodiversity Hotspots," *Conservation Biology*.

<sup>62</sup> Thor Hanson, Thomas M. Brooks, Gustavo A. B. Da Fonseca, Michael Hoffman, John F. Lamoreux, Gary Machlis, Cristina G. Mittermeier, Russell A. Mittermeier, and John D. Pilgrim, "Warfare in Biodiversity Hotspots," *Conservation Biology*.

<sup>63</sup> Doug Weir, "Conflict Pollution and the Toxic Remnants of War: A Global Problem That Receives Too Little Attention," *United Nations Environment*, Issues No. 24, March 2017, accessed December 31, 2021, <https://ceobs.org/wp-content/uploads/2018/03/PERSPECTIVES-CONFLICT-POLLUTION-AND-THE-TRW.pdf>.

<sup>64</sup> Doug Weir, "Conflict Pollution and the Toxic Remnants of War: A Global Problem That Receives Too Little Attention," *United Nations Environment*.

<sup>65</sup> "The natural environment is also a casualty of war, Guterres warns," *United Nations*.

<sup>66</sup> "The natural environment is also a casualty of war, Guterres warns," *United Nations*.

<sup>67</sup> "Transforming our world: the 2030 Agenda for Sustainable Development," *United Nations*, accessed September 12, 2021, <https://sdgs.un.org/2030agenda>.

<sup>68</sup> Håvard Hegre and Håvard Møkleiv Nygård, "Peace on Earth? The Future of Internal Armed Conflict," *Peace Research Institute Oslo (PRIO)*, Conflict Trends, 1, January 2014, accessed September 23, 2021, <https://www.prio.org/publications/7408>.

<sup>69</sup> Håvard Hegre and Håvard Møkleiv Nygård, "Peace on Earth? The Future of Internal Armed Conflict," *Peace Research Institute Oslo (PRIO)*.

<sup>70</sup> "The Arab Millennium Development Goals Report: Facing Challenges and Looking Beyond 2015," *United Nations and the League of Arab States*, August 2013, accessed September 28, 2021, [https://wedocs.unep.org/bitstream/handle/20.500.11822/9670/-The\\_Arab\\_Millennium\\_Development\\_Goals\\_Report\\_Facing\\_Challenges\\_and\\_Looking\\_Beyond\\_2015-2013EN\\_ArabMDGR\\_2013.pdf.pdf?sequence=4&isAllowed=y%2C%20Arabic%7C%7Chttps%3A//wedocs.unep.org/bitstream/handle/20](https://wedocs.unep.org/bitstream/handle/20.500.11822/9670/-The_Arab_Millennium_Development_Goals_Report_Facing_Challenges_and_Looking_Beyond_2015-2013EN_ArabMDGR_2013.pdf.pdf?sequence=4&isAllowed=y%2C%20Arabic%7C%7Chttps%3A//wedocs.unep.org/bitstream/handle/20).

<sup>71</sup> "The Arab Millennium Development Goals Report: Facing Challenges and Looking Beyond 2015," *United Nations and the League of Arab States*.

<sup>72</sup> "The Arab Millennium Development Goals Report: Facing Challenges and Looking Beyond 2015," *United Nations and the League of Arab States*.

<sup>73</sup> "The Arab Millennium Development Goals Report: Facing Challenges and Looking Beyond 2015," *United Nations and the League of Arab States*.

<sup>74</sup> "The Arab Millennium Development Goals Report: Facing Challenges and Looking Beyond 2015," *United Nations and the League of Arab States*.

<sup>75</sup> "The Arab Millennium Development Goals Report: Facing Challenges and Looking Beyond 2015," *United Nations and the League of Arab States*.

catastrophe that prevented the Syrian Arab Republic from reaching the MDGs.<sup>76</sup> The conflict caused severe environmental damage which was disastrous for a Member State that relied on agriculture for a quarter of its labor force.<sup>77</sup> Millions of individuals were displaced and prevented from earning a living wage.<sup>78</sup> High inflation and widespread infrastructure damage also prevented individuals from affording basic needs.<sup>79</sup> By 2013, extreme poverty in the Syrian Arab Republic had climbed to 7.2 percent.<sup>80</sup> Over a decade of significant progress towards the MDGs was almost completely erased by armed conflict in just a few short years.<sup>81</sup>

The IPCC found that marginalized individuals face increased social and economic disadvantages due to climate change.<sup>82</sup> Groups discriminated against for their race, gender, or other qualities could be put at increased risk.<sup>83</sup> The United Nations Department of Economic and Social Affairs explained that those faced with multidimensional inequality often suffer from greater exposure to climate hazards, greater susceptibility to damages caused, and less ability to recover.<sup>84</sup> The combination of these factors results in the potential for a violent cycle of dehumanization.<sup>85</sup> S. Nazrul Islam, Officer-in-Charge of the Development Research Branch of the United Nations Department of Economic and Social Affairs illustrated a potential situation where this cyclical effect could be seen:

*“For example, the destruction of crops by climate change-induced flooding is a direct effect. However, the flood may also cause the general food price level to rise, causing additional difficulties for those disadvantaged groups who have to buy food from the market...Similarly, climate hazards may cause the insurance premiums to increase, making it harder for the disadvantaged groups to buy insurance coverage.”<sup>86</sup>*

The lack of insurance would then result in less protection for disadvantaged populations the next time a climate disaster occurs and add to the suffering.<sup>87</sup> Climate change can result in a deathly cycle and society’s most vulnerable experience the harms acutely.<sup>88</sup>

Furthermore, the impacts of climate change also increase the likelihood of more armed conflict.<sup>89</sup> Assistant Secretary-General Miroslav Jenča declared the “climate emergency is a danger to peace.”<sup>90</sup> The UN found that seven of the ten Member States most impacted by climate change currently host special political missions or

---

<sup>76</sup> “The Arab Millennium Development Goals Report: Facing Challenges and Looking Beyond 2015,” *United Nations and the League of Arab States*.

<sup>77</sup> “The Arab Millennium Development Goals Report: Facing Challenges and Looking Beyond 2015,” *United Nations and the League of Arab States*.

<sup>78</sup> “The Arab Millennium Development Goals Report: Facing Challenges and Looking Beyond 2015,” *United Nations and the League of Arab States*.

<sup>79</sup> “The Arab Millennium Development Goals Report: Facing Challenges and Looking Beyond 2015,” *United Nations and the League of Arab States*.

