



EmpireMUNC X

General Assembly

Disarmament and Security Committee (DISEC)

CHAIR

Raghav Joshi

Disarmament and International Security (First Committee)

Committee Background Guide

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Welcome Letter

Hello Delegates,

My name is Raghav Joshi, and I am the Chair of the Disarmament and International Security Committee (DISEC), also referred to as the United Nations General Assembly First Committee. I am a sophomore at New York University studying Democracy and Voting Rights at the Gallatin School of Individualized Study. At Gallatin, I seek to examine the structures and actors that have shaped the American democratic system and the history (as well as the future) of American civil and voting rights. I was born in New Delhi, India, and have lived in six countries in total. I came to the United States in 2017 and I went to high school just outside New York City. I was involved in my high school Model UN and Mock Trial teams. My hobbies include listening to and playing music, reading, and exploring the city! I am currently wrapping up my pilot's license as well. This will be my first time chairing a committee!

I am incredibly excited to be chairing this committee this year in particular, especially considering its great relevance with regard to major current events all around the world. I am looking forward to spirited discussions and the development of thoughtful solutions to ongoing crises.

If you have any questions, please do not hesitate to reach out to me via email!

Welcome to DISEC!

Sincerely,

Raghav Joshi, Chair

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Statement of Diversity and Inclusion

Whilst EmpireMUNC is committed to maintaining as educational and historically accurate an experience as possible, we recognize that any debate around historical events will incorporate sensitive issues. Delegates are expected to discuss these issues maturely and appropriately. EmpireMUNC is committed to promoting a culture of diversity and inclusion in line with NYU's values; in the spirit of this commitment, EmpireMUNC will not tolerate any bigoted symbols, statements, or attitudes. Remember that by attending our conference you agree to our Terms and Conditions of Conference Attendance, which we suggest you read over. It is posted on our website and is in your Delegation Guide. If you have specific questions that you are not sure about in regard to appropriate topics, please don't hesitate to email or ask.

Committee Background

The United Nations General Assembly First Committee, or the Disarmament and International Security Committee (DISEC), is the first of six Main Committees of the General Assembly. The Committee focuses on matters related to disarmament and threats to peace internationally as described in the United Nations Charter¹. DISEC operates in a three-stage structure: General Debate, Thematic Discussions, and Actions on Drafts. DISEC works in conjunction with the United Nations Disarmament Commission, the Conference on Disarmament, and any expert groups established by the Committee². All UN members and observers are permitted to be members of DISEC.

In this session of the Committee, our topics of discussion are **Private Military Contractors** and **Trading Nuclear Components**. DISEC contains seven thematic “clusters”: Nuclear Weapons, Other Weapons of Mass Destruction, Outer Space (disarmament), Conventional Weapons, Regional Disarmament and Security, Other Disarmament Measures and International Security, and the Disarmament Machinery³. We anticipate that the first, fifth, and sixth clusters will be the most relevant to the topics of this committee. Given the War in Ukraine, Yevgeny Prigozhin’s Rebellion, increased concerns regarding access to Uranium reserves in Niger and the safety of nuclear materials in Ukraine, the topics discussed by DISEC in this session are incredibly topical and sensitive, we ask that you remain aware of any developments leading up to and during the conference.

Topic A: Private Military and Security Companies

Introduction

Private Military and Security Companies (PMSCs) are independent companies that provide military and/or security services to their customers for profit. Customers can include governments, other organizations, and sub-state actors⁴. PMSCs vary in size and operation. Some have hundreds of soldiers and highly advanced military equipment that would be used in combat, while others comprise smaller units for protection or training services. PMSCs are often compared to mercenary groups, although actors or countries that decry the usage of mercenaries sometimes use them, such as the United States and even the United Nations.

PMSCs today are critical components of military and humanitarian operations. They provide logistical and security support to governments and NGOs operating in war zones. They can act as security details for VIPs and provide maintenance services for military machinery. For example, DynCorp (now under Amentum), was engaged in contracts worth \$3.96 billion in FY2007 for a multitude of services for the United States ranging from police services to security in Sudan to assisting the California Department of Forestry⁵. Certain PMSCs such as the Wagner Group are best known for providing soldiers (who are themselves ex-military or special forces) to fight in combat zones on behalf of, and alongside governments. Most notably, the Wagner Group has been deployed to Ukraine and was briefly involved in an attempted coup to overthrow Russian President Vladimir Putin.

