



## CHAPTER FOUR

# THE GENERAL ASSEMBLY

### 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 United Nations 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 United Nations 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; 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 United Nations'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 United Nations'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.

### PURVIEW OF THE CONCURRENT GENERAL ASSEMBLY PLENARY

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 oversees the United Nations' peacebuilding processes and coordinates 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:** [www.un.org/ga/](http://www.un.org/ga/)

### EXTERNAL DEBT SUSTAINABILITY AND DEVELOPMENT

The 2007 financial crisis highlighted and exacerbated global economic imbalances. As the international community reeled from the destruction, a number of sovereign debt crises followed in the wake of the financial crisis. The recent Eurozone crisis and the current high debt loads of many developing states were just the latest round of global emergencies kicked off by sovereign debt. Total external debt of developing countries reached an estimated \$4.8 trillion in 2011; long-term debt represents nearly 70 percent of the total and is mainly held by private creditors. Debt sustainability and effective debt management are essential in helping countries meet their national development objectives and the Millennium Development Goals.

When countries are overly burdened by debt and debt payments, they face tough choices on how to allocate their yearly budgets. All countries need to make significant capital infrastructure investments—such as electricity generation and distribution, roads, airports and ports. Significant debt loads limit the resources available for these capital investments, frequently pushing governments to issue new debt to make infrastructure investments. This further limits resources in the future, especially Least Developed Countries (LDCs), who begin with more limited revenue. In the past, credit relief programs were also often creditor driven, taking into account the needs of the creditors over the needs of the borrowers. These policies frequently led to poor financial decisions that further hurt developing economies while doing little to address the long-term debt problems.

The first round of modern international debt crises came to a head in the 1990s when dozens of primarily developing countries faced unsustainable debt levels. In response, the United Nations, the International Monetary Fund (IMF), the World Bank and other international financial institutions worked together to offer solutions. In 1996, the



IMF and the World Bank formed the Heavily Indebted Poor Countries (HIPC) Initiative, which offered eligible countries debt reduction in exchange for meeting certain benchmarks in setting sound financial policies and poverty reduction strategies. Since 1996, the HIPC Initiative has helped 36 countries reduce the percentage of Gross Domestic Product (GDP) devoted to servicing debt by an average of 1.5 percent. Additionally, in the 35 countries that have met all terms of the program, spending on public health and welfare has increased to five times that of debt spending. The IMF, World Bank and the African Development Bank have further agreed to the Multilateral Debt Relief Initiative (MDRI), which grants full debt cancellation for countries that have met HIPC Initiatives. The HIPC initiative is estimated to provide a total of \$71 billion USD to 41 eligible countries, while MDRI is expected to provide an additional \$28 billion.

The General Assembly is an important forum for the international community to reflect collectively on the benefits, costs and strategies for managing external debt and its impact on development. Through the 1980s the United Nations reported on the increasing difficulty developing States had paying creditors and begun raising concerns about the adverse affects on development. In the early 1990s, the United Nations became worried by the continued growth in debt, the inability of some States to pay and the failure of previous debt reforms—especially as macroeconomic shocks in the 1990s and early 2000s led some heavily indebted States to default on their debts. The General Assembly was a crucial force urging the creation of the HIPC Initiative. The IMF and World Bank have also collaborated with the United Nations to help measure and track progress on several of the Millennium Development Goals. The technical expertise of the IMF and World Bank provide the United Nations valuable partners in efforts to address this topic.

In addition to the initiatives aimed at poorer countries, there are also positive developments for middle-income countries, most notably the Paris Club and the Evian Approach. The Paris Club is a group of creditor States who coordinate to find sustainable solutions for countries facing debt repayment difficulties. Traditionally, assistance has come in the form of shorter-term debt solutions such as rescheduling payments or granting forbearance. Since the adoption of the Evian Approach in 2003, the focus has shifted to first analyzing debt conditions and implementing changes based on the underlying issues, including options that focus on long-term debt sustainability.

There are still critical issues that need to be addressed. One major issue is that the programs described above only address debts owed to the creditors that are involved in the programs. Since 2000, the composition of external debt and debtors has shifted, and the share of long-term external debt owed to private creditors has increased. A number of countries are now facing aggressive litigation stemming from debt collection by commercial creditors and so-called “vulture funds.” These efforts have the potential to undermine poverty reduction benefits in developing countries. There is also concern over available funding for debt relief. Currently three countries—Somalia, Sudan and Eritrea—are positioning themselves to enter into the HIPC Initiative; however, the inclusion of any one of these has the potential to bankrupt the system.

