

HMDC Presents... LEGAL: Sample Position Paper

HMDC Presents... Sample Position Paper: Legal Committee: Cyberwarfare Case Studies

THIS IS A MODEL TO LEARN FROM, NOT TO COPY. We use this sample to see how one country's facts fit into the four HMDC parts on a single page, so we read it once for the ideas and a second time for the shape. Then we close it and write our own paper about our own country, from our own Country Report, in our own words. Harvard asks for our own work, so even if one of us is assigned Mauritius, we start again from the research and never reuse these sentences.

THE SAMPLE PAPER

Committee: Legal Committee (Sixth Committee of the General Assembly) **Topic:** Cyberwarfare Case Studies **Country:** The Republic of Mauritius

Background of the Topic. The Republic of Mauritius believes that cyber operations by states, and by groups working for states, now harm ordinary civilians far from any battlefield. In December 2023 one attack disabled phone service for 24 million Kyivstar customers in Ukraine, and in 2022 attacks crippled tax collection at Costa Rica's Ministry of Finance and forced Albania to shut down its border-tracking system (Center for Strategic and International Studies, Last Accessed: October 2026). Extreme losses from cyber incidents have more than quadrupled since 2017, to \$2.5 billion, yet only about half of the central banks and financial supervisors surveyed had a cybersecurity strategy, with the largest gaps in developing economies (International Monetary Fund, April 9, 2024). Mauritius believes the root cause is a legal gap: states agree that international law applies in cyberspace, but they do not agree how it applies, and small states pay the highest price for that silence.

UN and International Action. Mauritius welcomes resolution 80/16 (2025), which started the permanent Global Mechanism on ICT security in 2026, and the consensus report of the sixth Group of Governmental Experts (A/76/135, 2021). It also welcomes the decision of the International Law Commission in 2025 to study "due diligence," the principle that a state should not knowingly allow its territory to be used to harm other states (United Nations Institute for Disarmament Research, June 24, 2026). However, only 36 states and two regional organizations have published positions on how international law applies in cyberspace (United Nations Institute for Disarmament Research, July 16, 2026), and the 2025 working group report left out how international humanitarian law, the law of war, applies (Permanent Mission of Australia to the United Nations, July 22, 2026).

Our Country's Policy. Mauritius stands with the Common African Position, agreed by all 55 African Union members in January 2024, which says that "any unauthorized access by a State into the ICT infrastructure located on the territory of a foreign State is unlawful," and that an operation against critical infrastructure "may be considered as amounting to a use of force" (EJIL: Talk!, February 5, 2024). Mauritius is preparing to become the first African Union member to publish its own national position (United Nations Institute for Disarmament Research, July 16, 2026). Its national interest, which it will not compromise, is that small states are protected by clear law rather than by the restraint of powerful states. Its negotiable policies include whether new rules begin as voluntary guidance or as a binding text, and how quickly they are adopted.

Proposed Solutions and Expected Opposition. Mauritius proposes, first, that every member state publish a national position on international law in cyberspace, with legal training for any state that requests it, as UNIDIR has given Thailand (United Nations Institute for Disarmament Research, July 13, 2026). Second, the Sixth Committee should ask the Global Mechanism to test the law against real cyber incidents, beginning with two questions: what counts as an "attack," and whether essential civilian data is protected. Third, Mauritius proposes that states recognize due diligence as a duty to take reasonable steps against harmful operations launched from their territory. Mauritius expects some states to prefer vague rules that keep their freedom to act (Lieber Institute for Law and Warfare, January 9, 2026), and it will answer that clear rules protect every state's power grids and hospitals, including their own.

HOW THIS SAMPLE IS BUILT

1. **Building the background from Part 1, The Harms:** We chose three harms from the HMDC report that matter most to a small state. They are the Kyivstar attack, the Costa Rica and Albania cases, and the IMF figures on losses and on gaps in developing economies. Then we wrote one plain sentence naming the root cause, which the report describes in Solution 1 as states agreeing in principle but not in detail.
2. **Choosing UN action from Part 2, The United Nations Record:** We did not list every resolution in the table. We picked resolution 80/16, the GGE report A/76/135 and the International Law Commission's study of due diligence. Then we used the UNIDIR count of 36 national positions and Australia's July 2026 statement to show the gap the world has not yet closed.
3. **Writing the policy from Where the Major Blocs Stand:** Mauritius's starting point is the African Union bloc entry, which quotes the Common African Position. We added the one fact the report gives about Mauritius itself, from the UNIDIR event page of July 16, 2026, and we did not invent anything the report does not say about Mauritius.
4. **Separating interests from policies:** We wrote one firm sentence for the national interest and one flexible sentence for the negotiable policies, as Harvard asks. The flexible sentence is our choice for the sample, and it tells other delegates exactly where Mauritius can make a deal.
5. **Turning report solutions into proposals:** The first proposal comes from Solution 1 and Solution 4 (national positions plus UNIDIR training). The second comes from Australia's idea of testing the law on real incidents and from the UNIDIR report on "attack" and "data." The third comes from the due diligence entry. The opposition sentence comes from the Lieber Institute entry, which warns that states affirm the law "in principle while resisting its elaboration."