Historical Context

PMSCs, as a concept, have existed for centuries. Corporations such as the East India Company had their own private military forces. These corporate military forces played significant roles in their region's geopolitics, oftentimes benefiting the company's country of origin. For example, the East India Company's arrival and takeover of India was the precursor to the British colonization of India.⁶ From the 17th-19th centuries, privately owned ships were commissioned by governments to attack ships of enemy states in a practice known as Privateering⁷. These Privateers, who gained notoriety as ruthless and opportunistic seafarers, were entitled to a portion of the wealth they looted from the other ships.

The first contemporary PMSC, Watchguard International, was founded in 1965 by SAS founder David Stirling⁸. After the Cold War, the number of PMSCs greatly expanded, as did their scope of operation. Almost every major conflict in South America, the Middle East, Africa, and the Asia-Pacific regions since the founding of Watchguard has involved PMSCs in some way,

shape, or form. PMSCs have been a large presence among military forces in Iraq, Afghanistan, The Congo, Mozambique, the Balkans, and other major Middle Eastern and African countries. Well-known organizations such as Blackwater, The Wagner Group, and Sandline International have caused a great deal of controversy all over the world. However, PMSCs provide much-needed logistical and battle support to militaries and are also cost-effective and relatively reliable security solutions.

We will discuss those major controversies and atrocities in a later section, but it is important to note that PMSCs are increasingly under great public scrutiny for their actions in war and peacetime. PMSCs have been reported to have indiscriminately assaulted, looted, and murdered innocent citizens stuck in the middle of conflicts. They have also been known to receive more money from governments and NGOs than what was initially allocated through their contracts.

Past Action

This committee and similar bodies have discussed the usage of PMSCs and mercenaries at great length. Despite that, there is hardly a consensus on the rules of engagement for PMSCs, as well as who is liable for the actions of PMSCs, and whether PMSCs should be treated the same way as mercenaries. There is a clear disconnect in position between countries that house and hire mercenaries and countries that have seen PMSC action within its borders.

PMSCs exist in a gray area in International Humanitarian Law. Issues arise when determining what category PMSCs fall under – are they mercenary groups or civilian corporations? Not all PMSC employees operate as combatants in war zones, although all are tied to conflict, security, or state/corporate interests. If PMSCs were to be compared to Article 47 of Additional Protocol I of the 1949 Geneva Conventions, they would not fit the categories of mercenaries. Some PMSCs can be considered combatants as per the criteria of Article 4.a.2 of the Geneva Conventions, although states can intentionally not satisfy certain criteria to remain clear of that designation. In an attempt to clarify any confusion on the status of PMSCs, Additional Protocol I Arts. 45 and 51.3 create a special status between civilians and combatants, where PMSC contractors can directly participate in war efforts and can expect not to be treated as ordinary civilians if captured or prosecuted⁹.

In 1977, following a rise in mercenary activity in Africa, the Organization of African Unity passed the Convention for the Elimination of Mercenarism in Africa. The Convention identifies mercenaries on the basis of nationality and employment and also places an emphasis on banning any mercenary actions against OAU Member States. However, the Convention still allowed governments to hire mercenaries for their own defense purposes, provided they were not

against a group that the OAU supported¹⁰. This level of subjectivity creates inconsistencies in the application of the Conventions.

In 1989, UNGA adopted Resolution 44/34, the International Convention against the Recruitment, Use, Financing, and Training of Mercenaries (Mercenary Convention)¹¹. It took effect in 2001 and has been ratified by thirty-seven states and signed by six more. The Convention bans states from the usage of mercenaries, as well as the recruitment, financing, and training of them too. Any action contrary to those bans is violative of the Convention. It further expands on the concept that mercenaries cannot be considered prisoners of war or lawful combatants. This Convention lacks a monitoring mechanism. The obvious constraint with this Convention is that none of the major players in the PMSC industry are signatories and that others have gone on to sign the Montreux Document, which does not adopt the Convention's notion that PMSCs and mercenaries are inherently violative of International Law.