Debt relief does not guarantee a financial recovery. Many HIPC countries still have fragile economies that can be devastated by conflict, natural disaster or global economic events. Much of the progress made in the early 2000s was threatened by the global economic recession of the past six years. The global recession has had a lasting impact on many of

the indebted countries in the developing world. The economic downturn has also renewed concerns over poor economic choices. One such concern is over sustainable development practices. As many countries try to stabilize their economies, they often gravitate to policies that generate quick revenue at the expense of the environment, health and welfare of citizens and other indicators.

Looking ahead, the General Assembly should consider several issues. First, the international community must consider how it can encourage and support domestic financing. Policymakers need to think creatively about how to provide investors with appropriate incentives to invest in sustainable development. Second, the General Assembly should consider how traditional development cooperation, and official development assistance in particular, can support economic growth and debt relief. Technical assistance to manage debt and address debt problems can be crucial for many countries, in particular the most vulnerable. Finally, the General Assembly might consider how it can address the challenges stemming from the marked increase in privately-held sovereign debt; integrating their concerns into debt relief negotiations, convincing them of the benefit of these programs, will be vital as their proportion of funding increases.

Questions to consider from your government’s perspective on this issue include the following:

- What should the international community’s response be to the growing role of private creditors in the external debt crisis?
- How can the General Assembly support and encourage Member States’ efforts to address external debt?
- How could future debt relief initiatives be integrated with other forms of development aid and financial assistance?

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## PREVENTION OF ARMED CONFLICT

In 2001, the Ambassador of China to the United Nations stated, “In some sense, the United Nations itself has been a product of the prevention of armed conflict.” Founded in the immediate aftermath of the Second World War, the United Nations was conceived with the clear goals of promoting peace as well as preventing and ending armed conflict. While it pursues these goals through many means—social and economic development, economic integration and trade, and disarmament—one of the central pillars of the United Nations’ work has been to mediate or stop armed conflicts.

Many elements of the United Nations are involved in preventing and responding to conflicts. The Security Council is the central international body for addressing armed aggression and dealing with specific threats to the international peace. It may also authorize peacekeeping operations, which are managed by the Secretariat. The General Assembly focuses on addressing the systemic and institutional causes of armed conflict. The General Assembly Plenary has historically used its broad purview to take a comprehensive look at the causes of armed conflict, to include resource and geopolitical competition, ideology, poverty and political disenfranchisement, among many others.

Throughout most of its history, the United Nations has focused on reacting to conflicts through mediation efforts, interventions and declarations by the Security Council and the deployment of peacekeepers. Following the end of the Cold War, the United Nations increasingly faced complex conflicts: intrastate conflicts, civil wars and crimes against humanity. In many of these circumstances, the United Nations’ reactive toolkit was not well-suited to creating enduring solutions.

In 2000, the Security Council asked Secretary-General Kofi Annan to prepare a study and recommendations on the future of the prevention of armed conflict by the United Nations. Released in 2001, the report focused on shifting the United Nations from a reactive approach to conflict to a proactive or preventative approach. The Secretary-General made a number of recommendations, including recommended actions for States, the private sector, regional organizations and civil society. Moreover, he called upon the entire United Nations system to develop a culture of prevention.

Responding to the Secretary-General, the General Assembly passed a resolution on the prevention of armed conflict in 2003.

This resolution aimed to implement some of the Secretary-General’s recommendations. The resolution also sought to clarify the roles of the Member States, General Assembly, the Security Council and various private entities in the solution to and prevention of armed conflict. The hope was that these actions would help Member States achieve greater cooperation and finding solutions diplomatically before the conflict escalates to one of violence.

The General Assembly continually examines the underlying causes of armed conflicts. The goal is to develop solutions that achieve more than just the absence of conflict but the ability to have tools in place to solve problems prior to the escalation to violence. Prevention efforts are ideally focusing on ways to eliminate the need for aggression in the first place as opposed to controlling the used of arms during conflicts.