<sup>80</sup> “The Arab Millennium Development Goals Report: Facing Challenges and Looking Beyond 2015,” *United Nations and the League of Arab States*.

<sup>81</sup> “The Arab Millennium Development Goals Report: Facing Challenges and Looking Beyond 2015,” *United Nations and the League of Arab States*.

<sup>82</sup> “AR4 Climate Change 2007: Synthesis Report\_,” *Intergovernmental Panel on Climate Change*, 2007, accessed September 18, 2021, <https://www.ipcc.ch/report/ar4/syr/>.

<sup>83</sup> “AR4 Climate Change 2007: Synthesis Report\_,” *Intergovernmental Panel on Climate Change*.

<sup>84</sup> S. Nazrul Islam and John Winkel, “Climate Change and Social Inequality,” *United Nations Department of Economic and Social Affairs*, DESA Working Paper No. 152, ST/ESA/2017/DWP/152, October 2017, [https://www.un.org/esa/desa/papers/2017/wp152\\_2017.pdf](https://www.un.org/esa/desa/papers/2017/wp152_2017.pdf) (Accessed October 17, 2021).

<sup>85</sup> S. Nazrul Islam and John Winkel, “Climate Change and Social Inequality,” *United Nations Department of Economic and Social Affairs*.

<sup>86</sup> S. Nazrul Islam and John Winkel, “Climate Change and Social Inequality,” *United Nations Department of Economic and Social Affairs*.

<sup>87</sup> S. Nazrul Islam and John Winkel, “Climate Change and Social Inequality,” *United Nations Department of Economic and Social Affairs*.

<sup>88</sup> “The natural environment is also a casualty of war, Guterres warns,” *United Nations*.

<sup>89</sup> “The natural environment is also a casualty of war, Guterres warns,” *United Nations*.

<sup>90</sup> “Climate Change Exacerbates Existing Conflict Risks, Likely to Create New Ones, Assistant Secretary-General Warns Security Council,” *United Nations*, SC/14260, July 24, 2020, accessed October 17, 2021, <https://www.un.org/press/en/2020/sc14260.doc.htm>.



peacekeeping.<sup>91</sup> While climate change does not directly link to conflict, it exacerbates existing issues and increases competition for scarce resources.<sup>92</sup> A study by the International Growth Centre found that a single standard deviation rise in temperature increases the likelihood of conflict by 10.8 percent.<sup>93</sup> The violent crime rate also surges by 16.2 percent on average.<sup>94</sup> A specific example can be seen in the Western Savanna in Africa.<sup>95</sup> Transhumant pastoralists and sedentary farmers both need significant amounts of water to survive.<sup>96</sup> When the average temperature in the region increases by one degree Celsius, conflict in the region spikes by approximately 54 percent.<sup>97</sup> The temperature increase is usually accompanied by severe water and resource scarcity.<sup>98</sup> It pushes pastoralists in the region further south and they encroach on farmlands that are essential to sedentary people leading to increased risk of conflict as both groups vie for survival.<sup>99</sup> There is also potential for this type of conflict to occur on a much larger scale such as but not limited to an inter-Member State scale due to the resource scarcity that often results from climate change.<sup>100</sup>

### *Successes and Challenges*

Despite these major obstacles, the ILC has identified numerous existing tenets of international environmental law through its program of work that started in 2014. It has also worked to clearly define the scope of the topic.<sup>101</sup> For example, the ILC has elected not to address issues such as the use of biological and chemical weapons and their impact on the environment due to their use being already prohibited in armed conflict per the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare.<sup>102</sup> The Commission has also dealt with significant debate on what to focus on within the realm of armed conflict.<sup>103</sup> The relevance of non-international armed conflict and conflict involving non-State organizations is particularly contentious.<sup>104</sup> Non-international armed conflict often results in severe environmental degradation and can have incredibly severe impacts on the population.<sup>105</sup> Many consider it to be outside of the purview of the organization and, unfortunately, it is incredibly difficult to find reliable data surrounding those conflicts in order to

---

<sup>91</sup> “Climate Change Exacerbates Existing Conflict Risks, Likely to Create New Ones, Assistant Secretary-General Warns Security Council,” *United Nations*.

<sup>92</sup> “Climate Change Exacerbates Existing Conflict Risks, Likely to Create New Ones, Assistant Secretary-General Warns Security Council,” *United Nations*.

<sup>93</sup> Tamma Carleton, Michael Greenstone, Solomon Hsiang, Andrew Hultgren, Amir Jina, Robert Kopp, and Ashwin Rode, “Food Security and social stability in Africa: New estimation methods for data-driven climate impact projections in data-sparse regions,” *International Growth Centre*, July 26, 2017, accessed October 18, 2021, [https://www.theigc.org/wp-content/uploads/2017/10/Carleton-et-al-Final-report\\_cover.pdf](https://www.theigc.org/wp-content/uploads/2017/10/Carleton-et-al-Final-report_cover.pdf).

<sup>94</sup> Tamma Carleton, Michael Greenstone, Solomon Hsiang, Andrew Hultgren, Amir Jina, Robert Kopp, and Ashwin Rode, “Food Security and social stability in Africa: New estimation methods for data-driven climate impact projections in data-sparse regions,” *International Growth Centre*.

<sup>95</sup> Emilie Yam, “Does Climate Change Cause Conflict?,” *International Growth Centre*, June 2, 2021, accessed October 8, 2021, <https://www.theigc.org/blog/does-climate-change-cause-conflict/>.

<sup>96</sup> Emilie Yam, “Does Climate Change Cause Conflict?,” *International Growth Centre*.

<sup>97</sup> Emilie Yam, “Does Climate Change Cause Conflict?,” *International Growth Centre*.

<sup>98</sup> Emilie Yam, “Does Climate Change Cause Conflict?,” *International Growth Centre*.

<sup>99</sup> Emilie Yam, “Does Climate Change Cause Conflict?,” *International Growth Centre*.

<sup>100</sup> Emilie Yam, “Does Climate Change Cause Conflict?,” *International Growth Centre*.

<sup>101</sup> United Nations General Assembly Report CN.4/685, *Second report on the protection of the environment in relation to armed conflicts*, A/CN.4/685, May 28, 2015, accessed September 10, 2021, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/154/94/PDF/N1515494.pdf?OpenElement>.

