



# CHAPTER FOUR

## THE GENERAL ASSEMBLY AND COMMITTEES

### Introduction

The General Assembly is the main deliberative policy-making body of the United Nations (UN) and is empowered to address all international issues covered by the Charter. In many ways, it acts as the central hub of the United Nations. Many UN bodies report to the General Assembly, but not all of these bodies are subsidiary to the GA. For example, the Security Council constantly updates the General Assembly on its work, but it is an independent body; its work does not require the General Assembly's independent approval. In contrast, the Economic and Social Council (ECOSOC) is a subsidiary body of the General Assembly and is governed by General Assembly mandates. Other subsidiary bodies, such as the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF), also have direct reporting relationships with the General Assembly.

The UN Charter assigns each of the main Committees of the General Assembly specific tasks and topics to discuss during each session. Because every Member State has a seat in every Committee, it is important to note that the points of discussion do not overlap; that is, even if two or more Committees are discussing a general topic area, each Committee is responsible for discussing a very specific point or aspect of that topic. For example, the Fourth Committee may discuss the Israeli-Palestine conflict with regard to its political components. However, issues concerning the legal, social, or economic components of the Israeli-Palestine conflict are left to other Committees, the General Assembly Plenary, or the Security Council. Therefore, Representatives in each Committee should take care not to expand the discussion of any topic beyond the limitations set by

their Committee's mandate and into another Committee's area of discussion. This is known as the Committee's purview.

A note concerning funding: The Fifth Committee makes financing decisions concerning only the UN's regular, annual budget, not those decisions dealing with voluntary contributions or new outlays. Even though AMUN will not be simulating the Fifth Committee, other Committees generally do not act unless sufficient funds are available for their proposals, thus financial questions should still be considered during the other Committees' deliberations. Therefore, if a Committee creates a new program or initiative, that Committee should specify how the program can or will be funded, and if the program falls within the UN's regular annual budget, that resolution should defer to the Fifth Committee to establish funding.

The purpose of the Combined Plenary session on the final day is to ratify the resolutions which passed in the four Main GA Committees and build consensus. While a small amount of additional debate is typical, it is expected that the work done by each Committee over the first three days of the Conference will be respected. It would thus be rare for significant changes to be made, or for a resolution to fail in the Plenary session after passing in Committee.

The following are brief descriptions of each Committee simulated at AMUN, along with the Committee's agenda, a brief purview of each committee, a brief background and research guide for each agenda topic and the Committee's website address. Representatives should use this information as the first step in their research on the powers and limitations of their particular Committee in relation to the agenda topics.

## THE CONCURRENT GENERAL ASSEMBLY PLENARY

**Purview of the Simulation:** The General Assembly Plenary typically considers issues that several Committees would have the power to discuss, but which would best be addressed in a comprehensive manner. Likewise, the General Assembly Plenary is also responsible for coordinating work between the many different bodies of the United Nations. For example, the 60th General Assembly recently established a Peacebuilding Commission that will oversee the United Nations' peacebuilding processes and

coordinate the work of the Security Council, the Economic and Social Council, the Secretary-General, and Member States emerging from conflict situations. Note that if the Security Council, which is given the primary task of ensuring peace and security by the Charter, is discussing a particular issue, the General Assembly (Plenary) will cease its own deliberations and defer to the Security Council.

**Website:** <http://www.un.org/ga/>

### INTERNATIONAL COOPERATION ON HUMANITARIAN ASSISTANCE IN THE FIELD OF NATURAL DISASTERS, FROM RELIEF TO DEVELOPMENT

Every year, more than 200 million people are affected by natural disasters. Increased population densities, environmental degradation, and global warming have compounded the effects of poverty, making the impacts of natural hazards increasingly more severe. A natural disaster is the effect of a natural hazard (e.g., flood, volcanic eruption, earthquake, or landslide) that overwhelms local capacity and necessitates a request to the national or international level for ex-

ternal humanitarian assistance. From tsunamis, droughts, floods, and cyclones, to earthquakes, droughts and biological epidemics, there has been a drastic rise in the number and severity of natural disasters in recent decades. From 1994 to 2005, approximately 7,100 disasters occurred which killed over 300,000 people worldwide. During 2007, 414 disasters associated with natural hazards were recorded, taking more than 16,800 lives, affecting over 211 million people, and causing more than \$74.9 billion in economic damage. It is estimated that almost 80% of these disasters were caused by climate-related hazard events. The increasing prevalence and severity of natural disasters requires increased cooperation in channeling humanitarian assistance to disaster-affected areas.

The UN has been responsive not only in efforts to respond to disaster occurrences, but also in efforts to reduce disaster impact. The General Assembly declared the 1990s the International Decade for Disaster Reduction. It also established the International Framework of Action for the International Decade for Natural Disaster Reduction, which defined guiding principles for preparedness, humanitarian relief, and rehabilitation of areas affected by natural disasters. In 1994, the Yokohama Strategy and Plan of Action for a Safer World represented the first comprehensive document to address the need for multilateral, coordinated cooperation on disaster reduction and response. It marked a paradigmatic shift in the international community by emphasizing the need for proactive disaster preparation over reactive disaster response.

The Yokohama Strategy remained the leading framework until 2005, when the World Conference on Disaster Reduction took place in Hyogo, Japan. The Conference built upon the work of the Yokohama strategy and attempted to address continuing gaps in disaster preparedness in the formulation of the Hyogo Framework for Action: 2005-2015 (HFA). Its over-arching objective is to build resilience of nations and communities to disasters by significantly reducing disaster losses measured in lives and in the social, economic, and environmental assets of communities and countries. The Framework identifies priorities for action, guiding principles, and practical means for achieving disaster resilience for vulnerable communities in the context of sustainable development. As the guiding document in natural disaster management, the HFA also reaffirms international consensus that disaster reduction is the priority focus of disaster management.

Since the adoption of the HFA, many global, regional, national and local efforts have also attempted to address disaster risk reduction more systematically. Many regional bodies have formulated strategies at regional scale for disaster risk reduction in line with the HFA. In addition to calling for the implementation of the HFA, the General Assembly has encouraged Member States to establish multi-sectoral national platforms to coordinate disaster risk reduction in countries. While progress has been made in the formulation of such plans, much work remains to be done in terms of implementation.

A recent breakthrough in on-the-ground coordination of disaster responses occurred in 2005, when the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations came into force. The Tampere Convention makes it easier for humanitarian organizations to set up communications equipment without interference from local regulations, which facilitates faster, more coordinated, and more accountable disaster response activities.

Despite such progress, the international community continues to encounter coordination challenges that hinder efficient distribution of humanitarian assistance in response to disasters. Several organizations exist, including the International Red Cross and Red Crescent, which aim to help facilitate assistance, but most organizations' efforts emphasize disaster reduction. To address UN inter-agency cooperation, in 2000 the Economic and Social Council launched the International Strategy for Disaster Reduction to improve cross-agency coordination. After natural disasters, several organizations within the United Nations structure perform recovery and rehabilitation, and many run their own efforts for funding and assistance. Coordination is at times confusing and difficult because the lead organization

can differ based upon the type of event and location. Moreover, the lead agency is reliant on the international community for financial, technical and labor support. In an effort to alleviate coordination challenges, in 2008 the General Assembly appointed the Office for the Coordination of Humanitarian Affairs of the Secretariat as the focal point within the overall United Nations system. However, further improvement in cross-agency coordination is still needed to ensure continuity, timeliness, and predictability in the response by relevant United Nations humanitarian and development organizations in the event of disaster.

Natural disasters and sustainable development are inextricably linked for many developing countries. While effective disaster-preparation and disaster-response policies are essential in order to safeguard communities' well-being and livelihoods, economic growth and sustainable development are equally integral to the improvement of states' capacities to prepare for and respond to natural disasters. In March 2009, the General Assembly recognized that reducing vulnerability to natural disasters was a key component of poverty eradication, sustainable development strategies, and the achievement of the Millennium Development Goals. The Assembly's emphasis on the role of development organizations in disaster response promotes a holistic perspective that broadly addresses the relationships between environmental degradation, sustainable development, humanitarian aid, and natural disaster mitigation. Amidst efforts to improve aid coordination, further discussion and commitments are still necessary to ensure that future implementation encompasses the complex inter-relationships between these subjects.

Questions to consider from your government's perspective on this issue include:

- Given the link between sustainable development and disaster reduction and relief, in what ways can the General Assembly promote a more comprehensive approach to natural disaster response?
- How can further coordination and cooperation be encouraged between UN agencies and NGOs?
- What steps can be taken now to prepare for the increase of natural disasters due to climate change?

## Bibliography

- “Ban urges major effort to spur disaster reduction plans in face of climate change,” *UN News Centre*, 29 September 2008, [www.un.org/news](http://www.un.org/news).
- “Declaration Agenda for Humanitarian Action Resolutions,” 28th International Conference of the Red Cross and Red Crescent. 2-6 December 2003, [www.icrc.org](http://www.icrc.org).
- “New UN-backed report suggests how to boost cities' resiliency to climate change,” *UN News Centre*, 6 August 2008, [www.un.org/news](http://www.un.org/news).
- “Review of the Yokohama Strategy and Plan of Action for a Safer World.” The World Conference on Disaster Reduction, 18-22 January 2005, [www.unisdr.org](http://www.unisdr.org).
- Seck, Papa, “Links Between Natural Disasters, Humanitarian Assistance and Disaster Risk Reduction: A Critical Perspective,” *Human Development Report 2007/2008*, <http://hdr.undp.org>.
- “The Tampere Convention – A Life Saving Treaty,” *International Telecommunication Union*, 17 February 2009, [www.itu.int](http://www.itu.int).
- “UN-backed conference to explore gender angle of disaster risk reduction,” *UN News Centre*, 17 April 2009, [www.un.org/news](http://www.un.org/news).



“UN urges States to strengthen life-saving facilities to better withstand disasters,” *UN News Centre*, 7 April 2009, [www.un.org/news](http://www.un.org/news).