Since 2003, the United Nations has sought to implement the recommendations from the General Assembly and the Secretary-General. In many instances, these have met with great success, such as the creation of the Kimberly Process and other efforts at preventing the trafficking of conflict minerals and the formation of the United Nations’ Mediation Support Unit and Peacebuilding Commission. In 2006, the Secretary-General published a follow-up report, reviewing progress made since 2001. His report highlighted a growing culture of prevention, efforts to maximize the costs of wars to make them more unattractive, and key policy changes enabled by the international community’s activism on the issue. Throughout his report, the Secretary-General extolled progress in the understanding of the causes of armed conflict, acknowledging that any successful effort at conflict avoidance or mitigation must start with a firm understanding of the motivators of conflict.

The United Nations has increasingly made use of training and stabilization operations to prevent situations from decaying/devolving into violence. More specialized and technical agencies are including conflict prevention as a core element of their work, using their technical assistance and training mandates to address drivers of conflict. Member States are, in many cases, collaborating to address conflict. Yet these changes have not always worked. Despite extensive mediation efforts by the United Nations, the civil war in Syria is ongoing. The 2012 rebellion and coup d’état in Mali caught the international community off-guard and under-prepared. The situation was only stabilized following mediation efforts by the Economic Community of West African States (ECOWAS) and by a military intervention by the French armed forces on behalf of the interim government. Both ECOWAS and France continue their involvement in stabilizing the country. And in Asia, competing territorial claims in the South China Sea have become a major source of regional tension, drawing a number of States into a cycle of military and political maneuvering.

Following the numerous crises and conflicts over the last decade, the General Assembly now has an opportunity to assess how far the United Nations has come and how effective the recommendations from 2001 and 2003 have been. Since the Secretary-General’s report, the nature of conflict itself has changed. Many of the greatest conflicts of the last decade have been asymmetric, pitting States against non-state actors. Conflict between States increasingly makes use of unmanned aerial vehicles and cyberwarfare. The former pose a particular challenge because they reduce a primary deterrent of conflict: the loss of life on both sides. Over the last decade, many regional organizations have matured significantly—from the Association of Southeast Asian Nations (ASEAN) to



the League of Arab States and the African Union (AU). These organizations are increasingly playing a role in preventing armed conflict, particularly through mediation, though their full potential has yet to be realized. As the General Assembly looks ahead, it will need to consider what tools are necessary for Member States, civil society and other partners as they look to prevent armed conflicts in this time of great change.

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

- How well have the United Nations' efforts to prevent conflict worked? How can the United Nations, Member States and other actors work to better prevent future conflicts?
- What is the role of regional bodies and organizations in preventing armed conflict?
- How can the United Nations contribute to the prevention of new forms of conflict, such as cyberwarfare and the use of unmanned aerial vehicles?

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# THE GENERAL ASSEMBLY FIRST COMMITTEE

## DISARMAMENT & INTERNATIONAL SECURITY

### PURVIEW OF THE GENERAL ASSEMBLY FIRST COMMITTEE

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 United Nations's General Assembly as a whole, see page 24.

**Website:** [www.un.org/ga/first/index.shtml](http://www.un.org/ga/first/index.shtml)

### COMPREHENSIVE NUCLEAR-TEST-BAN TREATY

From the United Nations' very beginning, the international community has struggled with balancing the danger of nuclear weapons with access to the technology and the energy that nuclear fission can provide. In the aftermath of the second World War, the international community, fearing what the uncontrolled expansion of nuclear weapons could herald, promoted nuclear non-proliferation as a central element of international peace and stability. Restricting nuclear weapon test explosions and all other nuclear explosions is considered an effective constraint on the development and qualitative improvement of nuclear weapons and advanced nuclear weaponry.

As nuclear testing continued and more powerful weapons were developed, concerns about the radioactive fallout and the technologies mounted. In 1954, an experimental thermonuclear device tested by the United States at Bikini Atoll produced an explosion nearly twice the yield expected, resulting in far greater nuclear fallout than original estimates. A Soviet test soon after resulted in radioactive rain over Japan. Concerned by the health, safety, and environmental implications of these nuclear tests, the United Nations began negotiations on a nuclear testing ban in the 1950s. These discussions occurred between the nuclear powers privately and within the United Nations' Disarmament Commission with much international interest. While originally coupled with an attempt to achieve total nuclear disarmament, the latter concept was dropped for lack of progress.