<sup>102</sup> “Protecting the Environment During Armed Conflict: An Inventory and Analysis of International Law,” *United Nations Environment Programme*.

<sup>103</sup> United Nations General Assembly Report CN.4/728, *Second report on protection of the environment in relation to armed conflicts*, A/CN.4/685, March 27, 2019, accessed September 10, 2021, <https://legal.un.org/docs/?symbol=A/CN.4/685> (Accessed September 12, 2021).

<sup>104</sup> United Nations General Assembly Report CN.4/728, *Second report on protection of the environment in relation to armed conflicts*, A/CN.4/685.

<sup>105</sup> United Nations General Assembly Report CN.4/728, *Second report on protection of the environment in relation to armed conflicts*, A/CN.4/685.

regulate them.<sup>106</sup> Conflict involving non-State organizations face similar problems.<sup>107</sup> While the conflict is often international, many non-State organizations do not abide by international treaties and customs.<sup>108</sup> This makes it particularly challenging to regulate and provide guidance on how to protect the environment under those circumstances.<sup>109</sup> As a result, the organization has limited its focus on those topics.<sup>110</sup>

The ILC has made major progress in understanding how the environment should be protected during occupation.<sup>111</sup> While occupation does not necessarily involve armed conflict, it is usually a direct result of the aftermath from it.<sup>112</sup> To address this, the Commission focused on a few key issues.<sup>113</sup> First, it emphasized the importance of property and welfare rights granted to the civilian population and how that comes with a protection that should be inherently applied to the environment.<sup>114</sup> The occupiers are expected to respect those rights and not cause any unessential destruction to the civilian population and their property.<sup>115</sup> As a result, any extreme destruction would violate said rights to property and well-being.<sup>116</sup> Second, the ILC focused on how international occupation law requires the occupier to restore the status quo as much as possible.<sup>117</sup> The ILC also determined that this should be extrapolated to apply to the environment as well.<sup>118</sup> Maintaining the status quo naturally prevents any major changes to the environmental landscape of the occupied zone and should allow the ecosystem to successfully remain intact.<sup>119</sup>

Alternative challenges faced by the ILC relate to protecting the environment in periods of active international armed combat. Government and economic stability in conflict is necessary to protect the environment.<sup>120</sup> Many governments already have systems in place to protect the environment, but those programs are often reduced or discontinued to focus on the war effort.<sup>121</sup> Developing systems to support those organizations is needed.<sup>122</sup> Another

---

<sup>106</sup> United Nations General Assembly Report CN.4/728, *Second report on protection of the environment in relation to armed conflicts*, A/CN.4/685.

<sup>107</sup> United Nations General Assembly Report CN.4/728, *Second report on protection of the environment in relation to armed conflicts*, A/CN.4/685.

<sup>108</sup> United Nations General Assembly Report CN.4/728, *Second report on protection of the environment in relation to armed conflicts*, A/CN.4/685.

<sup>109</sup> United Nations General Assembly Report CN.4/728, *Second report on protection of the environment in relation to armed conflicts*, A/CN.4/685.

<sup>110</sup> United Nations General Assembly Report CN.4/728, *Second report on protection of the environment in relation to armed conflicts*, A/CN.4/685.

<sup>111</sup> United Nations General Assembly Report CN.4/720, *First report on protection of the environment in relation to armed conflicts*, A/CN.4/720, April 30, 2018, accessed September 15, 2021, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/096/52/PDF/N1809652.pdf?OpenElement>.

<sup>112</sup> United Nations General Assembly Report CN.4/720, *First report on protection of the environment in relation to armed conflicts*, A/CN.4/720.

<sup>113</sup> United Nations General Assembly Report CN.4/720, *First report on protection of the environment in relation to armed conflicts*, A/CN.4/720.

<sup>114</sup> United Nations General Assembly Report CN.4/720, *First report on protection of the environment in relation to armed conflicts*, A/CN.4/720.

<sup>115</sup> United Nations General Assembly Report CN.4/720, *First report on protection of the environment in relation to armed conflicts*, A/CN.4/720.

<sup>116</sup> United Nations General Assembly Report CN.4/720, *First report on protection of the environment in relation to armed conflicts*, A/CN.4/720.

<sup>117</sup> United Nations General Assembly Report CN.4/720, *First report on protection of the environment in relation to armed conflicts*, A/CN.4/720.

<sup>118</sup> United Nations General Assembly Report CN.4/720, *First report on protection of the environment in relation to armed conflicts*, A/CN.4/720.

<sup>119</sup> United Nations General Assembly Report CN.4/720, *First report on protection of the environment in relation to armed conflicts*, A/CN.4/720.

<sup>120</sup> Thor Hanson, Thomas M. Brooks, Gustavo A. B. Da Fonseca, Michael Hoffman, John F. Lamoreux, Gary Machlis, Cristina G. Mittermeier, Russell A. Mittermeier, and John D. Pilgrim, "Warfare in Biodiversity Hotspots," *Conservation Biology*.

<sup>121</sup> Thor Hanson, Thomas M. Brooks, Gustavo A. B. Da Fonseca, Michael Hoffman, John F. Lamoreux, Gary Machlis, Cristina G. Mittermeier, Russell A. Mittermeier, and John D. Pilgrim, "Warfare in Biodiversity Hotspots," *Conservation Biology*.

<sup>122</sup> Thor Hanson, Thomas M. Brooks, Gustavo A. B. Da Fonseca, Michael Hoffman, John F. Lamoreux, Gary Machlis, Cristina G. Mittermeier, Russell A. Mittermeier, and John D. Pilgrim, "Warfare in Biodiversity Hotspots," *Conservation Biology*.

factor is that conflict often prevents or limits thorough biological surveys of the environment.<sup>123</sup> Violence can cause researchers to wait to gather information on the environment until after the conflict is over.<sup>124</sup> Despite the conflict in the DRC largely occurring in 1996, the environmental effects were not studied and reported for over five years.<sup>125</sup> Protecting the environment requires complex and case-specific plans.<sup>126</sup> Organizations need funding and support to be able to quickly assess the situation and offer plans to curb environmental harm while the conflict is ongoing.<sup>127</sup> Non-Governmental Organizations are an important way to do this.<sup>128</sup> For example, during the conflict in the DRC, the gorilla population increased despite warfare due to efforts from the International Gorilla Conservation Program and other organizations to protect them.<sup>129</sup> Enabling and supporting non-governmental groups to intervene is a necessary step in the event governmental organizations fall short.<sup>130</sup>

### ***Conclusion***

The ILC has already taken steps to protect the environment in times of conflict, but more work is needed. Protecting the environment amid conflict will take large scale cooperation between militaries, governments and international organizations to ensure that ecosystems are not destroyed. The ILC has thoroughly explored legal frameworks by which military occupations should abide, but moving further into feasible limits to environmental destruction amid armed conflict remain contentious, and the ILO remains caught in the stages of international dialogue without any policy proposals or recommendations. Highlighting the effects of climate change as exacerbating preventable and varied levels of damage by Member State militaries and guerilla forces during conflict heightens the urgency of feasible legal frameworks to be put in place and enforced.