## UN Documents:

A/RES/63/141

A/RES/62/92

A/RES/61/131

A/RES/60/125

A/RES/59/212

A/RES/45/100

A/RES/44/236

A/63/351

A/63/277

A/62/323

A/61/314

A/60/227

A/59/374

Yokohama Strategy and Plan of Action

Common statement of the Special Session on the Indian Ocean

Disaster: risk reduction for a safer future

Hyogo Framework for Action 2005-2015

The Tampere Convention

## Additional Web Resources:

[www.ochaonline.un.org](http://www.ochaonline.un.org) -United Nations Office for the Coordination of Humanitarian Affairs

[www.icrc.org](http://www.icrc.org) - International Committee of the Red Cross and Red Crescent

[www.unisdr.org](http://www.unisdr.org) - International Strategy for Disaster Reduction

[www.gdacs.org](http://www.gdacs.org) - Global Disaster Alert and Coordination System

## PEACE, SECURITY AND REUNIFICATION ON THE KOREAN PENINSULA

The Korean question” was brought before the United Nations General Assembly, and the goals of free elections and reunification of the peninsula were established without support from the Soviet bloc. In the fall of 1948, both the Republic of Korea (RoK) and the Democratic People’s Republic of Korea (DPRK) were formally established under leaders whose stated goals included reunification of the peninsula. After two years of border skirmishes and raids, the DPRK launched a full scale invasion of the South on 25 June 1950. Hostilities on the peninsula continued, with significant involvement from the UN, the United States, and China, until an armistice agreement was reached on 27 July 1953.

Secretive North-South talks regarding unification began in the 1970s, and momentum for constructive dialogue between the two countries accelerated with the end of the Cold War. In 1991, both the DPRK and the RoK joined the United Nations. For much of the 1990s, talks centered around the DPRK’s nuclear-related activities, which have at times posed considerable challenges to reunification dialogue. Though both countries signed the Joint Declaration of the Denuclearization of the Korean Peninsula in 1992, it and subsequent international agreements such as the Agreed Framework, were seriously hindered by challenges in their implementation.

Recurring famines in the Democratic People’s Republic of Korea and the subsequent humanitarian assistance by the international commu-

nity have also been a key area of bilateral and multilateral relations in recent years. In both 1996 and 1998, severe famine occurred in the DPRK following widespread floods, and in 2001, severe drought again threatened the country’s food security. The international community’s response has been complicated by political tensions that have limited humanitarian access at times. However, the World Food Programme estimates that emergency operations between 1995 and 2005 directly supported one third of the country’s population. Since 2007, gains in food security have been reversed, and the DPRK’s reliance on external food aid has been increasing.

Bilateral relations improved at the beginning of the decade, resulting in a historic inter-Korean summit in Pyongyang on 13-15 June 2000. The result was the South-North Declaration, signed by former Republic of Korea President Kim Dae Jung and Chairman Kim Jong Il of the Democratic People’s Republic of Korea on 15 June 2000. The Declaration consisted of five points, promoting cooperation through the resolution of humanitarian issues by integrating the economy and cultural aspects of civil society. In response, the UN General Assembly adopted A/RES/55/11 on 31 October 2000, which welcomed and supported the developments arising from the inter-Korean summit, calling it a “major breakthrough in inter-Korean relations and in realizing eventual peaceful reunification.”

In recent years, a number of programs have aimed to expand bilateral functional cooperation. Both governments worked together in repairing the Gaeseong-Pyongyang highway and in completing the Gaesong-Sinuiju railroad; in May 2007, passenger trains crossed the North-South border for the first time in 56 years. In addition, joint educational programs have been undertaken to educate the youth of Korea on reconciliation and reunification. The UN has encouraged ongoing efforts to initiate and sustain a constructive dialogue, but reunification efforts have been overshadowed by the international community’s concern for the nuclear-related activities by the DPRK. In August 2003, the Six Party Talks began between the United States, Republic of Korea, Democratic People’s Republic of Korea, China, the Russian Federation, and Japan, with discussions centered around the DPRK’s nuclear-related activities. Although efforts were initially hampered when the DPRK announced in 2003 its intentions to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons, an agreement was reached in September 2005 between the six countries in which the DPRK agreed to stop its nuclear testing.

However, on 9 October 2006 the DPRK announced its nuclear weapons capability with a successful underground test. In response, the UN Security Council adopted S/RES/1718, which called for the suspension of the DPRK’s ballistic missile and nuclear weapons activities. On 2-4 October 2007, a second inter-Korean summit took place in Pyongyang. The summit resulted in the Declaration on the Advancement of South-North Korean Relations, Peace and Prosperity, which aims to bolster economic cooperation and promote regional peace and security. At the summit, the DPRK agreed to begin the disarmament process in exchange for aid and diplomatic concessions. On 16 November 2007, the General Assembly adopted Resolution 62/5, which celebrated the summit and affirmed that inter-Korean dialogue and cooperation were essential for consolidating peace and security on the Korean peninsula. The General Assembly called on Member States to “continue supporting the inter-Korean dialogue, reconciliation, and reunification,” and encouraged both governments to implement the Declaration “fully and in good faith” in an effort to develop a sound foundation for peaceful reunification efforts in the future.

The GA's recent discussions have also focused on human rights issues in the DPRK. In 2008, the GA called attention to the lack of freedom of thought or movement in the country, the trafficking of women, violations of worker's rights, and the relation between human rights violations and the country's widespread malnutrition. While expressing serious concern at the continued reports of systematic and widespread violations of civil, economic, and social rights, the Assembly recognized the potential of the inter-Korean dialogue to help improve the human rights and humanitarian situation in the DPRK.

Despite the progress indicated by the most recent inter-Korean summit, tensions on the divided peninsula have increased markedly. During 2008, the DPRK began the process of dismantling its Yongbyon nuclear facility in agreement with the second summit conditions, but progress stalled when disarmament talks broke down in December 2008. The following month, the DPRK announced its intent to cancel all military and political deals with the Republic of Korea and accused Seoul of "hostile intent." In April and May of 2009, the DPRK engaged in a series of missile launches and underground nuclear tests. In response, the Security Council unanimously condemned the missile testing as a violation of S/RES/1718 and imposed tougher sanctions. In the wake of criticism from the international community, the DPRK declared its withdrawal from the Six Party Talks, its intention to restart its nuclear facilities, and its position that the DPRK was no longer bound by the 1953 armistice.

In its work, the General Assembly has typically avoided in-depth discussions of the DPRK's nuclear program, leaving consideration of that topic to the relevant UN bodies and agencies. However, Member States have encouraged the DPRK to return to the Six Party Talks and continue the denuclearization process, and the UN has expressed its hope that talks will soon resume. In light of the ongoing developments and tense atmosphere, the General Assembly must consider how its discussions and recommendations can best support efforts to achieve peace and reunification in the Korean peninsula.

Questions to consider from your government's perspective on this issue include:

- What role can functional development and cooperation play in the reunification process?
- How has food security situation in the DPRK impacted reunification efforts? In what ways can the international community assist?
- Which past measures have been most supportive of reunification goals, and how can past lessons inform future actions?
- Given the ability of the General Assembly to discuss and issue recommendations, what current course of action should the Assembly take?

## Bibliography

- Associated Press. "North Korea dismantles its nuclear reactor," *The Guardian*, 6 November 2007, [www.guardian.co.uk](http://www.guardian.co.uk).
- Bajoria, Jayshree. "The Six-Party Talks on North Korea's Nuclear Program," Council on Foreign Relations, 14 October 2008, [www.cfr.org](http://www.cfr.org).
- Declaration on the Advancement of South-North Korean Relations, Peace and Prosperity, 4 October 2007, [www.korea.net](http://www.korea.net).
- "Inter-Korean Dialogue," The Ministry of Unification, [www.unikorea.go.kr](http://www.unikorea.go.kr).
- "Korea, Democratic People's Republic (DPRK)" World Food Programme, 2009, [www.wfp.org](http://www.wfp.org).
- "Korean Leaders Issue Peace Call," *BBC News*, 4 October 2007, [news.bbc.co.uk](http://news.bbc.co.uk).
- Lander, Mark, "North Korea Says It Will Halt Talks and Restart Its Nuclear Program," *New York Times*, 14 April 2009.
- Lee, Sung-Yoon, "Serenading North Korea," *Asia Times*, 13 March 2008, [www.atimes.com](http://www.atimes.com).
- MacFarquhar, Neil, "North Korea: U.N. Council to Tighten Sanctions," *New York Times*, 13 April 2009.
- "North, South Korea Bring Cooperation Into Classroom," *VOA News*, 19 June 2006, [www.voanews.com](http://www.voanews.com).
- South-North Joint Declaration, 15 June 2000, [www.usip.org](http://www.usip.org).
- "The Six-Party Talks on North Korea's Nuclear Program," Council on Foreign Relations, 2009, [www.cfr.org](http://www.cfr.org).
- "Timeline: North Korea; a chronology of key events," *BBC News*, 13 June 2009, [news.bbc.co.uk](http://news.bbc.co.uk).

## UN Documents:

- A/RES/63/190  
A/RES/62/5  
A/RES/55/11  
A/62/264  
A/62/L.4  
A/55/L.14  
S/RES/1718  
S/RES/825  
A/HRC/7/20  
CRC/C/OPAC/KOR/Q/1/Add.1  
CRC/C/PRK/4  
Treaty on the Non-Proliferation of Nuclear Weapons

## Additional Web Resources:

- [www.amnesty.org](http://www.amnesty.org) - Amnesty International  
[www.hrw.org/asia/north-korea](http://www.hrw.org/asia/north-korea) - Human Rights Watch  
[www.koreanunification.net](http://www.koreanunification.net) - Korean Unification Studies (*Note: While this is a blog, it contains excellent source material and resource links*)



# THE GENERAL ASSEMBLY FIRST COMMITTEE: DISARMAMENT AND INTERNATIONAL SECURITY

**Purview of the Simulation:** The General Assembly First Committee addresses the disarmament of conventional weapons, weapons of mass destruction and related international security questions. The First Committee makes recommendations on the regulations of these weapons as they relate to international peace and security. The First Committee does not address legal issues

surrounding weapons possession or control complex peace and security issues addressed by the Security Council. For more information concerning the purview of the UN's General Assembly as a whole, see page 17.

**Website:** <http://www.un.org/ga/first/index.shtml>

## THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS

The illicit trade of small arms and light weapons (SALW) fuels civil wars, increases urban crime rates and arms the world's terrorists. Today, there are approximately 600 million SALW in circulation, with an additional eight million new weapons entering the market each year. These weapons are estimated to contribute to 500,000 deaths each year, including 300,000 that result from armed conflict. Easy and increased access to small arms and light weapons provides sufficient power to destabilize entire regions, as well as increase the longevity of conflicts. The illicit trade of small arms has ramifications beyond violent conflict and crime. SALW also increase the perception of insecurity, which interferes with the daily routines of many people. The perception of insecurity disrupts access to basic needs and health care, while hampering humanitarian relief efforts and displacing populations. Illicit trade of SALW also represents a major risk to humanitarian and development priorities.