The 2008 Montreux Document was another attempt to clarify the status of PMSCs and mercenaries in International Humanitarian Law, although it goes against the clear language of the Mercenary Convention¹². The signatories of the document consisted of seventeen countries that either hire PMSCs (contracting states), contain PMSCs within their territories (host states), or are the source of the contractors that make up PMSCs (home states). The document outlined a list of good practices for PMSCs in accordance with International Humanitarian Law. They recommend exercising due diligence during the hiring and contracting of PMSCs and contractors. They suggest implementing national standards for the usage of PMSCs and that responsibility for crimes committed by PMSCs can either fall on the individual members of the organization or the State that contracts them. However, these practices are not binding.

Following the Montreux Document, the International Code of Conduct for Private Security Services Providers (ICoC) was formed with over 600 company signatories and 250 members¹³. The ICoC created a streamlined set of principles and standards for stakeholders to abide by. An Oversight Charter was also put in place, creating an independent system of accountability through certification and review procedures. The UN also established two Intergovernmental Working Groups on Private Military and Security Companies to both consider and elaborate upon the idea to establish an international regulatory framework for regulating and monitoring PMSCs.

Current Issues

Legal Gray Areas

As previously mentioned, the legality of the usage of PMSCs in battle and for logistical support remains in question. The Geneva Conventions offer differing readings on the

classification of PMSCs as mercenaries. The Mercenary Conventions explicitly ban the usage of mercenaries, and include a definition that would encompass PMCs, but the states that would be most affected by the Conventions are not signatories, and there are no enforcement or monitoring mechanisms in place. Many of the key players in the PMSC industry have instead signed onto the Montreux Documents, which have outlined non-binding best practices and created a monitoring and certification mechanism through the International Code of Conduct for Private Security Services Providers. The OAU Mercenary Convention offers clear definitions and language but ultimately does not ban the usage of mercenaries or PMCs in their Member States. The work of the UN Intergovernmental Working Group is underway and no decision has been made. Licensing, regulation, and accountability are currently largely left to individual states.

Continuation of Atrocities and Exploitation

PMSCs have a history of committing atrocities in their host states. PMSCs have been directly linked due to numerous instances of rape, killings, pillaging, looting, and human trafficking. Due to the lack of streamlined accountability mechanisms and an international consensus on the best practices of PMSCs, some have been able to conduct their operations without regard for human life or property, and they have been able to do so with few consequences. The most notable PMSC atrocity was the 2007 Nisour Square Massacre in Iraq. Blackwater guards were evacuating U.S. Embassy officials in Baghdad when a car bomb exploded nearby. A team of Blackwater guards, tasked with clearing the route, opened fire on civilians in and around a car approaching their position. 17 Iraqis were killed and another 20 were injured. The Wagner Group, a PMSC with ties to the Russian Federation, has been reported to have been responsible for rape and mass murder in Africa, particularly in the CAR and Mali¹⁴. Wagner has been tied to Mali's largest mass killing during this conflict, with the killing of over 300 people in Moula. Many instances of PMSC atrocities affect a far larger number of people, but they do not garner as much attention. In Mozambique, the Dyck Advisory Group has been reported to have indiscriminately fired machine guns and dropped grenades onto villages and civilian infrastructure from helicopters above¹⁵.

Increase in Power and Decrease in Reliability

The Wagner Group was, for a long time, Russia's strongest PMSC ally. It has enjoyed close ties and cooperation with the Russian government and military apparatuses and has largely steered clear from any accountability for its actions overseas in Africa and the Middle East. The expansion and deployment of Wagner forces was an integral part of Russia's strategy in the War in Ukraine. That remained the case until Yevgeny Prigozhin, Wagner's leader, became dissatisfied with the Russian government's military leadership. After a series of losses and acts of friendly fire, Prigozhin publicly denounced Russian military leadership and embarked on a rebellion, seemingly intent on taking over Russian cities and toppling the government¹⁶. Wagner

forces were able to fully capture Rostov-on-Don and were nearing Moscow when a deal was struck between Wagner, Russian President Putin, and Belarusian President Lukashenko. Prigozhin and Wagner soldiers were not to be charged with any crime, and Wagner was to resume its regular deployments. While the dynamics between the Russian Ministry of Defense and Wagner are unique, this event raises concerns surrounding the outsized influence of PMSCs in military and NGO operations around the world and the heightened potential for destabilization caused by corporations with military infrastructure. Yevgeny Prigozhin's aircraft was shot down over Russia's Tver Oblast, killing Prigozhin and other Wagner leaders in August 2023³⁰.