### ***Committee Directive***

The protection of the environment during armed conflict is essential to the future of the earth. With climate change posing increased threats every day, minimizing the dangers levied by armed conflict are essential. While conducting research, delegates should consider the following questions: What existing international law practices can be utilized to further protect the environment? Are new international law practices needed to respond to climate change? What are the potential barriers to protecting the environment amidst armed conflict? How can these barriers be addressed to ensure the environment is better protected?

---

<sup>123</sup> Thor Hanson, Thomas M. Brooks, Gustavo A. B. Da Fonseca, Michael Hoffman, John F. Lamoreux, Gary Machlis, Cristina G. Mittermeier, Russell A. Mittermeier, and John D. Pilgrim, "Warfare in Biodiversity Hotspots," *Conservation Biology*.

<sup>124</sup> Thor Hanson, Thomas M. Brooks, Gustavo A. B. Da Fonseca, Michael Hoffman, John F. Lamoreux, Gary Machlis, Cristina G. Mittermeier, Russell A. Mittermeier, and John D. Pilgrim, "Warfare in Biodiversity Hotspots," *Conservation Biology*.

<sup>125</sup> Thor Hanson, Thomas M. Brooks, Gustavo A. B. Da Fonseca, Michael Hoffman, John F. Lamoreux, Gary Machlis, Cristina G. Mittermeier, Russell A. Mittermeier, and John D. Pilgrim, "Warfare in Biodiversity Hotspots," *Conservation Biology*.

<sup>126</sup> Thor Hanson, Thomas M. Brooks, Gustavo A. B. Da Fonseca, Michael Hoffman, John F. Lamoreux, Gary Machlis, Cristina G. Mittermeier, Russell A. Mittermeier, and John D. Pilgrim, "Warfare in Biodiversity Hotspots," *Conservation Biology*.

<sup>127</sup> Thor Hanson, Thomas M. Brooks, Gustavo A. B. Da Fonseca, Michael Hoffman, John F. Lamoreux, Gary Machlis, Cristina G. Mittermeier, Russell A. Mittermeier, and John D. Pilgrim, "Warfare in Biodiversity Hotspots," *Conservation Biology*.

<sup>128</sup> Thor Hanson, Thomas M. Brooks, Gustavo A. B. Da Fonseca, Michael Hoffman, John F. Lamoreux, Gary Machlis, Cristina G. Mittermeier, Russell A. Mittermeier, and John D. Pilgrim, "Warfare in Biodiversity Hotspots," *Conservation Biology*.

<sup>129</sup> Thor Hanson, Thomas M. Brooks, Gustavo A. B. Da Fonseca, Michael Hoffman, John F. Lamoreux, Gary Machlis, Cristina G. Mittermeier, Russell A. Mittermeier, and John D. Pilgrim, "Warfare in Biodiversity Hotspots," *Conservation Biology*.

<sup>130</sup> Thor Hanson, Thomas M. Brooks, Gustavo A. B. Da Fonseca, Michael Hoffman, John F. Lamoreux, Gary Machlis, Cristina G. Mittermeier, Russell A. Mittermeier, and John D. Pilgrim, "Warfare in Biodiversity Hotspots," *Conservation Biology*.

## II. Strengthening the Protection of Personal Data in Transborder Flows of Information

### *Introduction*

Avoiding a security breach while transferring personal data across borders has proven an ever-evolving challenge for Member State entities, both public and private. As technological communication continues to develop and expand, the establishment of international safeguarding policies and best practices surrounding user protection are critical. The Organisation for Economic Co-operation and Development (OECD) set a precedent with its *Guidelines on the Protection of Privacy and Transborder Flows of Personal Data* (hereafter referred to as the Guidelines) in 1980, with an aim to “foster consistent domestic approaches to addressing information security risks in a globally interconnected society.”<sup>131</sup> The Guidelines provided a privacy framework that has served as the foundation for many Member States domestic privacy policies since the 1970s.<sup>132</sup> However, a cohesive framework with full United Nations (UN) Member State consensus at the international level remains largely unrealized, and Member States face various struggles in protecting personal data as it flows through borders.<sup>133</sup> Legislation that is deemed too rigid has been met with hesitancy, with Member States fearing that such regulations would slow the transfer of important information in certain sectors of the economy, such as banking and insurance.<sup>134</sup> While consensus on regulation remains elusive, there is full Member State agreement on one aspect of data protection measures: upholding human rights while averting interruptions to any economy.<sup>135</sup>

Data is typically electronically transmitted, and with developing technologies such as automatic data processing, it is becoming even easier to transmit tremendous quantities of data across borders within seconds.<sup>136</sup> Most existing privacy policies include the use of a “data controller,” or a body to oversee the collection, storage, and processes of personal data.<sup>137</sup> The term “personal data” is used to encompass any information that can identify an individual.<sup>138</sup> The electronic transportation of this personal data to and from different Member States constitute the transborder flows of data to which this paper references.<sup>139</sup>

Critical Information Infrastructure (CII) is defined by the United States (US) of America’s Department of Homeland Security as “any physical or virtual information system that controls, processes, transmits, receives or stores electronic information in any form including data, voice, or video.”<sup>140</sup> Similarly, the European Commission listed CII’s to be inclusive of “telecommunications, computers/software, Internet, satellites, etc.”<sup>141</sup> The international community depends heavily on CII’s and they have proven to be very effective in transmitting data and information

---

<sup>131</sup> “OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data,” *Organisation for Economic Co-operation and Development*, last updated 2013, accessed October 11, 2021,

<https://www.oecd.org/sti/ieconomy/oecdguidelinesontheprivacyandtransborderflowsofpersonaldata.htm>.