Small arms control and reduction measures have typically been more comprehensive and extensive at the regional level. While there are a number of efforts at the regional level to control the trade of SALW, the UN is the primary actor at the international level. Some countries have argued that regionalized efforts should trump a coordinated international effort. Currently, two approaches have been taken to address the issue of SALW proliferation. The "supply-side" method concentrates on increasing accountability and government regulation of SALW in their production, transfer, and sale. Because most countries affected by small arms violence are not producers, emphasis has been placed on the supply end of trade in small arms. The second method concentrates on the "demand-side" that recognizes that in some countries, amounts of small arms that are already available through illegal channels will not be affected by supply-side strategies. This method looks to curb the use of weapons already out on the market by using peacekeeping operations to improve security within Member States, while developing disarmament, demobilization, and reintegration (DDR) programs to reduce the amount of the small arms and light weapons that are already available.

The supplies of SALW tend to come from unsecured government stockpiles. Therefore, stockpile management and security are also an important control in combating the illicit trade of SALW. Unlike weapons of mass destruction, SALW have legitimate military, law enforcement, sporting, and recreational uses, which makes controlling their transfer more difficult. Improving international transfer controls is also a vital step toward curbing the illicit trade of SALW. Finally, marking, record keeping, and tracing are often identified as effective measures to preventing SALW from being diverted to those who would use them for illicit purposes.

In response to this growing problem, in July 2001 the UN convened the Conference on Illicit Trade of Small Arms and Light Weapons in All of its Aspects. The conference resulted in the Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (PoA). The PoA calls on Member States to make the production and possession of SALW a criminal offense, identify and destroy stockpiles, keep track of officially-held guns, issue end-user certificates for exports/transit, and notify the original supplier nation of re-export. States are also encouraged to support regional agreements, increase information exchange, and work to ensure better enforcement of arms embargoes.

The first review of the PoA occurred during the summer of 2006 at the UN Small Arms Review Conference, but the conference was unable to reach consensus on a clear framework for Member States to enact the protocols called for in the PoA. In July 2008, the Biennial Meeting of States convened to address the illicit trade of SALW in three specific areas: increased international cooperation and capacity building assistance, stockpile management and surplus disposal, and the current status of the illicit trade of SALW. The meeting established standards for managing stockpiles and destroying surplus weapons, and also reviewed progress made on the implementation of the International Tracing Instrument (ITI). Adopted by the General Assembly in 2006, the ITI calls for Member States to mark existing stocks of SALW held by government security forces, in order to reduce the likelihood of illicit transit to war zones.

In its efforts to combat the illicit trade in SALW, the General Assembly's work has focused primarily on the implementation of the Programme of Action. Major obstacles to its implementation include Member States who refuse to support the PoA or assist in curbing the use of SALW. The 2008 report from the Third Biennial Meeting on Small Arms proposes certain steps to be taken to resolve these issues. Actions under consideration are the continued inclusion of SALW in embargoes imposed during times of conflict and the inclusion of DDR programs in peace settlements and peacekeeping operations.

Future efforts will likely focus on the creation of a legally binding instrument that will create standards for export, import, and re-export of SALW. Also, additional efforts are needed to reach consensus on an internationally agreed-upon definition of what constitutes SALW. Successful consensus-building amongst Member States will be the first step towards addressing the pervasive violence and destabilization caused by SALW.

Questions to consider from your government's perspective on this issue include:

- How does the illicit trade in SALW impose costs in humanitarian, development, and economic terms?
- What is the best way to create import and export controls while protecting the rights of end-users and not overburdening the legitimate transfer of SALW?



- How can the General Assembly best support the efforts of other UN bodies that address SALW, and how can coordination be further improved?

## Bibliography:

- “Ban Ki-Moon urges ‘incremental’ progress in deadlocked disarmament arena,” *UN News Centre*, 7 April 2008, [www.un.org/news](http://www.un.org/news).
- “Ban applauds progress on control of small arms trade but sees challenges ahead,” *UN News Centre*, 14 July 2008, [www.un.org/news](http://www.un.org/news).
- “The Illicit Arms Trade - Issue Brief No. 3” Federation of American Scientists, [www.fas.org](http://www.fas.org).
- Leff, Jonah, “Small Arms Agenda at U.N. Biennial Meeting of States,” Center for Defense Information, [www.cdi.org](http://www.cdi.org).
- “More action needed to curb illegal small arms trade, head of UN conferences says,” *UN News Centre*, 21 June 2006, [www.un.org/news](http://www.un.org/news).
- “Preventing armed conflicts requires broad based effort says UN official,” *UN News Centre*, 6 September 2006, [www.un.org/news](http://www.un.org/news).
- “Proliferation of illicit small arms leads to culture of violence and impunity,” *UN News Centre*, 26 June 2006, [www.un.org/news](http://www.un.org/news).
- “Secretary-General ‘disappointed’ by lack of agreement at conference on illicit arms trade,” *UN News Centre*, 10 July 2006, [www.un.org/news](http://www.un.org/news).
- “Small arms thwart stability and development, security council told,” *UN News Centre*, 30 April 2008, [www.un.org/news](http://www.un.org/news).
- “Threat posed to international peace by uncontrolled trade in small arms cannot be overemphasized, Security Council told as it holds day-long debate on issue,” *UN News Centre*, 30 April 2008, [www.un.org/news](http://www.un.org/news).
- “UN Arms Talks Meltdown: Conference Allows Global Gun Crisis to Continue,” International Action Network on Small Arms, July 2006, [www.iansa.org/un](http://www.iansa.org/un).
- “The United Nations Disarmament Yearbook 2008.” United Nations Office of Disarmament Affairs, [www.un.org](http://www.un.org).
- “UN group on illicit arms offers recommendations on national laws,” *UN News Centre*, 12 June 2007, [www.un.org/news](http://www.un.org/news).

## UN Documents:

A/RES/63/72  
A/RES/62/22  
A/RES/61/89  
A/RES/61/71  
A/RES/61/66  
A/RES/50/70  
A/60/519  
A/60/88  
A/60/68  
A/58/207  
A/CONF.192/BMS/2008/3  
S/PRST/2004/1

Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects

## Additional Web Resources:

[www.un.org/disarmament](http://www.un.org/disarmament) - United Nations Office for Disarmament Affairs  
[www.poa-iss.org](http://www.poa-iss.org) - United Nations Program of Action, Implementation Support System  
[www.smallarmssurvey.org](http://www.smallarmssurvey.org) – Small Arms Survey  
[www.iansa.org](http://www.iansa.org) - International Action Network on Small Arms  
[www.genevadeclaration.org](http://www.genevadeclaration.org) - Geneva Declaration on Armed Violence and Development

## PREVENTING THE ACQUISITION BY TERRORISTS OF RADIOACTIVE MATERIALS AND SOURCES

In the past decade, preventing the acquisition by terrorists of radioactive materials and sources has been of increasing concern for the UN. Until recently, radioactive materials were most frequently discussed in the context of overshadowing nuclear issues. While a rogue nuclear weapon represents the pinnacle of terrorism fears, terrorists can utilize radioactive sources to create weapons to achieve results that even conventional, biological, or chemical weapons cannot. Though radioactive materials are not capable of creating a nuclear explosion, radiological weapons may be fashioned in the form of a radiological dispersal device (RDD) or a radiation emission device. Owing to the relative accessibility of materials and attention an attack would bring, these devices are widely speculated to be a more likely weapon than a conventional nuclear weapon in possible terror scenarios.

In spite of their association with nuclear material and devices, radioactive materials and sources are not regarded as weapons of mass destruction on the basis that a radiological weapon would not inflict massive casualties. Rather, the damage caused would stem from extensive environmental cleanup, disruption of society, great economic costs, and public fear. Thus, radiological weapons are more often referred to as weapons of mass disruption. This term refers to the fact that radioactive weapons such as “dirty bombs,” which are a specific type of RDD that makes use of conventional explosives to disperse radioactive materials, are more likely to incite panic and disrupt society than inflict casualties on a large scale.

In 1957, the International Atomic Energy Agency (IAEA) was created in response to the fears and intimidation from nuclear energy. The IAEA takes on the role of acting as the world’s nuclear authority and watchdog organization. The international community’s concerns were heightened as more states began to acquire and master nuclear technology. Combined with alarm over the Cuban Missile Crisis in 1962, these concerns resulted in the creation of the more comprehensive, legally-binding Treaty on the Non-Proliferation of Nuclear Weapons (NPT). States party to the treaty are obligated to forgo the utilization of nuclear technology for the creation of weapons, excluding the five Member States that were already declared nuclear weapon states. While the NPT achieved near-universal acceptance, its promulgation was unable to stem the advancement of nuclear technology. As nuclear technology proliferated among states, concerns spread regarding the safeguarding of nuclear material, precipitating the enactment of the Convention on the Physical Protection of Nuclear Material (CPPNM) on 8 February 1987.

In more recent years, the focal point of concern has shifted from the usage of nuclear weapons by Member States to the threat that terrorists might acquire unsecured or orphaned radioactive materials and sources. In 2003, the IAEA approved revisions to the Code of Conduct on the Safety and Security of Radioactive Sources (Code of Conduct) which called for every Member State to adhere to prescribed measures of securing and monitoring radioactive sources. While the Code of Conduct is not a legally binding document, as of February 2009, 94 countries had expressed their support for it. Also in 2003, the IAEA organized the International Conference on the Security of Radioactive Sources to highlight radiological security and response measures, address orphaned radiological sources, and stress the importance of the Code of Conduct.

A follow-up conference to the International Conference took place in 2005 to discuss the creation of regulatory controls, how to combat the illicit trafficking of radioactive materials and emergency response measures to a RDD attack. The Group of Eight (G8) has also committed

ted to prioritizing pressing provisions of the Code of Conduct including national regulations, disposal options, penalties for theft or misuse, and recovery of orphaned sources. The 2006 annual G8 summit announced the creation of the Global Initiative to Combat Nuclear Terrorism, aimed at improving radioactive and nuclear material security and to prevent illicit-trafficking. As of July 2009, 75 nations have become partners in the Initiative.