Bloc Positions

PMSC Contracting States

These states are the source of PMSCs. They enjoy economic and military benefits from having PMSCs originate from their territories, and would prefer little-to-no regulations on PMSC activities. These states may or may not include signatories to the Montreux Documents but they are definitely not supporters or signatories of the Mercenary Conventions, which would ban the usage of PMSCs. Members of this bloc include the United States, United Kingdom, South Africa, Australia, France, and Poland.

PMSC Host States

These states have seen direct PMSC action within their territories, be it for security, combat, or logistical support. They are acutely aware of both the benefits and the downsides of their presence, although the experiences of these states with PMSCs vary greatly. Certain states may be more amenable to increased PMSC regulations than others, and some may prefer to not have them in their territories at all. Others are undecided on the fate of PMSCs. This bloc can contain signatories of the Montreux Documents, the Mercenary Conventions, both, or neither. Such states include Afghanistan, Iraq, and Sierra Leone.

Mercenary Conventions Signatories

These states have signed and/or ratified the International Convention Against the Recruitment, Use, Financing, and Training of Mercenaries, and those that share their views on mercenaries. They strongly oppose the legitimization of PMSCs and support their strong regulation or outright abolition. They would not support the Montreux Documents or any similarly worded document as it falls short of banning PMSCs. They would agree with the characterization of PMSCs as mercenaries. They may or may not be former PMSC host states.

They may also be allies or partners of such states. Such states include the Congo, Mali, and Syria.

Questions to Consider

1. How can this committee reconcile the lack of clarity on the legal status of PMSCs in international law?
2. How can this committee and individual states take action on the atrocities committed by PMSCs?
3. What, if any, actions should this committee take to ensure that the sovereignty of contracted and host states is respected by PMSCs?
4. Should PMSCs contracted by NGOs and governments have different regulations or rules of engagement?
5. Should the United Nations continue its relationship with PMSCs?

Topic B: Trading Nuclear Components

Introduction

Nuclear non-proliferation is one of this committee's most important areas of focus. With nuclear non-proliferation comes the protection of nuclear materials and the prevention of such materials, otherwise being used for civilian purposes, being used for the production of nuclear weapons. Another aspect of DISEC is the monitoring of matters related to international security. These focus areas intersect in the topic of "Trading Nuclear Components." With the increasing nuclear arsenals of states like the People's Republic of China, the Russian Federation, the DPRK, India, and Pakistan, India's bid to join the Nuclear Suppliers Group, and the destabilization of Niger, a country with a significant Uranium export industry, the discussion of trading nuclear components is worth revisiting.

Historical Context

Following the usage of nuclear weapons on Japan at the end of World War 2 and the rise of the Cold War between the United States and the Soviet Union, there was widespread fear of the uncontrolled proliferation of nuclear weapons, bringing with it the potential for accidents, escalations, and increased geopolitical tension. In order to ameliorate some of these concerns and ensure the spread of nuclear technology in a safe manner, then-President of the United States Dwight D. Eisenhower proposed the establishment of the International Atomic Energy Agency, a body that regulates and promotes nuclear power in a safe manner. The IAEA was established in 1957, with a charter to work towards advancing safe, secure, and peaceful uses for nuclear power¹⁷. The IAEA also creates safeguard standards for the storage and usage of nuclear materials. These standards have been used as industry guidelines for best practices.

In 1970, the Treaty on the Non-Proliferation of Nuclear Weapons (Non-Proliferation Treaty/NPT) took effect. It currently has 190 parties and four non-parties, three of which are nuclear states. The NPT contains two classes of parties, those being nuclear and non-nuclear weapon states. It is agreed upon that the non-nuclear states do not attempt to create or use nuclear weapons while nuclear states agree to not aid any non-nuclear states in creating nuclear weapons. The NPT also requires non-nuclear weapon states to follow IAEA safeguard standards to ensure the fulfillment of NPT obligations and to prevent the usage of nuclear components for weapons¹⁸. In signing IAEA safeguard agreements, states agree to IAEA verification. Separate from the NPT, in order to determine what materials require safeguards, the Zangger Committee was formed. The Committee maintains a list (known as a "Trigger List") of components and materials that can potentially lead to the proliferation of nuclear weapons¹⁹. The export of any items on this list will "trigger" IAEA safeguards, hence the name Trigger List.