A persistent problem was the question of verification; how could the parties ensure that the agreed upon restraints were being followed? As the talks continued through the late 1950s, the nuclear powers outlined the characteristics of a control system to monitor the ban, but nuclear testing continued. Several moratoriums were unilaterally declared by the Soviet Union and the Western powers during this time. After much back and forth, the nuclear powers agreed upon a text which became the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water. As suggested by its name, the 1963 Treaty greatly restricted options for the testing of nuclear weapons, but it did not create an outright ban on the practice. Importantly, the parties had successfully defined a system for monitoring the Treaty. This system includes on-site inspections, monitoring sites and a network of seismic sensors.

In the interest of the broader auspices of nuclear non-proliferation, the international community continued to address the topic over the following decades. Key milestones included the creation of several Nuclear-Weapon-Free Zones and the adoption of the Treaty on the Non-proliferation of Nuclear Weapons (NPT). The NPT is intended to limit the proliferation of nuclear weapons technology while protecting States' right to nuclear technology for peaceful use. The NPT also created the International Atomic Energy Agency (IAEA) to oversee safeguards and confidence-building measures and implement verification measures. In 1994, the United Nations began discussions on the Comprehensive Test Ban Treaty (CTBT) to strengthen the 1963 Treaty and end underground nuclear testing. The CTBT itself was drafted and approved for signature by the General Assembly in September 1996. The CTBT seeks to end the testing of nuclear weapons and effectively cease the advancement of new weapons technologies within the field. The CTBT obligates signatories to prohibit any person or organization under its authority from testing such devices, contribute to an international monitoring system consisting of radiological and seismic observation stations, and implement confidence building measures regarding their compliance. It is designed with a specific cohort of parties to the treaty; before the CTBT can enter into force, forty-four nuclear-technology-holding States must sign and ratify it. As of June 2014, the CTBT still requires signatures from three of the forty-four Member States, and ratification by an additional five signatories.

Achieving full ratification of the CTBT has been a key goal for much of the international community. Beyond the symbolic meaning of sweeping ratification, the aforementioned 44 Member States, identified in Annex 2 of the CTBT, must ratify the treaty before it can actually enter into force. It is easy to imagine the CTBT as a bulwark of the international non-proliferation regime, yet in its current state it lacks the full weight of international law. In light of its importance, the United Nations has revisited the CTBT eight times in recent years with Conferences on Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty. The Conferences have focused on implementation of the treaty and moving those States identified by Annex 2 into a ratified status. Since 2007 both Colombia and Indonesia have ratified the treaty, and Israel and the People's Republic of China show signs of movement toward ratification. Meanwhile, the Democratic People's Republic of Korea, India and Pakistan remain non-signatories to the CTBT.

In the past decade the only nation to test nuclear weapons has been the Democratic People's Republic of Korea. While these announced tests have been universally condemned by the 183 signatories to the CTBT, they have provided valuable confirmation that the established monitoring systems are capable of detecting clandestine nuclear blasts. In fact, the infrastructure developed to detect a nuclear test and monitor compliance with the CTBT has yielded unexpected benefits. Seismological monitoring systems can provide rapid, detailed data in the event of an impending tsunami, and atmospheric radiological detection methods were used to track nuclear contamination stemming from the 2011 Fukushima disaster.

Despite the high number of signatories to the CTBT, the treaty is a contentious topic, with debate over the CTBT providing a microcosm



of the challenges that face international diplomacy. Domestic politics add complexity to expanded ratification of the treaty. Some parties argue that Member States already in possession of nuclear weapons enjoy a privileged position as rule-makers, and the infringement on national sovereignty remains a concern. These challenges will not subside of their own accord, but with careful diplomacy they can be overcome. The CTBT's provision requiring all Annex 2 States to ratify the treaty before it enters force means that the international community must seek a consensus outcome in order to truly secure the treaty's legacy.

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

- In the case of non-ratifiers, what are the obstacles to ratification?
- How can the international community assist in encouraging other members to ratify the CTBT?
- Are there any potential modifications or addendums to the CTBT that could encourage ratification?
- How can the international community influence non-signatories to cease nuclear testing and encourage the eventual ratification and compliance with the CTBT?