The international community has recognized that the prevention of acquisition of radiological materials and sources by terrorists is of paramount importance to international peace and security. In April 2004, the Security Council adopted Resolution 1540, Non-proliferation of Weapons of Mass Destruction, which called upon Member States to pursue multilateral compliance with non-proliferation and prevention of illicit-trafficking of materials and sources. On 8 July 2005, Amendments to the 1979 Convention on the Physical Protection of Nuclear Material were also adopted. The Amendments strengthen requirements in the Convention for domestic protection of nuclear material while also extending protection to include nuclear facilities and nuclear material in domestic use, storage and transport.

The International Convention for the Suppression of Acts of Nuclear Terrorism, entered into force by the General Assembly in July 2007, bolsters the objectives of past treaties by requiring Member States to create, define, and enforce criminal laws, establish jurisdiction, and increase cooperation in efforts to safeguard radioactive material. Also in 2007, the General Assembly adopted Resolution 62/46, calling for increased international cooperation, strengthening national measures and capacities, and ratifying past items concerning this issue. Member States were urged to adhere to the guidance set forth in the IAEA's Code of Conduct, especially with regard to guidelines addressing import and export of radioactive sources. The Assembly welcomed and encouraged efforts by Member States to locate and secure orphaned radioactive sources.

The success of these efforts will depend on each Member States' dedication and ability to implement national measures to combat illicit trafficking, monitor sources, recover orphaned sources, and aid other nations in equal endeavors. While the United Nations has made significant progress in the past decade towards recognizing and addressing the uniqueness of radioactive concerns, greater collaborative efforts are needed to achieve unified policies.

The General Assembly's role in the discussion of nuclear issues is contextualized within the comprehensive UN framework. As a coordinating body that works in concert with the Security Council and IAEA on this topic, the General Assembly's function is to discuss, debate, and issue recommendations. It can also request the IAEA or Security Council, as appropriate, to consider specific questions. The IAEA, as an independent international organization related to the UN system, reports annually to the General Assembly and to the Security Council, as needed. The Security Council remains the appropriate forum for the international community to reach binding decisions regarding nuclear proliferation. Bearing these roles in mind, the First Committee should discuss ways in which the GA can best encourage greater cooperative efforts between both relevant UN bodies and Member States.

Questions to consider from your government's perspective on this issue include:

- What efforts to prevent terrorists from acquiring radioactive materials or sources have been successful?
- Are existing recommendations and measures readily applicable by all states? How might states aid each other in preventing terrorists from acquiring radioactive materials?
- What further measures could encourage greater coordination of efforts to secure stockpiles of radiological sources?

- What measures can the General Assembly take to best support the efforts of other UN bodies that address this topic? How can coordination and cooperation be improved?

## Bibliography:

- Acton, James M., M. Brooke Rogers, and Peter D. Zimmerman, "Beyond the Dirty Bomb: Re-thinking Radiological Terror," *Survival*, 2007, v 49, n 3.
- Bender, Bryan, "The long, hard road to nuclear safety," *Boston Globe*, 5 July 2009.
- Colella, Mike, et al. "An Introduction to Radiological Terrorism," *The Australian Journal of Emergency Management*, May 2005, v 20, n 2.
- "Concluding Work, Disarmament Committee Would Have General Assembly Urge States to Secure Nuclear Plants to Prevent Terrorists' Use of Radioactive Materials," *UN News Centre*, 2 November 2007, [www.un.org/news](http://www.un.org/news).
- Dodd, Brian, and Eric Reber. "Initiatives by the International Atomic Energy Agency to Prevent Radiological Terrorism," Sessions on Radiological Terrorism 2002: American Nuclear Society Winter Meeting, 18-20 November 2002, [eed.llnl.gov](http://eed.llnl.gov).
- Fischer, David, "History of the IAEA: The First Forty Years (adapted online excerpt)," 1997, [www.iaea.org](http://www.iaea.org).
- "Illicit trafficking, theft of nuclear materials 'a persistent problem,' UN agency reports," *UN News Centre*, 12 September 2007. [www.un.org/news](http://www.un.org/news).
- Krol, Joseph. "The Threat from Nuclear Terrorism" National Nuclear Security Administration, 30 May 2008, <http://nnsa.energy.gov>.
- "Revival of Commitment to Collective Security, Based on Equity Balance, Restarint, Cooperation Among States, Called for in First Committee as Debate Continues," *UN News Centre*, 15 October 2007, [www.un.org/news](http://www.un.org/news).
- "Seizures of radioactive materials fuel 'dirty bomb' fears," *The Times*, 6 October 2006.

## UN Documents:

- A/RES/63/60  
A/RES/62/46  
A/RES/61/8  
A/RES/60/73  
A/RES/59/290  
A/RES/58/241  
A/RES/56/24  
A/C.1/62/L.46  
A/C.1/60/L.39/REV1  
GA/DIS/3358  
S/RES/1540  
S/RES/1217  
S/PRST/2004/1  
Treaty on the Non-Proliferation of Nuclear Weapons  
International Convention for the Suppression of Acts of Nuclear Terrorism  
Convention on the Physical Protection of Nuclear Material

## Additional Web Resources:

- [www.iaea.org](http://www.iaea.org) - International Atomic Energy Agency  
[www.nti.org/h\\_learnmore/radtutorial/index.html](http://www.nti.org/h_learnmore/radtutorial/index.html) - Radiological Terrorism Tutorial





# THE GENERAL ASSEMBLY SECOND COMMITTEE: ECONOMIC AND FINANCIAL

**Purview of the Simulation:** The Second Committee makes recommendations on means to improve the economic development of Member States and maintain the stability of the international financial and trade network. The economic issues considered by the Second Committee are distinguished from those considered by the Fifth Committee in that this Committee deals solely with financing the economic assistance to Member States, where as the Fifth

Committee addresses the budgetary issues within the UN System. The Second Committee does not address social issues that impact development; such issues are considered by the Third Committee. For more information concerning the purview of the UN's General Assembly as a whole, see page 17.

**Website:** <http://www.un.org/ga/second/index.shtml>

## PREVENTING AND COMBATING CORRUPT PRACTICES AND TRANSFER OF ASSETS OF ILLICIT ORIGIN AND RETURNING SUCH ASSETS, IN PARTICULAR TO THE COUNTRIES OF ORIGIN, CONSISTENT WITH THE UNITED NATIONS CONVENTION AGAINST CORRUPTION

Globalization and the growth of social and economic international relations have led to the expansion of international markets, cultural exchanges, and the mutual understanding of shared social commonalities. However, an undesired by-product of increased global economic interaction has been the rise in corrupt financial practices. The globalization of financing has facilitated near-instant electronic transfers of illicit assets through so-called 'megabyte money transactions', which in turn sustain criminal enterprises around the world. This growth of transnational organized-crime networks has bolstered such illicit activities as illegal-weapons transfers, drug and human trafficking, terrorism, governmental corruption and corporate malfeasance, damaging the economies of both developed and developing countries. Estimates of the total monetary impact of illicit asset transfers are difficult to ascertain, but UN estimates range from \$800 billion to \$2 trillion, or 2 to 5% of global GDP. Alarming, corrupt money associated with bribes received by public officials from developing countries is estimated at \$20 billion to \$40 billion per year, which roughly equals 20 to 40% of flows of official development assistance (ODA). In response to the situation, the UN has resolved to aggressively prevent, detect, and deter these corrupt practices.

The various UN conventions on corruption, transnational organized crime, drugs, and the transfer of illicit assets reflect an evolution of responsive strategies. In 1998, the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances emerged as the first international legal instrument to criminalise the transfer of illicit assets. In 2003, the UN Convention against Transnational Organized Crime defined and addressed the transnational nature of criminal networks, and their ability to circumvent domestic law by unrestricted international movement of financial assets. Perhaps the most significant agreement has been the United Nations Convention against Corruption (UNCAC), which entered into force on 14 December 2005. The Convention's 71 articles provide common standards for national policies and practices while also requiring greater international cooperation to address cross-border crime. It also obligates states party to the Convention to assist each others' efforts to combat corruption through technical assistance. By 2009, 140 Member States had signed the Convention. The Conference of State Parties to UNCAC has convened twice since the agreement entered into force, with a third session scheduled to take in late 2009.

The lead implementation agency for UNCAC is the UN Office on Drugs and Crime (UNODC). The UNODC's Global Programme against Money Laundering, Proceeds of Crime and the Financing of Terrorism acts as an anti-corruption resource for States implementing the provisions of the Convention against Corruption. The UNODC prioritizes the coordination of technical assistance, including model legislation, legal advice, site visits from anti-corruption experts, and development of an action plan for implementation of the Convention.

In cooperation with the UNODC, UN agencies and non-governmental organizations have coordinated anti-corruption efforts. The International Money Laundering Information Network (IMOLIN) acts as an information library on transnational crime and money laundering. The Financial Action Task Force (FATF) is an inter-governmental body that proposes ethical financial standards, suggests policy adjustments, and promotes recommendations to combat money laundering and terrorist financing. Proposed countermeasures include customer-identification and due-diligence requirements, supported by domestic financial intelligence units that review suspicious transaction reports and notify the appropriate law enforcement agencies to initiate seizing and freezing mechanisms. Known as the FATF 40 plus 9 recommendations, they have been endorsed and accepted as the financial standard by the International Monetary Fund and the World Bank. In recent years, the Security Council and General Assembly encouraged Member States to implement the FATF 40 plus 9 recommendations.

In 2007, the UNODC, in partnership with the World Bank Group, launched the Stolen Asset Recovery Initiative (StAR Initiative) to help developing countries recover assets and invest them in effective development programs. While emphasizing the joint responsibility of developing and developed countries to tackle corruption, the StAR Initiative outlines an action plan for assisting developing countries in the recovery of assets by reducing barriers to recovery in developed countries and strengthening the capacity of developing countries to pursue such assets. The StAR program also requires developing countries to strengthen public institutions and enhance public accountability and transparency. In May 2009, the StAR Initiative published a guide to assist States in the recovery of assets in the absence of a criminal conviction. Non-conviction based asset forfeiture is a legal regime that allows for the recovery of proceeds from serious crime, including corruption, without the need for a criminal conviction. It is often the only option available for governments when perpetrators are unavailable to be prosecuted. An increasing number of States have established systems to permit non-conviction based asset forfeiture, as recommended by the UNCAC.

While the StAR Initiative demonstrates increased international cooperation, greater coordination of efforts is still needed to develop an effective and comprehensive response to corrupt practices. In 2008, the General Assembly stressed the need for mutual legal assistance



from Member States to effectively combat corruption in all its forms. The GA also urged all Member States who have not yet done so to require domestic financial institutions to fully implement comprehensive due diligence and vigilance programs. These actions would achieve measures of accountability and regulation, all of which would substantially disrupt and hinder corrupt practices.