<sup>132</sup> “OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data,” *Organisation for Economic Co-operation and Development*.

<sup>133</sup> “OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data,” *Organisation for Economic Co-operation and Development*.

<sup>134</sup> “OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data,” *Organisation for Economic Co-operation and Development*.

<sup>135</sup> “OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data,” *Organisation for Economic Co-operation and Development*.

<sup>136</sup> “OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data,” *Organisation for Economic Co-operation and Development*.

<sup>137</sup> “What Is a data controller or a data processor?,” *European Commission*, accessed October 15, 2021, [https://ec.europa.eu/info/law/law-topic/data-protection/reform/rules-business-and-organisations/obligations/controller-processor/what-data-controller-or-data-processor\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/reform/rules-business-and-organisations/obligations/controller-processor/what-data-controller-or-data-processor_en).

<sup>138</sup> “OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data,” *Organisation for Economic Co-operation and Development*.

<sup>139</sup> “OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data,” *Organisation for Economic Co-operation and Development*.

<sup>140</sup> Dave Clemente, “Cyber Security and Global Interdependence: What Is Critical?,” *Chatam House*, February 2013, accessed October 17, 2021,

[https://www.chathamhouse.org/sites/default/files/public/Research/International%20Security/0213pr\\_cyber.pdf](https://www.chathamhouse.org/sites/default/files/public/Research/International%20Security/0213pr_cyber.pdf).

<sup>141</sup> Dave Clemente, “Cyber Security and Global Interdependence: What Is Critical?,” *Chatam House*.

across borders.<sup>142</sup> If this infrastructure were to be destroyed, the impact on national security, national economic security, or national public health and safety would be debilitating for any Member State.<sup>143</sup> This is why Critical Information Infrastructure Protection (CIIP) is crucial to the continuation of safe and efficient technological communication. CIIP as defined by the North Atlantic Treaty Organization (NATO) “is usually understood as including both the protection of data (including issues of privacy) and the protection of information infrastructure.”<sup>144</sup>

The cloud is a technological advancement that allows anyone granted access to view a file or application from anywhere. It is more formally defined as “servers that are accessed over the Internet, and the software and databases that run on those servers.”<sup>145</sup> The cloud has revolutionized business communications across the globe. Using the cloud can reduce a company’s Information Technology (IT) costs, provide options for scalability, create opportunities for collaboration, provide flexible work practices, and allow for automatic updates.<sup>146</sup> With such advancements comes real dangers, including data loss, data confidentiality issues, data sovereignty complications, and legal and regulatory compliance.<sup>147</sup>

### *History*

The 1970s were a time when technology was finding its way into the everyday lives of individuals and governments alike, leading to a dependence on technology for holding personal data.<sup>148</sup> With these changes came questions on the right to privacy. Populations around the world grew concerned over what was happening to their personal information and who could use it against them.<sup>149</sup> Many Member State governments took action to mediate these concerns and ensure their citizens the “traditional concept of privacy,” outlined by the OECD as “the right to be left alone.”<sup>150</sup> Individual policies began to proliferate, and were eventually collected and analyzed by the OECD, leading to their publication of the Guidelines. The Guidelines recognized that the interconnectivity between Member States by way of the internet had fundamentally and irrevocably changed the nature of international relations and cooperation, and while it had the potential to significantly contribute to economic and social development, an uncoordinated approach among Member States could substantially hinder such developments.<sup>151</sup> Most of the recommendations focused on encouraging an awareness among Member States not only of their domestic legislation concerning data privacy, but also that of other Member State governments, and to analyze how these different legislative practices may be coordinated to the benefit of all involved.<sup>152</sup>

In 1981, the Council of Europe ratified the “Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data (Convention 108),” cementing a regional consensus on individual privacy rights in transborder flows of information.<sup>153</sup> Argentina, Cabo Verde, Mauritius, Mexico, Morocco, Senegal, Tunisia, and Uruguay later acceded to the treaty as well, and in 2019 all treaty members agreed to the introduction of new

---

<sup>142</sup> Dave Clemente, “Cyber Security and Global Interdependence: What Is Critical?,” *Chatam House*.

<sup>143</sup> Dave Clemente, “Cyber Security and Global Interdependence: What Is Critical?,” *Chatam House*.

<sup>144</sup> Dave Clemente, “Cyber Security and Global Interdependence: What Is Critical?,” *Chatam House*.

<sup>145</sup> “What Is the Cloud?,” *Cloudflare*, accessed November 11, 2021, <https://www.cloudflare.com/learning/cloud/what-is-the-cloud/>.

<sup>146</sup> “Benefits of Cloud Computing,” *Business Queensland, The State of Queensland*, accessed December 1, 2021, <https://www.business.qld.gov.au/running-business/it/cloud-computing/benefits>.

<sup>147</sup> “Top 15 Cloud Security Issues, Threats and Concerns,” *Check Point*, accessed October 12, 2021, <https://www.checkpoint.com/cyber-hub/cloud-security/what-is-cloud-security/top-cloud-security-issues-threats-and-concerns/>.

<sup>148</sup> “OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data,” *Organisation for Economic Co-operation and Development*.

<sup>149</sup> “OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data,” *Organisation for Economic Co-operation and Development*.

<sup>150</sup> “OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data,” *Organisation for Economic Co-operation and Development*.

<sup>151</sup> “OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data,” *Organisation for Economic Co-operation and Development*.

<sup>152</sup> “OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data,” *Organisation for Economic Co-operation and Development*.