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

While the illicit trade in small arms and light weapons occurs in all parts of the world, it is concentrated in areas plagued by armed conflict, organized crime and violence. Several factors allow the arms trade to flourish. Weak central authorities and porous borders permit easy flows of weapons and profits, while instability and violence generate the demand for weapons that fuels significant profits.

The illicit weapons trade feeds civil wars, provides terrorists with means to achieve their violent goals and stocks the arsenals of drug cartels. Even on a smaller scale, these weapons can expand the lethality of criminal gangs and enable many acts of violence. The pervasive availability of light arms has made massive violations of human rights and international humanitarian law far easier than it would be under more tightly controlled circumstances.

In 1991, United Nations established the United Nations Register of Conventional Arms. The Register aimed to track legal, legitimate arms sales between Member States. In theory, tracking makes diverting arms to the black market more difficult and allows the international community to monitor potentially destabilizing build-ups of light weaponry. In practice, however, the results have been more mixed. All reports of arms exports and imports to the United Nations Register of Conventional Arms are purely voluntary, and compliance has been a challenge. In 1997 and 1999, the Secretary-General created two expert groups



to delve into the challenges associated with tackling the illegal arms trade. These groups prepared the agenda for the 2001 United Nations Conference on the Illicit Traffic in Small Arms and Light Weapons in All Its Aspects. The conference was a significant step forward in terms of cooperation within the international community on this growing problem. During this conference, United Nations Member States adopted the Programme of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons, in All Its Aspects. The Programme of Action forms a procedural cornerstone for addressing light arms trafficking, although the recommendations it makes are non-binding. The Programme of Action asserts that meaningful steps must be taken at the national, regional and international levels if a durable solution is to be found. It encourages Member States to aggressively police unlicensed producers of arms within their borders and ensure that all legitimate manufacturers place serial numbers, as well as marks indicating country of origin, on all weapons produced. By implementing these policies, a large proportion of the light arms throughout the world would be traceable to their origins. Combining this traceability with the Programme of Action's other facet of regional and international information sharing networks creates protections against the illicit sale of arms. United Nations Member States reviewed the Programme of Action in 2012, and the published report highlighted several areas for continued focus. Member States are supposed to designate a National Coordination Agency tasked with overseeing the Programme of Action's implementation and small arms issues more broadly, but this has not been universally implemented. Ensuring the marking and tracing of weapons both manufactured domestically and imported from abroad has also fallen short of expectations. When record keeping is done, a vast number of Member States fail to maintain those records for the 30 year duration required by the International Tracing Instrument. A third review conference is scheduled for 2018.

In 2005, the United Nations General Assembly adopted the aforementioned International Tracing Instrument. The initiative encourages Member States to establish mechanisms to note the last legal owner of a small arm, both via manufacturer marks on the weapons themselves as well as diligent record keeping to document transfers of said weapons. The 2013 General Assembly resolution on this topic calls for Member States to submit reports on their implementation of the International Tracing Instrument, including the name and contact information of the national points of contact and information on national marking practices used to indicate country of manufacture and country of import.

Yet while efforts to increase the traceability is a major step forward for arms control, there are significant challenges to arms control efforts. Major weapons producers are cautious about efforts that significantly curtail their ability to produce and sell arms to legitimate buyers – and numerous importers of small arms have expressed their concern about efforts to restrict or invasively track small arms. Countless United Nations resolutions, statements and other documents affirm the rights of Member States to produce, export and stockpile such weapons for a variety of legitimate purposes. And while major producers may sell to legitimate organizations and individuals, there are many ways – including the use of shell organizations, theft, and others – that small arms make their way into the hands of criminals and terrorists.

Areas of weak governance – like the Trans-Sahel region – often create opportunities for wide distribution of weapons beyond the direct control of any State authority. Regional instabilities, like the revolution in Libya, can result in the transfer of legitimately acquired weapons to bad

actors. This can have severe negative ramifications on a civilian population. Recovering and accounting for these weapons is no easy task, but it is central to creating stability for these populations.