In A/63/88, the Secretary-General noted several priority action areas for the General Assembly. Presently, the primary challenges in implementing the UNCAC are a lack of agreement on a review mechanism and the lack of legal framework to address corruption. Reaching agreement on a mechanism for reviewing the implementation of the Convention will be difficult, and further commitment by Member States is still needed particularly in the area of technical assistance. The Secretary-General's report also underscored the significance of the review mechanism, noting that its promulgation will lead to "a high volume of new and complex tasks" to be performed by the Secretariat. The report warned that this will not be possible at present resource levels, urging the General Assembly to give appropriate consideration to the resource needs of the UNODC. In its work, the General Assembly will need to discuss the best approaches to addressing and resolving the aforementioned challenges.

Questions to consider from your government's perspective on this issue include:

- What additional steps can the UN and Member States take to stem the cycle of transnational organized crime?
- How can illicit money transfers to secret banking havens be policed? When non-identifiable source criminal assets are seized, how should they be utilized?
- What, if any, steps might the UN take once a Member State has been informed of corrupt practices within its borders, but takes no effective action?

## Bibliography:

- Aldridge, Peter, *Money Laundering Law: Forfeiture, Confiscation, Civil Recovery, Criminal Laundering and the Taxation of the Proceeds of Crime*, Intl. Specialized Book Service Inc. 2003.
- Astor, Michael, "UN says financial crisis boosts organized crime," *The Sacramento Bee*, 8 July 2009.
- Dugger, Celia, "Battle to Halt Graft Scourge in Africa Ebbs," *New York Times*, 9 June 2009, [www.nytimes.com](http://www.nytimes.com).
- Fisher, Jonathan, *Money Laundering Law and Practice*, Oxford University Press, 2004.
- Gilmore William C., *Dirty Money: The Evolution of Money Laundering Counter Measures*, Council of Europe Press, Strasbourg, 2nd ed. rev. and expanded, 1999.
- Madinger, J., Zalopany, S. A., *Money Laundering: A Guide for Criminal Investigators*, CRC Press, Boca Raton, FL, 1999.
- Montano, Elizabeth, "Wealth Hidden, Tax Evaded: Strategies for Revelation," *Journal of Money Laundering Control*, v 5, n 4, 2002, pp.263-265.
- Naylor, R.T., *Wages of Crime: Black Markets, Illegal Finance, and the Underworld Economy*, Ithaca, NY, Cornell University, 2002.
- Qorchi, Mohammed El, Maimbo, Samuel M., and Wilson, John F., "Informal Funds Transfer Systems: An analysis of the Informal Hawala System," International Monetary Fund, 2003.
- Richards, J.R., *Transnational Criminal Organizations, Cyber-crime, and Money Laundering: Handbook for Law Enforcement Officers, Auditors, and Financial Investigators*, CRC Press, Boca Raton, FL, 1999.
- Schultz, Jessica, "The United Nations Convention against Corruption: A Primer for Development Practitioners." U4 Anti-Corruption Resource Centre, February 2007, [www.u4.no/themes/uncac](http://www.u4.no/themes/uncac).

"Stolen Asset Recovery (StAR) Initiative: Challenges, Opportunities, and Action Plan," United Nations Office on Drugs and Crime and the World Bank, 2007.

Straub, Jonathan P., "The Prevention of E-money Laundering: Tracking the Elusive Audit Trail," *Suffolk Transnational Law Review*, v 25, n 3, 2002, pp. 515-534.

"World Bank and UNODC release guide to recover looted funds," United Nations Office on Drugs and Crime, 5 May 2009.

## UN Documents:

A/RES/63/226  
A/RES/62/202  
A/RES/61/209  
A/RES/60/288  
A/RES/60/207  
A/63/416/Add.4  
A/63/88  
CAC/COSP/2008/15  
CAC/COSP/2008/5  
CAC/COSP/2008/4  
CAC/COSP/2008/3  
Convention Against Corruption  
Convention Against Illicit Traffic in Narcotics, Drugs, and Psychotropic Substances  
Convention Against Transnational Organized Crime

## Additional Web Resources:

[www.transparency.org](http://www.transparency.org) - Transparency International  
[www.unodc.org](http://www.unodc.org) - UN Office on Drugs and Crime  
[www.imolin.org](http://www.imolin.org) - International Money Laundering Information Network  
[www.fatf-gafi.org](http://www.fatf-gafi.org) - Financial Action Task Force

## CONVENTION ON BIOLOGICAL DIVERSITY

The preservation of biological diversity and the pursuit of sustainable development are issues that become more pressing with each year due to humanity's increasing demands on the planet. The world population has doubled since 1950; it reached six billion in 1999 and is predicted to be nine billion by 2050. Today, the global market consumes natural resources at a rate that is growing five times more rapidly than the world population; over 60% of the world's ecosystems have been degraded or are being used in an unsustainable manner. This unprecedented rate of extraction puts a tremendous strain on the delicate balance of biodiversity that has evolved for billions of years between the species and ecosystems that comprise life on Earth. Due to the infinite complexities that characterize these relationships, the consequences of specific human actions are difficult to predict.

Member States acknowledged the gravity of these environmental threats in the creation of the Convention on Biological Diversity (CBD) at the 1992 United Nations Conference on Environment and Development in Rio de Janeiro, also known as the Earth Summit. Ratified by 189 Member States and one regional economic integration organization, the CBD today remains the key international instrument for the conservation and sustainable use of biological resources.

The Convention's three main goals are to conserve biodiversity, use it in a sustainable fashion, and share the benefits of such use fairly and equitably. Acting on the national, regional and international level, it stresses the common interest vested in these goals and promotes their adherence through sustainable economic and social development. The CBD also emphasizes the pursuit of poverty alleviation through natural conservation and sharing of knowledge and technology. The Cartagena Protocol on Biosafety, which entered into force on 29 January 2000, further addresses concerns relating to the protection

of natural biodiversity from the potential threat posed by genetically modified organisms. The Protocol establishes procedures to ensure that states receive information necessary to make informed decisions before importing genetically modified organisms. The Protocol also reaffirms the precautionary approach cited in the Rio Declaration.

Different UN agencies have underscored the cross-cutting impact of biodiversity loss and the urgent need to reverse it. The 2005 Millennium Ecosystem Assessment found that the degradation of ecosystems and loss of biodiversity resources are a barrier to achieving the Millennium Development Goals. The assessment concluded that sufficient efforts to reverse the damage are not yet underway, though if substantial actions were undertaken, improvements may occur within the next 50 years. In 2007, the 2010 biodiversity target set forth in the CBD was fully incorporated into the Millennium Development Goals, and 2010 was declared the International Year of Biological Diversity. In 2008, the Food and Agriculture Organization (FAO) called urgent attention to the impact of the global decline in biological diversity on the world food supply. The FAO estimated that the genetic diversity of agricultural crops has declined by 75% over the last century, which poses a serious threat to future agricultural production.

In response, the General Assembly reaffirmed in 2007 the UN's commitment to reducing the global degradation of biological diversity. It urged greater technological assistance to developing countries in order to achieve sustainable economic development that does not degrade the state's biodiversity. The GA also reminded Member States of previous commitments to prevent the loss of biodiversity through greater scientific and technical collaboration. The Second Committee addressed the potential of partnerships with the private sector to work in concert with Member States' national legislation and existing conventions. The Committee urged that new and additional financial and technical resources be provided to developing countries, and suggested that the Global Environment Facility be used to channel appropriate resources.

The ninth Conference of the Parties to the Convention on Biological Diversity convened in Bonn, Germany, from 19 to 30 May 2008. Though the CBD previously recognized the sovereignty of nations over their natural resources, conference negotiations achieved a major breakthrough with the finalization of plans to introduce in 2010 an international regime on access to genetic resources and the equitable sharing of the benefits arising from their use. Also discussed were the problem of invasive alien species, loss of rainforest biodiversity, degradation of marine ecosystems and genetically modified trees. States further acknowledged that efforts to reduce emissions caused by deforestation under the United Nations Framework Convention on Climate Change were a potential effective avenue of slowing the current rate of loss of forest biodiversity. Conference delegates recognized that biodiversity objectives, including climate change policy and alternative biofuels, are important to reducing rural poverty and achieving sustainable economic development.

Despite progress, with more than 12% of land now in protected areas, the speed of the international community's response has not kept pace with the scale of environmental degradation. While the topic of biodiversity has garnered significant attention and discussion in recent years, decisive new actions are needed to reverse the continuing degradation. To achieve the goals set for the 2010 International Year of Biodiversity, extraordinary commitments will be necessary from all Member States. Prospects for success face even greater obstacles in light of the global recession, as the economic downturn incentivizes the depletion of natural resources for profit. The Second Committee will need to discuss how financial and technical assistance can achieve solutions that are both economically and ecologically viable for Member States. While considering the ramifications of biodiversity on global trade and investment, as well as Member States'

national economic development, the Committee will need to focus on the economic costs of biodiversity loss as well as the financial benefits from conservation.

Questions to consider from your government's perspective on this issue include:

- Bearing in mind the financial and technical focus of the Second Committee as well as the roles played by other relevant UN agencies that address environmental issues, what is the role of the General Assembly in addressing biodiversity?
- How can biodiversity conservation efforts be implemented to also benefit the human population of fragile ecological areas, economically and otherwise?
- How does biological diversity relate to larger issues of economic and social development? How can Member States be encouraged to make biological conservation a useful and productive part of their own national development plans and legislation?