After the 1974 Indian Nuclear Tests (Operation Smiling Buddha), demand increased for a new mechanism to prevent nuclear proliferation in states outside the United Nations Security Council. The materials used in the tests were initially provided for civilian purposes, meaning that states could repurpose nuclear components intended for non-military uses (a phenomenon known as dual-use). The Nuclear Suppliers Group, a multilateral export control regime with 48 participating states, was then formed with the intention of limiting the proliferation of nuclear weapons when exporting dual-use nuclear components²⁰. Participating governments attempt to ensure that any exports of specifically outlined nuclear materials under the Trigger List will not be used for nuclear proliferation by having the recipient country undergo IAEA safeguard checks. Aside from the development of nuclear weapons, such materials are necessary for nuclear reactors (which provide energy).

Past Action

To further complement the NPT and NSG, major regional organizations created treaties establishing Nuclear-Weapon-Free Zones (NWFZs) across various regions of the world²¹. DISEC and UNGA passed resolutions recognizing the treaties and calling upon nations to sign onto those treaties. There are currently 5 active NWFZ treaties for different terrestrial jurisdictions, as well as a country-specific treaty and 4 other denuclearization treaties²².

In 1967, the Treaty of Tlatelolco was signed, covering Latin America and the Caribbean. This was the first instance of the passage of an NWFZ outside of the Antarctic Treaty. The Treaty of Rarotonga was signed in 1985, covering the South Pacific. The Treaty of Bangkok was signed in 1995, covering Southeast Asia. The Treaty of Pelindaba was signed in 1996, covering 43 signed and ratified states and ten signed states. Only South Sudan is a non-signatory to the Treaty. With UN approval, both Mongolia and a consortium in Central Asia adopted Nuclear-Weapon Free Zone status in 2000 and 2006, respectively²³. For reference, check the signing of additional protocols to these Treaties where the five recognized nuclear powers agree to not violate the terms of the treaty or to use nuclear weapons in the region.

The Antarctic Treaty of 1959 includes language banning nuclear testing. The 1967 Outer Space Treaty bans nuclear weapons in space. The 1971 Seabed Treaty and the 1979 Moon Agreement prohibit the usage of nuclear weapons on the Seabed beyond 12 miles off the coast of a territory and on the Moon, respectively²⁴.

There are discussions regarding the formation of a Middle East NWFZ, and a UN resolution was passed to convene key stakeholders to discuss its formation in 2019 and 2021. Israel was notably absent from those discussions²⁵.

In 2021, the Treaty on the Prohibition of Nuclear Weapons (TPNW) took effect. Legally binding, this Treaty prohibits the usage (or threat to do so), stockpiling, testing, development, stationing, transfer, or production of nuclear weapons²⁶. The Treaty has 68 parties and 27 signatories. However, no nuclear power is a party or signatory to the Treaty.

Current Issues

Destabilized Regions Containing Nuclear Components

On the 26th of July, 2023, the Nigerien (Niger) government collapsed in a coup led by General Abdourahmane Tchiani²⁷. Niger, notably, produces around 5% of the world's Uranium but 25.38% of the EU's supply in 2022. That supply goes towards 13 EU states with nuclear plants, which in turn supplies their energy reserves. Niger is the EU's largest Uranium supplier and nuclear energy accounts for 25% of the EU's electricity produced. General Tchiani has announced that Niger will no longer be sending Uranium to France (and the EU by large), thereby cutting off the EU's largest Uranium source²⁸. Decreasing supply will cause an increase in Uranium prices, and may create a greater reliance on other Uranium sources such as Russia (which is currently facing sanctions). The Wagner Group's presence and influence in the region also raise concerns. It is a possibility that Wagner may assume control of any currently operating Uranium deposits or mines, giving them control over one of the world's largest Uranium supplies. At the writing of this background guide, the true effect of this development remains unclear.