Several key developments on this issue have occurred quite recently. The General Assembly in 2013 made major progress toward greater accountability in the production and sale of small arms with the adoption of the Arms Trade Treaty (ATT) by the General Assembly. With 118 signatories and 41 States Parties, the ATT is well on its way to the 50 ratifications necessary to enter into force. Much of the earlier work by United Nations bodies, such as clear marking of arms by manufacturers and import/export records, was incorporated into the document. Member States party to the treaty must also in good faith consider the impact on peace and security of the arms they export. In addition, exporters must evaluate if the weapons they are providing could facilitate serious violations of human rights or humanitarian law. Notably, many major exporters of light arms have not signed or ratified the convention. Without these States as parties to the Treaty, it will have a limited impact. Addressing the concerns of these States will be crucial to the viability of a stronger regime for preventing illicit small arms.

With this reality in mind, one of the greatest tools the international community can use to stem the tide of the illicit weapons trade is information. This information comes in a multitude of forms: from distinct manufacturing markings, to transfer records, to shared import/export data. The more tightly the web of international arms trade is woven, the more difficult it becomes to unravel into the black market.

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

- How can States further improve tracking and marking of small arms?
- Has your State ratified the Arms Trade Treaty, and if not what are the objections?
- How can the international community encourage voluntary disclosure of arms exports and imports?
- What are the main challenges in removing excess arms from regions recovering from armed conflict, and what tools does the United Nations possess to assist with that transition?

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# THE GENERAL ASSEMBLY SECOND COMMITTEE

## ECONOMIC & FINANCIAL

### PURVIEW OF THE GENERAL ASSEMBLY SECOND COMMITTEE

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, whereas the Fifth Committee addresses the budgetary issues within the United Nations System. The Second Committee does not address social issues that affect development; such issues are considered by the Third Committee. For more information concerning the purview of the United Nations's General Assembly as a whole, see page 24.

**Website:** [www.un.org/ga/second/index.shtml](http://www.un.org/ga/second/index.shtml)

### ENTREPRENEURSHIP FOR DEVELOPMENT

In 2012, the Rio+20 United Nations Conference on Sustainable Development urged Member States to pursue new methods to eradicate poverty. Noting the staggering disparities between developing and developed countries, the Conference reported that current policies were insufficient to address poverty in a sustainable manner. Today, least-developed and landlocked countries, and those affected by conflict, currently face severe challenges in providing economic mobility for their socially vulnerable, especially women and youth. Increasing the ability for individuals in these countries to create and sustain small and medium enterprises is a crucial element for promoting economic growth. Whereas previous resolutions advocated technology sharing, expansionary monetary policy, or debt consolidation, current discussions emphasize supporting the capacity of small and medium sized business owners to sustain economic growth.

Entrepreneurs strive to develop and market innovative products and services. Entrepreneurs who seek to develop businesses that make a profit but also address local social, health and environmental concerns are widely referred to as social entrepreneurs. While some entrepreneurs in the developed world are able to access venture capital, entrepreneurs in the developing world frequently work within resource-scarce environments. Moreover, many entrepreneurs face bureaucratic permitting processes that stymie market entry for months or years, government entities that require bribes to function, litigious environments and lack of access to capital and traditional banking services. These conditions tend to discourage entrepreneurial ventures. According to a 2013 report from the Organisation for Economic Co-operation and Development, access to financial capital assets, education and supportive attitudes toward failure are the three main indicators for the success of entrepreneurs. The United Nations must act now to help entrepreneurs and solve key issues surrounding their success or failure.

In December 2012, the General Assembly Second Committee adopted the first resolution on "Entrepreneurship for Development." The resolution recognized that entrepreneurs possess a unique capability to address issues within their own community, including water scarcity, food insecurity and health threats. To capitalize on entrepreneurial potential,

the resolution called upon Member States to create habitats conducive for individuals to start their own businesses. The General Assembly also invited technology transfers, supported entrepreneurial education and advocated for reducing barriers that discourage new ventures. In addition, the resolution called for a High Level Thematic Debate that would include members from the scientific, academic and business communities to discuss with policymakers key new methods for increasing economic growth in the developing world.

The High Level Thematic Debate hosted on 26 June 2013 addressed how entrepreneurship can support the post-2015 development agenda. Although the developing world faces various challenges, members from non-governmental organizations, venture capitalists and scholars agreed with the President of the 67th session of the General Assembly that "the post-2015 agenda will largely stand or fall on whether governments will be able to work together with individuals who embody the spirit of socially-responsible entrepreneurship."