## Bibliography:

- Acre, Daniel G., "The Evolution of Heterogeneity in Biodiversity and Environmental Regimes," *The Journal of Conflict Resolution*, December 2000, v 44, n 6, pp. 753-772.
- "Biodiversity key to tackling global food crisis – UN agency," *UN News Centre*, 19 May 2008, [www.un.org/news](http://www.un.org/news).
- "Biodiversity: New challenge for the financial services industry," World Conservation Union, 7 June 2007, [www.iucn.org](http://www.iucn.org).
- Cooney, Rosie and Barney Dickson, *Biodiversity and the Precautionary Principle*, 2005.
- "Countries discuss possible UN-backed global body to tackle biodiversity," *UN News Centre*, 10 November 2008, [www.un.org/news](http://www.un.org/news).
- "Global Biodiversity Outlook 2," Secretariat of the Convention on Biological Diversity, 2006, [www.cbd.int/gbo2](http://www.cbd.int/gbo2).
- "Ground-breaking UN atlas seeks to tackle climate change and biodiversity loss," *UN News Centre*, 5 December 2008, [www.un.org/news](http://www.un.org/news).
- Hooper, D. U., F.S. Chapin, "Effects of Biodiversity on Ecosystem Functioning: A Consensus of Current Knowledge," *Ecological Society Monographs*, February 2005, v 75, n 1, pp. 3-35.
- "Parties to UN treaty on biodiversity meet to draft plan for access, benefit sharing," *UN News Centre*, 2 April 2009, [www.un.org/news](http://www.un.org/news).
- Rubino, Michael C., "Biodiversity Finance," *International Affairs*, April 2000, v 76, n 2, pp. 223-240.
- "Top UN officials warn of dangers of biodiversity loss," *UN News Centre*, 28 May 2008, [www.un.org/news](http://www.un.org/news).

## UN Documents:

A/RES/63/219  
A/RES/62/194  
A/63/414  
A/63/294  
A/62/419/Add.6  
A/C.2/62/L.45  
A/C.2/62/L.15  
TD/L.410  
UNEP/GC/22/INF/16  
Rio Declaration  
Convention on Biological Diversity  
United Nations Framework Convention on Climate Change  
Cartagena Protocol on Biosafety

## Additional Web Resources:

[www.cbd.int](http://www.cbd.int) – Convention on Biological Diversity  
[www.unep.org](http://www.unep.org) – United Nations Environment Programme  
[www.millenniumassessment.org](http://www.millenniumassessment.org) – Millennium Ecosystem Assessment  
[www.countdown2010.net](http://www.countdown2010.net) – Countdown 2010: Save Biodiversity





# THE GENERAL ASSEMBLY THIRD COMMITTEE: SOCIAL, HUMANITARIAN, AND CULTURAL

Purview of the Simulation: While the Committee's areas of concern and its work often overlap with other United Nations organs, the Third Committee focuses its discussions on social, humanitarian and cultural concerns that arise in the General Assembly. The Third Committee discusses with, recognizes reports of, and submits recommendations to the General Assembly in coordination with

other United Nations organs, such as the Economic and Social Council (ECOSOC) and the United Nations High Commissioner for Refugees (UNHCR). For more information concerning the purview of the UN's General Assembly as a whole, see page 17.

**Website:** <http://www.un.org/ga/third/index.shtml>

## RIGHTS OF PEOPLE TO SELF-DETERMINATION

Self-determination is the right of a people to have freedom from external rule, to have the independence to choose their own form of government, and the liberties necessary to be an autonomous political entity. The principle of the right of peoples to self-determination was first recognized as a fundamental human right by the Atlantic Charter in 1941. Moreover, the Charter of the United Nations declares self-determination to be one of its most integral ideals. However, the UN's steadfast recognition of self-determination as a fundamental right has not translated into state actions in which such claims are universally recognized. Despite the principle's significance, no proper mechanism has ever been agreed upon for enforcement. The concept of self-determination frequently challenges the fundamental international norm of state sovereignty, making international consensus difficult to reach.

In addition to the Charter's declaration, the Universal Declaration of Human Rights was one of the first international human rights documents to acknowledge the rights of all humans to political and social freedom. In 1966, the International Covenant on Civil and Political Rights more thoroughly elaborated the rights of citizens to amnesty, self-determination of liberty and rule of law, and freedom from arbitrary imprisonment and slavery. In the same year, the International Covenant on Economic, Social and Cultural Rights affirmed the right of all peoples to self-determination while requiring Member States to promote respect for and realization of that right. Subsequently, Security Council resolutions addressing various regional and intra-state conflicts also repeatedly underscored the right to self-determination.

In recent years, discussions have focused largely on violations of the right to self-determination and other human rights abuses resulting from the role played by mercenaries and private military contractors in foreign military intervention, aggression, and occupation. The General Assembly at its sixtieth session requested the Commission on Human Rights to prepare a report on the violation of human rights, with particular attention paid to violations of the right to self-determination resulting from foreign military action. A Working Group was established on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination. In March 2008, the Human Rights Council (HRC) extended the mandate of the Working Group, requesting them to elaborate on and present proposals on how to further protect human rights, in particular the right to self-determination, when they are under threat by mercenaries or mercenary-related activities. To accomplish this goal, the Working Group was instructed to seek input from governments, intergovernmental organizations

and non-governmental organizations. The Working Group was asked to study the traits of mercenaries and mercenary-related activities and monitor the effects of those groups on the enjoyment of human rights, with emphasis on the right to self-determination.

While the Working Group is engaged in creating newly proposed legal instruments to regulate private militaries and security companies, it has urged Member States that have not yet acceded to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries to do so, noting that although the instrument has a number of loopholes, it is presently the only tool available at the international level that may be able to impact the outsourcing of functions involving the use of violence, which have been considered the monopoly of the state for centuries.

Rather than addressing only one region or area, the Sixth Committee typically takes a comprehensive approach in discussing the subject of self-determination. Although resolutions in recent years have centered around the impact of modern-day mercenaries, past resolutions on this subject have also acknowledged and discussed the claims of self-determination made by peoples living in the Occupied Palestinian Territory, as well as self-determination claims made in the course of recent conflicts in Chile and Sudan. Special attention has increasingly been paid to the abilities of indigenous peoples to exercise their right to self-determination. The Declaration on the Rights to Indigenous Peoples, adopted in 2007, called upon Member States to recognize that communities of indigenous peoples have the right to express their unique origins and identity.

In December 2008, the General Assembly reaffirmed the fundamental condition of self-determination as a necessity for the observation, preservation, and promotion of human rights. The resolution further identified the primary opponent of the right to self-determination as foreign military intervention, as these acts of aggression have frequently led to repression, discrimination, exploitation and maltreatment. The General Assembly renewed its call for attention to the obstacles faced by refugees and displaced persons and asked that they be given the right to return to their homes. Though the resolution's adoption reaffirmed Member States' commitment to the right of peoples to self-determination, achieving universal realization of that right will require further concrete actions by the international community.

Questions to consider from your government's perspective on this issue include:

- How has the increased role played by private military and security firms impacted the exercise of self-determination?



- Are current resolutions and committees effective in increasing the rights of all people to self-determination? What further actions could be taken by the international community to strengthen the ability of peoples to exercise their right to self-determination?
- How can Member States strike a balance between principles of sovereignty and self-determination?

## Bibliography:

- Kirgis, Jr., Frederic L., "The Degrees of Self-Determination in the United Nations Era," *The American Journal of International Law*, v 88, n 2, April 1994, pp. 304-310.
- McCorquodale, Robert, "Self-Determination: A Human Rights Approach," *The International and Comparative Law Quarterly*, v 43, n 4, October 1994, pp. 857- 885.
- Puri, Balraj, "Sovereignty, Territorial Integrity and Right of Self-Determination," *Economic and Political Weekly*, v 36, n 4, 27 January 2001, pp. 263-264.
- Quane, Helen, "The United Nations and the Evolving Right to Self-Determination," *The International and Comparative Law Quarterly*, v 47, n 3, July 1998, pp. 537- 572.
- Rizvi, Haider, "In Reversal, US to Engage with Human Rights Council," Global Policy Forum, 2 April 2009, [www.globalpolicy.org](http://www.globalpolicy.org).
- Rizvi, Haider, "Rights: Native People Demand Self-Determination," *Inter Press Service News Agency*, 9 August 2006, [www.ipsnews.net](http://www.ipsnews.net).
- Rizvi, Haider, "Rights: U.N. Delays Vote on Native Self-Determination," *Inter Press Service News Agency*, 28 November 2006, [www.ipsnews.net](http://www.ipsnews.net).
- Talbott, Strobe, "Self-Determination in an Interdependent World," *Foreign Policy*, n 118 Spring 2000, pp. 152-163, [www.jstor.org](http://www.jstor.org).
- Weir, Fred, "The Coming of the Micro-States," *Christian Science Monitor*, 05 June 2006.

## UN Documents:

- A/RES/63/164  
A/RES/62/145  
A/RES/62/144  
A/RES/61/333  
A/RES/61/295  
A/RES/61/151  
A/RES/60/145  
A/63/325  
A/62/438  
A/62/301  
A/62/184  
A/61/341  
A/HRC/7/7  
E/CN.4/2006/11  
Charter of the United Nations, Chapter 1, Article 1  
International Covenant on Civil and Political Rights  
International Covenant on Economic, Social and Cultural Rights  
The Universal Declaration of Human Rights

## Additional Web Resources:

- [www.amnesty.org](http://www.amnesty.org) - Amnesty International  
[www.hrw.com](http://www.hrw.com) - Human Rights Watch  
[www.ohchr.org](http://www.ohchr.org) - Office of the High Commissioner for Human Rights

## THE IMPROVEMENT OF THE SITUATION OF WOMEN IN RURAL AREAS

Gender equality has always been a major area of concern for the UN. Of particular concern is the situation of rural women, who comprise the majority of the more than one billion people living in abject poverty and who also encounter some of the most egregious and entrenched inequality. The plight of women in rural areas also merits special consideration in light of the widespread effects of the global economic recession. Adverse economic conditions in many developing countries have had a disproportionately negative impact on rural women who often suffer the greatest burden of poverty.

A history of discrimination and unequal access to health care, education, technology, capital and land remain prime causes of the feminization of poverty. To provide for their families, women often must choose either dangerous, exploitative working conditions or unemployment and worsening hardship. Land is the primary form of wealth and collateral in many areas, which can make it more difficult for women to obtain loans and take advantage of other economic growth opportunities. Additional social barriers prevent many girls from attending school or women from obtaining health care, both which compound and perpetuate the cycle of poverty.

In 1975, the UN established the International Women's Year to highlight issues of gender inequality. The subsequent Decade for Women (1976-1985) sought to remedy past shortcomings in development philosophies that had economically marginalized women and increased their dependence on men. It also emphasized the need to bring women into decision-making at all levels. Accordingly, several funds and organizations including the United Nations Development Fund for Women (UNIFEM) and the International Research and Training Institute for the Advancement of Women (INSTRAW) were created to improve the situation of women. At the conclusion of the Decade, the Nairobi Forward-looking Strategies for the Advancement of Women were adopted, which concretized measures to achieve goals and objectives for the advancement of women.