<sup>153</sup> “OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data,” *Organisation for Economic Co-operation and Development*.

guidelines on privacy measures that accounted for the advances in artificial intelligence.<sup>154</sup> Convention 108 is different from the Guidelines in various ways and reasons, however, it has been noted by the OECD that the core principles between the two are apparent.<sup>155</sup>

During the coronavirus (COVID-19) pandemic, the United Nations Privacy Policy Group (UNPPG), an inter-agency group comprised of the UN Global Pulse and the Office of Information and Communications Technology, released a statement reflecting its commitment to upholding the protection of privacy and freedom in matters involving personal data.<sup>156</sup> After the success in medical officials using data to track the COVID-19 pandemic, questions arose as to the level of intrusion and its potential for abuse.<sup>157</sup> The UNPPG endorsed the responsible use of necessary data, in line with the regulations of the UN Principles on Personal Data Protection and Privacy, and asserted that this responsible usage “can serve as a precedent for using data to respond to future emergencies in a way that preserves fundamental human rights and freedoms.”<sup>158</sup>

### *Actions Taken by the United Nations*

In 2006, there was a proposal presented to the International Law Commission (ILC) that included an annex titled *Protection of Personal Data in Transborder Flow of Information*.<sup>159</sup> This topic was to be added to the ILC’s long-term program of work and has remained in the long-term agenda today.<sup>160</sup> In research for the proposal, the committee explained that although many Member States have differing legislation, their core principles in data protection had overwhelming similarities.<sup>161</sup> In order to maximize on these similarities, the ILC decided to focus on defining user’s rights, determining what data is considered “private,” choosing to only examine data flow that contains personally identifiable information, and navigating different privacy legislations in each Member State.<sup>162</sup>

Following the release of the 2030 Sustainable Development Goals (SDGs), the United Nations Development Programme (UNDP) formulated a guidance note on the privacy, protection, and ethics of data to aid Member States in successfully implementing these goals.<sup>163</sup> The principles discussed include: (1) Lawful, Legitimate, and Fair Use, (2) Purpose Specification, Use Limitation and Purpose Compatibility, (3) Risk Mitigation and Risks, Harms and Benefits Assessment, (4) Sensitive Data and Sensitive Contexts, (5) Data Security, (6) Data Retention and Data Minimization, (7) Data Quality, (8) Open Data, Transparency and Accountability, and (9) Due Diligence for Third Party Collaborators.<sup>164</sup>

The goals of this guidance note included constructing uniform principles across UNDP Member States that “support the optional use of big data,” manage risk when it comes to fundamental human rights, and setting consistent guidelines for obtaining, retaining, using, and controlling the quality of data from the private sector. Data is a crucial component of achieving the SDGs as it can help stakeholders monitor progress and advance evident-based policies.<sup>165</sup> While this document is not legally binding, it does serve as a basic framework in which Member States can expand upon while still implementing cohesive policies.<sup>166</sup>

---

<sup>154</sup> “The OECD Privacy Framework,” *Organisation for Economic Co-operation and Development*, 2013, accessed December 11, 2021, [https://www.oecd.org/digital/ieconomy/oecd\\_privacy\\_framework.pdf](https://www.oecd.org/digital/ieconomy/oecd_privacy_framework.pdf).

<sup>155</sup> “The OECD Privacy Framework,” *Organisation for Economic Co-operation and Development*.

<sup>156</sup> “UN entities issue Joint Statement on Data Protection and Privacy,” *United Nations*, accessed December 21, 2021, <https://www.un.org/en/delegate/un-entities-issue-joint-statement-data-protection-and-privacy>.

<sup>157</sup> “UN entities issue Joint Statement on Data Protection and Privacy,” *United Nations*.

<sup>158</sup> “UN entities issue Joint Statement on Data Protection and Privacy,” *United Nations*.

<sup>159</sup> “Annex IV: Protection of Personal Data in Transborder Flow of Information,” *International Law Commission*, 2006, accessed November 27, 2021, <https://legal.un.org/ilc/reports/2006/english/annexes.pdf>.

<sup>160</sup> “Annex IV: Protection of Personal Data in Transborder Flow of Information,” *International Law Commission*.

<sup>161</sup> “Annex IV: Protection of Personal Data in Transborder Flow of Information,” *International Law Commission*.

<sup>162</sup> “Annex IV: Protection of Personal Data in Transborder Flow of Information,” *International Law Commission*.

<sup>163</sup> “Sustainable Development Goals,” *United Nations Development Programme*, accessed December 30, 2021, <https://www.undp.org/sustainable-development-goals>.

<sup>164</sup> “Sustainable Development Goals,” *United Nations Development Programme*.

<sup>165</sup> “Sustainable Development Goals,” *United Nations Development Programme*.

<sup>166</sup> “Sustainable Development Goals,” *United Nations Development Programme*.

### *Actions Taken by the International Community*

The OECD is an Observing Member of the UN and works closely with the General Assembly in the UN as well as its subcommittees.<sup>167</sup> Recognizing the weaknesses in legislation for the protection of personal information, the OECD Guidelines are intentionally formatted to be able to serve as both a set of policies adaptable to integration within a Member State's existing privacy framework, as well as a stand-alone privacy framework for Member States introducing a privacy policy for the first time.<sup>168</sup> Half of OECD's members (Austria, Canada, Denmark, France, Germany, Luxembourg, Norway, Sweden and the US) have passed legislation, and Member States such as Belgium, Iceland, the Netherlands, Spain and Switzerland have drafted legislation based on the OECD's Guidelines.<sup>169</sup> The legislation views the unauthorized storage, abuse, or disclosure of personal or inaccurate data as a human rights violation.<sup>170</sup> With only a handful of Member States using cohesive policies, there are still great disparities between national legislations at a global scale.<sup>171</sup> These disparities only complicate the protection of personal data and open loopholes for hackers. New developments in communication technology are proving that finding a globally-cohesive solution is even more difficult.<sup>172</sup> The absence of a cohesive solution risks disturbing crucial sectors of any economy, such as insurance or banking.<sup>173</sup>

The OECD Guidelines ask Member States to avoid creating "unjustified obstacles" when handling "transborder flows of personal data," for each Member State to implement this set of guidelines to create uniformity, to promptly agree on the details of these uniform procedures, and to utilize the Committee for Information, Computer and Communication Policy (ICCP).<sup>174</sup> The ICCP works with Internet and Information and Communication Technologies (ICTs) to continue to develop economies and societies alike.<sup>175</sup> Composed of member governments, non-member economies, and Non-Governmental Organizations (NGOs), the ICCP is the leading source for analyses of "economic, social, and regulatory" data within communication technologies in the international community.<sup>176</sup> The committee focuses on the development and application of new technologies, analyzing the impact of ICTs on global economies, managing risks of children online, overseeing transborder flows of personal or identifiable information, and cybersecurity.<sup>177</sup>

The OECD's Guidelines also contain a portion of the Fair Information Practice Principles (FIPP) which were developed by the US' Department of Health, Education & Welfare in 1973.<sup>178</sup> The FIPPs are a framework that, rather than demanding rigid policy requirements, provides a framework to assist Member States in finding the balance between "privacy and other interests."<sup>179</sup> This framework has been widely accepted among many Member

---

<sup>167</sup> "OECD participation at the United Nations General Assembly 2017," *Organisation for Economic Co-operation and Development*, 2017, accessed December 11, 2021, <https://www.oecd.org/development/unga-2017.htm>.