The High Level Thematic Debate highlighted various successful programs such as the International Labour Organization's (ILO) programs, Women's Entrepreneurship Development and Youth Entrepreneurship programs, which train women and youth to commercialize their ideas into enterprises. In addition, the debate called for continued support of partnerships between academia and business to promote youth entrepreneurs; for example, programs similar to the United Nations Information Center's partnership with the Modern University of Business and Science in Beirut, which promotes entrepreneurship to Lebanese high-school students. Recognizing that all Member States possess different levels of expertise in supporting entrepreneurship, the United Nations Conference on Trade and Development produced a policy framework to assist policymakers in developing governmental institutions that provide an enabling environment for entrepreneurs.

Secretary-General Ban Ki-moon and the President of the General Assembly have frequently called upon Member States to increase the ability and opportunity for entrepreneurs to thrive. Specifically, they listed current actions the United Nations is taking such as the Global Compact initiative and cooperation between the World Bank, United Nations Commission Trades and Development, ILO and the United Nations Capital Development fund, which is working with the MasterCard Foundation to give access to financial services to the poor in Sub-Saharan Africa. United Nations actors involved in this area also include the United Nations Industrial Development Organization, which recognizes that Africa would be especially benefited by positive entrepreneurship programs and is seeking to work with the Office of the Special Advisor on Africa and the African Union. But the United Nations has limited capabilities and many of the actions that would help to foster entrepreneurship must be taken within individual Member States.

Crowdsourcing—which refers to the practice of gathering creative or financial resources from a large group of people—is one potential area of growth for entrepreneurial development. Similar to microfinance and microloans, crowdsourcing is strongly supported by the Secretary-General's Envoy on Youth. Its relatively new features makes it difficult to grasp its future impact of the program and how it will be regulated or supported



by Member States. Some contentious issues in this area include how to best support entrepreneurs through governments and whether subsidies, loan guarantees and other methods could possibly infringe upon international trade obligations.

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

- How can entrepreneurship support development objectives?
- What role does financing of entrepreneurs, including microfinance, microcredit, crowdfunding, crowdsourcing, etc. have in the feasibility of promoting entrepreneurship in development? What role promoting these policies is available to the United Nations? Member States? Regional bodies? Private industry and non-governmental organizations?
- What education policies could best boost entrepreneurship in the context of developing countries?

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## PROMOTION OF NEW AND RENEWABLE SOURCES OF ENERGY

An estimated 1.2 billion people lack access to basic electricity and 2.8 billion people still depend on nonrenewable sources or traditional biomass for cooking, heat and light. As more people escape poverty and the global middle class continues to grow, global demand for all forms of energy is rapidly increasing. This demand causes significant problems. The widespread use of wood and other biomass contributes to pollution and deforestation. There are also development implications: communities that use biomass must dedicate significant resources to gathering biomass, reducing the time they have available to perform other productive work. The large-scale use of carbon-based energy sources—coal, oil and natural gas—are causing global climate change and contributing to unprecedented levels of pollution in some regions. Climate change has the prospect of causing rising sea levels and unstable weather patterns. Simultaneously, nonrenewable sources of energy are being depleted and becoming more expensive. Member States recognize that identifying new and renewable sources of energy will be critical to both the eradication of poverty and sustainable development for the future.

Over the last 30 years, new and alternative forms of energy have become increasingly common and affordable. Wind turbines have become more widely deployed, and new technology may allow “kite” turbines to be placed up in the high-speed winds of jet streams. For decades, the efficiency of solar panels has been increasing and dropping in cost-per-watt. In many regions, solar panels are reaching grid parity—the point at which the cost-per-watt of an energy source are more economically effective to install than traditional non-renewable power plants. Other, low-tech options—such as cheap, foldable solar stoves—also meet the cooking and heat needs of those with the least economic means. However, mass adoption of these technologies face several roadblocks. Large wind turbine farms and solar plants require extensive supporting infrastructure to carry the energy to markets. Wind and solar are also both non-continuous sources of energy; wind turbines, for example, only spin about a third of the time. The nuclear disaster in Fukushima, Japan, when four nuclear reactors underwent a series of failures in the aftermath of an earthquake and tsunami in 2011, has discouraged investment in nuclear energy. As these sources struggle, the controversial practice of hydraulic fracturing has unlocked massive reserves of natural gas. As a result, natural gas has become an alternative energy of choice for many new projects because of its low cost and comparably low environmental impact.