The situation of rural women has been recognized and addressed in several UN conventions and conferences. Article 14 of the Convention on the Elimination of All Forms of Discrimination against Women specifically calls for the elimination of discrimination against rural women. The Beijing Declaration and Platform for Action drafted in 1995 specifically emphasized the need to improve the situation of women in rural areas by increasing their incomes and providing food security. In 2000, the Beijing +5 conference titled Women 2000: Gender Equality, Development and Peace for the Twenty-First Century called for equal access to economic, educational, and health care resources. The conference also advocated for the continuation of microcredit ventures to help alleviate poverty for women in rural areas.

In recent years, specific efforts to address and to improve the situation of rural women have often worked in concert with Member States' efforts to achieve the Millennium Development Goals (MDG). For instance, the goal of achieving gender equality focuses on expanding access to education by addressing circumstances preventing women and girls from attending school. School access for girls can be hindered by a lack of school sanitation facilities or a lack of access to water, which can necessitate girls' household labor. Simi-

larly, efforts to eliminate poverty and hunger include reducing the number of people earning less than \$1 per day and working toward full and productive employment for all, which includes rural women.

The UN has also taken steps to raise awareness and establish the situation of rural women as a more specific priority. The first International Day of Rural Women, established by the General Assembly in 2007, was observed in October 2008 and celebrates the role and contributions of rural women in promoting development, ensuring food security, eradicating rural poverty, and sustaining their families and communities. In support of the 2008 International Day of Rural Women, which coincided with the food production-focused World Rural Women's Day, the Secretary-General urged countries to make rural women's needs a top priority at the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus. During the December 2008 conference the body touched on the fact that the global economic crisis has had a grave effect on rural women. It called for increased attention to basic economic and social infrastructure and inclusive social services. The conference also identified economic empowerment of women as essential to a sustainable vibrant economy.

Despite these efforts to increase awareness regarding the situation of rural women, discrimination in access to education, health care, and economic means persists in many rural areas. Addressing these issues will require increased consultation with rural women in implementing future programs, as well as improved access to transportation and information and communication technology. It is possible that Member States with existing programs to further the cause of women's equality will be scaled back in the face of the continuing global economic crisis. Yet financial resources and support for governments striving to meet the MDG targets will need to be increased if efforts to improve the situation of rural women will be successful. At the same time, increased support will also be needed from Member States to provide microcredit and other direct financial assistance services to more women in rural areas in order to promote their economic empowerment.

Questions to consider from your government's perspective on this issue include:

- How do cultural considerations affect programs aimed at the improvement of the situation of women in rural areas?
- In what ways can developed countries help developing countries ensure equal access to education and health care for women in rural areas?
- How can countries with large rural populations be encouraged to better integrate women into mainstream society and include the concerns and issues of rural women in state development programs?
- What actions or mechanisms could the General Assembly recommend to ensure that increased development financing is applied in ways that best address the needs of rural women?

## Bibliography:

- Al-Salhy, Suadad, "Social Trends: Honor Kidnaps," *New York Times*, 13 April 2009.
- Arab, Adel, "Rights: Outdated Values Keep Rural Women Landless," *Inter Press Service News Agency*, 15 April 2009, [www.ipsnews.net](http://www.ipsnews.net).
- Mascia, Jennifer. "Development: This Land Is Not Her Land," *Inter Press Service News Agency*, 10 March 2009, [www.ipsnews.net](http://www.ipsnews.net).

"Millennium Development Goals: Gender Equality and Women's Empowerment Progress Chart 2008," Gender Progress Brochure, [mdgs.un.org](http://mdgs.un.org).

"Platform for Action." Fourth World Conference on Women, Beijing 1995. Women Watch. September 1995, [www.un.org/womenwatch](http://www.un.org/womenwatch).

"Rural and Minority Women Still Meet Many Forms of Discrimination, UN panel says," *UN News Centre*, 25 July 2005, [www.un.org/news](http://www.un.org/news).

"Rural Women Could Suffer Due to Increased Biofuel Production, Warns UN Agency," *UN News Centre*, 21 April 2008, [www.un.org/news](http://www.un.org/news).

"Rural Women Produce Half the World's Food: Message on the first observance of the International Day of Rural Women," *UN Information Service*, 15 October 2008, [www.unis.unvienna.org](http://www.unis.unvienna.org).

"UN Marks First Ever International Day of Rural Women with Call for Action," *UN News Centre*, 15 October 2008, [www.un.org/news](http://www.un.org/news).

"Women 2000 and Beyond: Rural Women in a Changing World: Opportunities and Challenges," United Nations Division for the Advancement of Women, October 2008, [www.un.org/womenwatch](http://www.un.org/womenwatch).

## UN Documents:

A/RES/63/159

A/RES/63/158

A/RES/63/157

A/RES/62/206

A/RES/62/136

A/RES/61/145

A/RES/61/143

A/RES/60/138

A/RES/56/188

A/RES/56/128

A/63/425

A/63/403

A/62/433

A/62/202

A/62/187

A/60/165

A/60/138

A/CONF.212/L.1/Rev.1

Convention on the Elimination of All Forms of Discrimination Against Women

Nairobi Forward-looking Strategies for the Advancement of Women

## Additional Web Resources:

[www.gender-budgets.org](http://www.gender-budgets.org) – Gender Responsive Budgeting

[www.rural-womens-day.org](http://www.rural-womens-day.org) - World Rural Women's Day

[www.unifem.org](http://www.unifem.org) - UN Development Fund for Women

[www.un.org/womenwatch](http://www.un.org/womenwatch) - UN Inter-Agency Network on Women and Gender Equality

[www.un.org/millenniumgoals/gender](http://www.un.org/millenniumgoals/gender) - Millennium Development Goals Related to Gender [www.ifad.org/gender](http://www.ifad.org/gender) - International Fund for Agricultural Development

[www.un.org/womenwatch/daw/followup/beijing+5.htm](http://www.un.org/womenwatch/daw/followup/beijing+5.htm) - Five-year Review of the Beijing Declaration and Platform for Action (Beijing +5)

[www.un.org/womenwatch/daw/Review/](http://www.un.org/womenwatch/daw/Review/) - Ten-year Review of the Beijing Declaration (Beijing +10)



# THE GENERAL ASSEMBLY SIXTH COMMITTEE: LEGAL

**Purview of the Simulation:** The General Assembly Sixth Committee addresses issues relating to international law. The Committee not only drafts new international law, but also offers interpretations of existing international law as well as recommendations for members to implement international regulations through national law. The Committee also considers legal issues which affect the United Nations Secretariat and

operations. The Sixth Committee does not resolve legal disputes; that is the responsibility of the International Court of Justice. For more information concerning the purview of the UN's General Assembly as a whole, see page 17.

**Website:** <http://www.un.org/ga/sixth/index.shtml>

## CRIMINAL ACCOUNTABILITY OF UNITED NATIONS OFFICIALS AND EXPERTS ON MISSION

Recently, criminal accusations have been made against United Nations officials and experts on mission, particularly in the area of sex crimes, in the Member States where they have been assigned. These include recent reports of atrocities committed by UN peacekeepers operating in Haiti, Somalia and the Democratic Republic of the Congo. The prosecution of such crimes has been hindered by the problem of jurisdictional gaps. Often, both the host State in which crimes have allegedly been committed by foreign nationals, as well as the State whose nationals have been accused of committing a crime, lack the jurisdiction to prosecute such allegations. Moreover, the United Nations' Secretariat cannot hold accused persons criminally accountable, nor is the Secretariat permitted to conduct an investigation or enforce the extradition of accused offenders.

In light of the damaging impact on the reputation and credibility of the United Nations, Member States have acknowledged the need to demonstrate zero tolerance for criminal activities committed by UN officials. The Secretariat is committed to facilitating international co-operation between all Member States to prosecute offenders. However, matters are complicated by the absence of an international statute or code identifying which crimes are punishable. Additionally, alleged offenses often occur in conflict or post-conflict environments, where the criminal justice system may be impaired or non-existent. Further, Member States have varying definitions of procedural due process, and there is disagreement between States as to what penalties for criminals are just.

One area of deep concern pertains to allegations of sexual crimes. The Secretariat has sought to address this, in part, through data collection to establish the extent of the problem. As reported to the General Assembly in 2007, in the calendar year 2006 a total of 357 allegations of sexual exploitation and abuse were reported to the Office of Internal Oversight Services. The Secretary-General has been requested to bring credible criminal allegations to the attention of the Member States against whose nationals such allegations were made. However, sexual crimes are widely underreported for a variety of reasons, including stigmatization and fear on the part of victims.

In response to continued reports of criminal acts committed by UN officials and experts on mission, the Secretary-General assembled a Group of Legal Experts (Group) for a report on the situation. Since then, a variety of proposals to strengthen the accountability of UN officials and experts on mission have been discussed.

However, consensus has not yet been reached on a wide range of details. For instance, there is debate over whether the Secretariat should attempt to define crimes or criminal activity for the sake of uniformity, and if so, what such guidelines should be. Another unsettled question is which avenue Member States should take to gain jurisdiction over criminals (i.e., legislatively by code or statute, amendment to the constitution, etc.). Additional issues include whether the UN or Member States would finance the investigations, trials, and imprisonment of offenders, and what defenses ought to be available for alleged criminals who are nationals of other States;

Similarly, the international community must decide if Protocol I of the Geneva Conventions provides any sort of jurisdiction or benefits for civilian victims in regard to protecting them from UN representatives. Member States must also determine if the UN ought to provide for an appellate court of review, and if so, whether such a court would be based on common law or civil law, and finally, whether Member States would bear responsibility for appeals in their State.

The Secretary-General has indicated a desire to avoid specifying offenses and appropriate punishments, instead preferring to find avenues for States to exercise jurisdiction. While the United Nations has expressed a preference that the host State be responsible for investigating, trying, and prosecuting alleged crimes by UN officials and experts on mission, it has offered to incorporate the United Nations Police (UNP) to facilitate trials in the host State. Operating in an ancillary capacity, the UNP would provide assistance to the host State in all stages of investigation.

Significant concerns have been expressed by Member States over the idea of an executive mandate issued by the Secretariat, and so other proposals have centered on either the modification of Member States' jurisdictional boundaries in order to share exercise of jurisdiction, or the creation of a hybrid tribunal to adjudicate crimes. It has been proposed that hybrid tribunals, similar to the United Nations Transitional Administration in East Timor, may be more likely to meet international standards of human rights and to promote confidence in the potential legal system. However, these tribunals are also resource-intensive and would require the consent of the host State.