<sup>168</sup> "OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data," *Organisation for Economic Co-operation and Development*.

<sup>169</sup> "OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data," *Organisation for Economic Co-operation and Development*.

<sup>170</sup> "OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data," *Organisation for Economic Co-operation and Development*.

<sup>171</sup> "OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data," *Organisation for Economic Co-operation and Development*.

<sup>172</sup> "OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data," *Organisation for Economic Co-operation and Development*.

<sup>173</sup> "OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data," *Organisation for Economic Co-operation and Development*.

<sup>174</sup> "OECD Work on Privacy," *Organisation for Economic Co-operation and Development*, accessed December 17, 2021, <https://www.oecd.org/sti/ieconomy/privacy.htm>.

<sup>175</sup> "Committee on Information, Communications and Computer Policy (ICCP)," *Organisation for Economic Co-operation and Development*, 2010, accessed December 30, 2021, <https://www.oecd.org/sti/ieconomy/37328586.pdf>.

<sup>176</sup> "Committee on Information, Communications and Computer Policy (ICCP)," *Organisation for Economic Co-operation and Development*.

<sup>177</sup> "Committee on Information, Communications and Computer Policy (ICCP)," *Organisation for Economic Co-operation and Development*.

<sup>178</sup> "OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data," *Organisation for Economic Co-operation and Development*.

<sup>179</sup> "The OECD Privacy Framework," *Organisation for Economic Co-operation and Development*.

States and international organizations.<sup>180</sup> The FIPP framework is based on a 1972 study conducted by the Secretary of Health, Education, and Welfare of the United States, titled “Records, Computers and the Rights of Citizens.”<sup>181</sup> Its intent was to examine the range of limitations that would still produce a net positive in the matter of storing personal data.<sup>182</sup> The report also included recommendations related to the benefits of computerization while providing safeguards for individual privacy.<sup>183</sup> This report is what led the OECD in 2003 and 2005 to push for uniformity in legislation as well as noted “Improving the global interoperability of privacy frameworks raises challenges but has benefits beyond facilitating transborder data flows.”<sup>184</sup> It goes on further to state “Global interoperability can help simplify compliance by organisations [organizations] and ensure that privacy requirements are maintained.”<sup>185</sup> Lastly, it stated “It can also enhance individuals’ awareness and understanding of their rights in a global environment.”<sup>186</sup>

### ***Conclusion***

When reviewing all of the work that has been done to protect data as it is transmitted, there is a common goal throughout it: creating a cohesive framework to ensure data (and the people it belongs to) is protected as it flows between borders. This goal has proven to be challenging, considering every Member State has the right to national sovereignty, and in that, have the right to implement different legislation and have varying definitions of user’s rights. Simultaneously, Member States need to ensure they are not implementing unnecessary obstacles to protect data that may hinder economic growth. With new technology constantly on the rise, such as the cloud, protecting data across borders is becoming increasingly more difficult.<sup>187</sup> While balancing data protection with economic progress, Member States will also need to consider a human rights aspect of how data is controlled, who can see what data, and how policy-violators will be held accountable. Navigating these conditions has shown to be a laborious task, but a crucial one for which the international community needs to find a solution.

### ***Committee Directive***

The protection of personal data is pertinent in a society that is becoming more dependent on communication technology. Individuals are attacked daily with hackers using their personal data against them. While conducting research, delegates should consider the following questions: What existing legislation can aid this committee in protecting transborder flows of information? What potential barriers may arise when discussing uniform legislation? What policies can ensure the protection of personal data as it crosses borders?

---

<sup>180</sup> “OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data,” *Organisation for Economic Co-operation and Development*.

<sup>181</sup> “The OECD Privacy Framework,” *Organisation for Economic Co-operation and Development*.

<sup>182</sup> “The OECD Privacy Framework,” *Organisation for Economic Co-operation and Development*.

<sup>183</sup> “The OECD Privacy Framework,” *Organisation for Economic Co-operation and Development*.

<sup>184</sup> “The OECD Privacy Framework,” *Organisation for Economic Co-operation and Development*.

<sup>185</sup> “The OECD Privacy Framework,” *Organisation for Economic Co-operation and Development*.

<sup>186</sup> “OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data,” *Organisation for Economic Co-operation and Development*.

<sup>187</sup> “OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data,” *Organisation for Economic Co-operation and Development*.



## Annotated Bibliography

### **I. Protecting the Environment Amid Armed Conflict**

“Conflict and Conservation: Nature in a Globalised World Report No.1,” *International Union for Conservation of Nature and Natural Resources (IUCN)*, 2021, accessed January 1, 2022, <https://portals.iucn.org/library/efiles/documents/NGW-001-En.pdf>

The first in the International Union for Conservation of Nature and Natural Resources (IUCN)’s *Nature in a Globalised World* series, this inaugural report focuses on the inherent dissonance between armed conflict and conservation efforts. A causal linkage between conflict areas and a rise in threatened or endangered species is made, fortified with evidence from 1989 until roughly the time the report was produced. The report advocates for a more active role by Member State governments in natural resource governance and management, enforcement of international agreements through the use of international course, and multi-Member State natural resource conservation programs.

“How Does War Damage the Environment?,” *Conflict and Environment Observatory*, June 4, 2020, accessed January 1, 2022, <https://ceobs.org/how-does-war-damage-the-environment/>

This article stands out in its attention to the impact conflict has on the environment before the actual combat begins. Building large military forces and corresponding munitions requires mass amounts of energy (often in the form of oil), and generally results in high levels of CO<sup>2</sup> emissions. In fact, the article notes that “the CO<sup>2</sup> emissions of the largest militaries are greater than many of the world’s countries combined.” This destruction and depletion is important to keep in mind when attempting to calculate damage from armed conflict, which is often limited to the duration of the actual conflict. The article also takes into account the life cycle of military weapons, which cause various levels and impacts of environmental impacts throughout their procurement, use, and decommission.