The Zaporizhzhia Nuclear Plant, the largest in Europe and one of the largest in the world was captured by Russian forces in the Ukraine War. Russia captured the plant after an intense firefight, and the plant saw damage to its outer walls, supply lines, and support infrastructure²⁹. While the IAEA has declared the scene stable, there was a potential for a radiation leak caused by damage to the plant with widespread effects beyond Ukraine and Russia. This is the first instance of an armed conflict directly affecting a nuclear plant. With the continued instability of the region, the potential for further damage to the plant and the spread of radiation remains unclear. In addition, there have been accusations of sabotage by both Russia and Ukraine.

The Status of "Non-Recognized" Nuclear Powers

Only 5 out of 9 nuclear-weapon-equipped states are "recognized" nuclear-weapons states. This recognition comes from participation in the Nuclear Proliferation Treaty and allows for them to participate in the Nuclear Support Group (although there are exceptions), as well as participation in various related protocols and agreements. Some of these non-recognized states refuse to sign on to the NPT, meaning that they are unwilling to commit to promoting nonproliferation to the same degree as NPT signatories. Furthermore, without these states'

involvement in the Nuclear Support Group, there are fewer assurances in place to ensure that nuclear components are traded in accordance with the IAEA. States like India and Pakistan, countries with a history of tension and conflict, have made extraordinary agreements with other states and the IAEA to receive nuclear components. Israel, the only potential nuclear power in the Middle East, has employed a policy of deliberate ambiguity, with a refusal to confirm or deny the presence of nuclear weapons as a deterrence strategy. India and Pakistan have both requested to join the NSG, although their applications have not yet been approved. Neither will support the NPT, although they claim to be committed to the ideals of nuclear non-proliferation. In short, there is a lack of consistency surrounding the ability of non-NPT and NSG states with nuclear weapon capabilities in being able to receive nuclear components. The Chair would appreciate this committee resolving these discrepancies.

Bloc Positions

Non-Nuclear Weapon States

These states have signed the Treaty on the Non-Proliferation of Nuclear Weapons as states that do not have or operate nuclear weapons, have signed the Nuclear Weapon Ban Treaty, and/or have signed onto a Nuclear-Weapon-Free Zone in their region. These states are concerned about the proliferation of nuclear weapons in their regions and support tightening regulations and oversight on the trading of nuclear components. Furthermore, they want to ensure that any nuclear materials in their regions are being used solely for civilian energy purposes. They are also concerned with supply-chain issues regarding nuclear components. This bloc contains 185+ countries between the NPT, NWFZ, and TPNW. However, bloc members like Iran have been accused of violating NPT and IAEA regulations in the past.

Recognized Nuclear Weapon States

These states have signed the NPT, and have ratified or acceded the Treaty as a recognized nuclear weapon state. They have agreed to the terms of the NPT, including not proliferating nuclear weapons in non-nuclear weapon states. Members of this bloc, like China and Russia, have been accused of violating this rule in the past. Furthermore, not all bloc members have agreed to all of the current NWFZs' Additional Protocols. None of the members of this bloc have signed onto the Treaty on the Non-Proliferation of Nuclear Weapons. Bloc members include the United States, the United Kingdom, the Russian Federation, the People's Republic of China, and France. This bloc is concerned with the proliferation of nuclear weapons by their adversaries and non-NPT signatories. They hold leverage as states with existing nuclear arsenals. They are also concerned with supply-chain issues regarding nuclear components.

NPT Non-Member Nuclear Weapon States

These states are known (or alleged) to have nuclear weapons in their arsenals but have not signed onto the NPT. As such, they are not bound to the Treaty's terms of non-proliferation of non-nuclear weapon states. However, these states have made agreements with the IAEA and other states to honor nuclear non-proliferation and use IAEA safeguards. These states, some of which have a history of conflict with each other and are within close proximity, are concerned with their sovereignty and autonomy to develop weapons. They find the distinction between states that were nuclear powers before and after the signing of the NPT to be hypocritical. The bloc members are not signatories to the TPNW or any Nuclear-Weapon-Free-Zone.

Questions to Consider

1. How can this committee work towards ensuring the constant supply of nuclear components for peaceful, civilian use despite supply-chain issues due to regional destabilization?
2. How can this committee ensure that nuclear components are not compromised in war zones?
3. How can this committee work towards creating statutory consistency among nuclear weapon states for the sake of consistency in treaties and agreements related to the trading of nuclear components?
4. How can this committee help ensure that signatories to the NPT and NSG uphold their obligations and requirements?

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