The international community has acknowledged the need to establish procedures by which UN officials and experts on mission may be held liable for their actions in the field. While the goals have been identified, the means and ways have yet to be decided. Further discussions are required amongst Member States to establish consensus on what steps may be taken next.



Questions to consider from your government's perspective on this issue include:

- How are principles of diplomatic immunity and the responsibility to protect impacted by criminal behavior by UN officials and experts on mission?
- How can Member States hold peacekeepers liable for their actions?
- What form should a tribunal or court with jurisdiction over these proceedings take, and what avenues of appeal will be available for the accused?
- Should the Secretariat be responsible for defining criminal activity? How will jurisdiction be gained by Member States? Who will finance investigations and oversee appellate courts of review? Finally, does Protocol I of the Geneva Conventions provide any guidance in this matter?

### **Bibliography:**

- “Administration of Justice, Criminal Accountability of UN Officials on Mission Among Issues, as General Assembly Adopts 18 Texts Recommended by Legal Committee,” *UN News Centre*, 11 December 2008, [www.un.org/news](http://www.un.org/news).
- Deen, Thalif, “Rights: UN Lacks Muscle to Fight Sex Abuse in Peacekeeping,” *Inter Press Service News Agency*, 2 July 2008, [www.ipsnews.net](http://www.ipsnews.net).
- “General Assembly, Considering Sixth Committee Reports, Adopts Text on Criminal Accountability of United Nations Officials, Experts on Mission,” *UN News Centre*, 4 December 2006, [www.un.org/news](http://www.un.org/news).
- “Legal Committee Told ‘Jurisdictional Gaps’ Among Elements Impeding Efforts on Accountability of Personnel on United Nations Missions,” *UN News Centre*, 10 October 2008, [www.un.org/news](http://www.un.org/news).
- Okouma, Ghislain Ondias, “The Sixth Committee: More International Responsibility from Member States,” *UN Chronicle*, 2008, <http://www.un.org/Pubs/chronicle>.
- Price, Susannah, “Russian Charged in UN Bribes Case,” *BBC News*, 8 September 2005, [news.bbc.co.uk](http://news.bbc.co.uk).
- Ross, Brian, “Peace at What Price?: UN Sex Crimes in Congo,” *ABC News*, 10 February 2005, [abcnews.go.com](http://abcnews.go.com).
- “UN Legal Chief Voices Support for Convention on Criminal Accountability,” *UN News Centre*, 15 October 2005, [www.un.org/news](http://www.un.org/news).

### **UN Documents:**

A/RES/63/119  
A/RES/62/63  
A/RES/61/29  
A/63/54  
A/62/448  
A/62/329  
A/62/100  
A/61/957  
A/61/645  
A/60/980  
A/59/710  
A/C.6/62/L.10  
ST/SGB/2003/13

### **Additional Web Resources:**

[www.un.org/law/criminalaccountability](http://www.un.org/law/criminalaccountability) - Ad Hoc Committee  
[www.uncjin.org](http://www.uncjin.org) - United Nations Criminal Justice Information Network  
[www.unicri.it](http://www.unicri.it) - United Nations Interregional Crime and Justice Research Institute

## **STATUS OF THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949 AND RELATING TO THE PROTECTION OF VICTIMS OF ARMED CONFLICTS**

The relationship between the international community and the Geneva Conventions is structurally fundamental to the universal adherence to international humanitarian law. Prompted by the aftermath of World War II, the Convention and its protocols were formed as an initiative of the International Committee of the Red Cross (ICRC) to supplement definitive rules for limiting the barbarity of war and protecting the individual from it.

A cornerstone of international humanitarian law, the Convention consists mainly of the four Geneva Conventions of 1949 and the two additional Protocols of 1977. The four core Conventions specifically address wounded soldiers on the battlefield (First Convention), the wounded and shipwrecked at sea (Second Convention), prisoners of war (Third Convention), and civilians and prisoners of war under enemy control (Fourth Convention). With the recent accession of Montenegro and Nauru, the Conventions have achieved universal recognition.

Since the Geneva Conventions of 1949, additional Protocols have been implemented to fully establish and provide international law within the scope of the UN. Protocol I develops the rules of the First and Second Conventions, dealing with the wounded, shipwrecked, sick, missing and dead, but extending protection to civilian medical workers. Protocol I also provides a more detailed definition of “combatants” and their expected conduct and also discusses civil defense and relief as matters directly related to human rights. Additionally Protocol II provides major improvements in extending special protection to those who take no part in hostilities (including medical and religious personnel, units displaying the red cross or red crescent, cultural objects, and places of worship). In this respect, Protocol II was a groundbreaking accomplishment for protecting relief work which is of a strictly neutral and humanitarian nature.

In December 2005, the ICRC called the attention of the international community to the new problems with the global recognition of the customary emblems of humanitarian aid. Article 38 of the First Convention confirmed the establishment that the red cross or red crescent mounted on a white background signifies neutrality and humanitarian aid. However, these emblems are often perceived as having political and religious connotations, which has the potential to compromise the respect, efficiency and safety of those involved in the Red Cross and Red Crescent movement. This confusion has also led some states and relief movements to refuse to adopt these emblems, compromising the universality of the relief organization. To correct this, the states party to the Geneva Conventions adopted a third protocol additional to the Conventions in 2005. This Protocol, relating to the adoption of an Additional Distinctive Emblem, establishes the red crystal as an image devoid of any political, religious or any other connotation that could

be efficiently used in humanitarian efforts world-wide. The Additional Protocol III calls for the red crystal to be recognized as a substitute for the red cross or red crescent and serves to prevent the future proliferation of other emblems.

While the Additional Protocols have become the accepted form of international law related to armed conflicts and their subsequent victims, the Protocols lack actual enforcement and discretionary power, while concerns over sovereignty hinder the enforcement of international law. At times, Member States have disregarded the Protocols. In 2008, the General Assembly expressed its concern over the increasing numbers of civilians being targeted in armed conflicts and emphasized the urgent need to apply international humanitarian law.

In response to the Secretary-General's 2008 report on the status of the Protocols Additional to the Geneva Conventions, Member States also stressed the need for those States that have not already done so to ratify the Rome Statute of the International Criminal Court and other relevant legal instruments. Member States who had not yet done so were similarly urged to adopt the Additional Protocols and to make use of the International Humanitarian Fact-Finding Commission, where appropriate. Also discussed was the development of the 2008 Montreux Document, which reaffirmed the obligation of States to ensure that private military and security companies operating in armed conflicts do so in compliance with international humanitarian law. The document lists over 70 recommendations for Member States with regard to best practices concerning oversight and regulation of private security companies. It also calls for greater accountability, calling upon Member States to take concrete steps to ensure the prosecution of private military and security company personnel when serious breaches of law occur.

The relevance of the Geneva Conventions and its Additional Protocols has also taken on renewed prominence in light of the global war on terrorism. Human rights observers have criticized the practice of "extraordinary rendition" tactics on suspected terrorists, and some states have issued arrest warrants for agents who are suspected of engaging in these proceedings. Many states party to the Geneva Convention have expressed significant concern over the treatment of individuals being held at the detention centers at the Guantanamo Bay Naval Base in Cuba. The discussion raises questions about the Protocols' efficacy and relevance to global terrorism.

Changes in the shape and context of modern warfare have presented new challenges for international humanitarian law. A thorough examination of the existing sources of international humanitarian law is required to regulate the international law of war and protect the innocent affected by armed conflict. The Sixth Committee, with jurisdiction in issues relating to international law through the interpretation of existing international law, as well as the implementation of international regulations and norms through national law, must discuss ways of clearly defining implementation and enforcement standards within the Protocols.

Questions to consider from your government's perspective on this issue include:

- Have the current mechanisms to regulate the international law of war been sufficient? Have they been successful?
- What steps can the international community take to further enforce the Geneva Convention and its Additional Protocols?
- Are there more effective or efficient ways to protect civilians during armed conflict than the Protocols already in place?

- What is the scope with which the Additional Protocols of the Geneva Convention can actually be applied within governments? International Legal Personalities? The UN as a whole?

## Bibliography:

- Beard, Jack M., "The Geneva Boomerang: The Military Commissions Act of 2006 and U.S. Counterterrorism Operations," *American Journal of International Law*, January 2007, v 101, n 1.
- Bugnion, Francois, "The Geneva Conventions of 12 August 1949: From the 1949 Diplomatic Conference to the Dawn of the New Millennium," *International Affairs*, January 2000, v 76, n 1.
- "Colombian Soldier Wore Red Cross Logo in Hostage Rescue," *New York Times*, 17 July 2008.
- "The Geneva Conventions: The Core of International Humanitarian Law," The International Committee of the Red Cross, 1 January 2009, [www.icrc.org](http://www.icrc.org).
- "Goal of the Geneva Treaties: Helping the Victims of War," *New York Times*, 27 January 1990.
- Goldenburg, Suzanne, "America is alienating the rest of the world," *Guardian*, 21 September 2006.
- Hampson, J. Françoise, "Belligerent Reprisals and the 1977 Protocols to the Geneva Conventions of 1949," *International and Comparative Law Quarterly*, October 1988, v 37, n 4.
- Liptak, Adam, "Mideast Turmoil: Geneva Conventions; When Letter of the Law Does Not Spell 'Clarity,'" *New York Times*, 1 May 2002
- "Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict." International Committee of the Red Cross, 17 September 2008, [www.icrc.org](http://www.icrc.org).
- "Thirty Years Additional Protocols to the 1949 Geneva Conventions: Past, Present and Future – 18th Conference of the Legal Advisors to the German Army and the Representatives of the German Red Cross, 7-8 March 2008, Bad Mergentheim." *German Law Journal*, 10 October 2008, n 10.

## UN Documents:

- A/RES/61/30  
A/63/440  
A/63/118  
A/63/100  
A/63/467  
A/61/451  
A/61/30  
A/57/559  
A/51/215/Add.1  
A/C.6/63/SR.13, 14, and 26  
A/C.6/63/L.15  
A/C.6/59/L.1  
Montreux Document  
Rome Statute  
Geneva Convention and its Additional Protocols

## Additional Web Resources:

- [www.icrc.org](http://www.icrc.org) - International Red Cross and Red Crescent  
[www.unhchr.ch](http://www.unhchr.ch) - Office of the United Nations High Commissioner for Human Rights  
[www.icc-cpi.int](http://www.icc-cpi.int) - International Criminal Court