Kenneth Wyne Mutuma, “The Protection of the Environment during Armed Conflict,” *Journal of Conflict Management and Sustainable Development*, Volume 7, Issue 1, 2021, accessed January 1, 2022, <https://journalofcmsd.net/wp-content/uploads/2021/08/The-Protection-of-the-Environment-during-Armed-Conflict.pdf>

Through a case study of the African continent, this article identifies the areas where international humanitarian law and international environmental law have failed to address environmental protection during armed conflict. The article not only addresses protection in the form of that from environmental destruction (such as air, water, and soil pollution), but also protection from the exploitation and/or misuse of natural resources (often employed to help better fund warring parties). After revealing these gaps in policy, the article examines how regional blocs have attempted to fill them. Special attention is paid to the work of the Economic Community of West African States (ECOWAS) and African Union’s *Convention on the Conservation of Nature and Natural Resources*.

“Reversing Land Degradation Can ‘Pre-empt and Manage’ Conflicts,” United Nations, September 17, 2020, accessed January 2, 2022, <https://news.un.org/en/story/2020/09/1072662>.

This brief yet informative article produced by the United Nations (UN) is a great quick read for delegates as it describes once again that protection of the environment is “vital for ‘our health, our wealth and our wellbeing.’” This article was written among the COVID-19 pandemic and shows that the UN remains committed to this important issue and highlights such areas as shifting threats, conflict causes, forward steps, as well as issues with vulnerable populations such as women as well as our youth. This is just one of many articles that can be found on the UN website and can be used as a starting point in understanding the breadth and severity of the topic at hand for conference.

“Witnessing the Environmental Impacts of War: Environmental Case Studies from Conflict Zones,” PAX, November 6, 2020, accessed January 1, 2022, <https://paxforpeace.nl/media/download/witnessing-the-environmental-impacts-of-war.pdf>.

This compilation of case studies not only examines the environmental effects of armed conflict across a geographically diverse span of locations, but through the diverse voices of experts from the different humanitarian institutions that have worked in them. Drawing from on-the-ground observations of aid workers from Amnesty International, PAX for Peace, the Environmental Law Institute, the Geneva Water Hub, and others, the prevalence of environmental damage across the world underscores the urgent need in addressing it for the basic security and protection for civilians and societal development. The reports culminate into a conclusion that a new international agenda on the interrelationship of the environment, peace, and security should be of the utmost priority in international policy-making bodies.

## II. Strengthening the Protection of Personal Data in Transborder Flows of Information

“Data Protection Regulations and International Data Flows: Implications for Trade and Development,” *United Nations Conference on Trade and Development*, 2016, accessed September 20, 2021, [https://unctad.org/system/files/official-document/dtlstict2016d1\\_en.pdf](https://unctad.org/system/files/official-document/dtlstict2016d1_en.pdf).

In this report, development in information and communication technologies (ICTs) are directly tied to the development and realization of all 17 UN Sustainable Development Goals (SDGs). While noting the significant challenges to the development and implementation of laws surrounding data protection, the report concludes that strengthening these laws and the enforcement of them is the only way to ensure continued safe and successful technological development. The report highlights the roles and implications all stakeholders play in regulations, both government and civil, public and private. Balancing surveillance with data protection, determining jurisdiction, and regulating cross-border data transfers while respecting sovereignty are all issues given special attention.

David M. Cooper, “Transborder Data Flow and the Protection of Privacy: The Harmonization of Data protection Law,” *The Fletcher Forum*, Volume 8, No. 2, Summer 1984, 335-52, accessed September 20, 2021, <https://www.jstor.org/stable/45331161>.

This article explores the balance between the use of consumer information in business and analytics industries with the rights to privacy of the consumer. The new ease and convenience of electronic record-keeping that the technological revolution has brought also introduces new securitization threats. This article examines the disparity between different regional data privacy initiatives and attempts to find common ground in order to better harmonize trans-border data flows that respects both the rights and objectives of businesses, governments, and consumers.

Lingjie Kong, “Data Protection and Transborder Data Flow in the European and Global Context,” *The European Journal of International Law*, Volume 21, Issue 2, May 1, 2010, 441-456, accessed September 20, 2021, <https://academic.oup.com/ejil/article/21/2/441/374186>

Focusing on the data protection needs of Europe, this article ultimately condones bilateral, multilateral, and regional agreements on data protection in lieu of a global consensus. This article accepts that uniform international legislation on data security and protection is the optimal course of action in safeguarding transborder data flows but concedes that an all-encompassing international agreement has been heretofore insurmountable, and that other options should be considered in parallel. The article examines European multilateral and regional agreements, such as the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CoE Convention), the European Union’s Directive 95/46/EC, and various multilateral binding corporate rules.

Michael Pisa, Pam Dixon, and Ugonma Nwankwo, “Why Data Protection Matters for Development: The Case for Strengthening Inclusion and Regulatory Capacity,” *Center for Global Development*, December 6, 2021, accessed December 20, 2021, <https://www.cgdev.org/publication/why-data-protection-matters-development-case-strengthening-inclusion-and>

This article summarizes the results of a two-year research project conducted with the help of the Center for Global Development, the Hewlett Foundation and a working group of 15 experts. The research was aimed at understanding what challenges to policymaking on data regulation were experienced due to the multi-stakeholder lifecycle of personal data. Three obstacles were cited repeatedly across all stakeholders: “(1) A lack of funding and political impetus needed to strengthen systems to manage data; (2) A shortage of people with the technical expertise need to create and work within those systems; (3) Uncertainty with how to comply with (often new) national laws governing the use of data.” The article not only examines how to devise and implement currently needed policies, but how to “future-proof” from certain undesirable consequences of freer and easier transborder data flows.

Nigel Cory and Luke Dascoli, “How Barriers to Cross-Border Data Flows Are Spreading Globally, What They Cost, and How to Address Them,” *Information Technology and Innovation Foundation*, July 19, 2021, accessed September 21, 2021, <https://itif.org/publications/2021/07/19/how-barriers-cross-border-data-flows-are-spreading-globally-what-they-cost>.

Focusing on current regulations, this article explains how cross-border data flows impede economic development and suggests ways in which this impediment can be corrected. A quantitative analysis culminating in an estimated array of costs that current restriction on data flows incurs is shown and evidenced through explanatory graphs, mathematical equations, and written description. This source proves particularly helpful in listing the most prominent data protection policies enacted by every Member State (provided they have data restriction or regulation policies), organized by region.