During the 1970s, with the rise in and volatility of costs for petroleum, more attention was focused on new and renewable sources of energy. This led the General Assembly to convene the United Nations Conference on New and Renewable Sources of Energy in Nairobi in 1981. The conference examined alternative forms of energy, including wind, solar, bio-mass, geothermal and hydropower. It adopted the Nairobi Program of Action for the Development and Utilization of New and Renewable Sources of Energy as a blueprint for national and international action. The Nairobi Program identified five broad areas for concentrated action: energy assessment and planning; research, development, and demonstration; transfer, adaptation, and application of mature technologies; information flows; and education and training. Endorsing the Nairobi



Program later that year, the General Assembly set up an interim committee to launch immediate implementation and, in 1992, established the Committee on the Development and Utilization of New and Renewable Sources of Energy, open to the participation of all States as full members.

In 1994, the Secretary-General reported to the Committee that in 1990 new and renewable energy sources accounted for 17.7 percent of the total energy consumption. The drop in oil prices during the 1980's had led to a decline in investment in renewable energy resources. But growing concern for the environment lent urgency to efforts to find alternatives to fuels that contributed to global warming.

Since the 2002 World Summit on Sustainable Development in Johannesburg, new and renewable energy sources have received a great deal of attention. The Johannesburg Plan of Implementation called for substantially increasing the global share of energy derived from new and renewable sources of energy. In the Secretary-General's 2007 report on the promotion of new and renewable sources of energy, it was highlighted how achievement of the Millennium Development Goals and of more equitable socio-economic development will depend on providing the poor with increased access to modern energy services to enable them to meet their basic needs and for income-generation. With strong international support, many Member States undertook initiatives to expand the proportion of energy generated by these alternative and new sources.

United Nations and the World Bank launched the Sustainable Energy for All Initiative (SE4ALL) in late 2011. This new multi-stakeholder initiative sets three main goals for 2030: providing universal access to electricity and modern fuels for cooking, doubling the rate of improvement in energy efficiency, and doubling the share of renewable energy. The initiative attempts to lower the barrier of high up-front costs that are associated with renewable energy by supporting new business models, investments and partnerships that increase access to renewable energy. The partnership also finances a variety of renewable energy sources. SE4ALL promotes financing from Member States, African Development Bank, Sustainable Endowment Institute, World Institute of Renewable Energy and CleanStart, among others.

Building on this energy, the United Nations General Assembly in 2012 declared 2014-2024 the United Nations Decade of Sustainable Energy for All. Looking forward, the General Assembly will need to consider how to translate the high interest in this issue into tangible results. Several issues merit consideration from the body. First, Member States need to consider the barriers to shifting toward renewable and sources of energy. There are still technological barriers to the widespread use of renewable energy forms in some applications, like motor vehicles, that have not been fully addressed. Scaling the use of these technologies is particularly challenging. Many forms of renewable energy continue to suffer from high start-up costs and high maintenance costs. Finding additional ways to reduce the costs of renewable technologies to parity with existing sources of energy is crucial. Member States should consider how to scale the growth of small-scale, renewable energy technologies into the developing world. In many States, poor electricity infrastructure, large distances and difficult terrain mean that reaching rural communities with traditional infrastructure may be cost prohibitive. New, small-scale technologies could provide a good solution—but there remain significant economic and regulatory barriers. The widespread growth of mobile phone access in the developing world demonstrates

that networked and distributed models can be effective, as long as the incentives are right for providers.

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

- What actions can the United Nations take to help reduce barriers to the use of renewable energy, particularly in developing countries?
- What actions can Member States take to support the development of new renewable energy technologies?
- How can the United Nations support the deployment of small-scale, renewable energy options in rural areas and developing countries?

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# THE GENERAL ASSEMBLY THIRD COMMITTEE

## SOCIAL, HUMANITARIAN & CULTURAL

### PURVIEW OF THE GENERAL ASSEMBLY THIRD COMMITTEE

While the Committee's areas of concern and its work often overlaps 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 issues 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 United Nations's General Assembly as a whole, see page 24.

**Website:** [www.un.org/ga/third/index.shtml](http://www.un.org/ga/third/index.shtml)

### INTENSIFICATION OF EFFORTS TO ELIMINATE ALL FORMS OF VIOLENCE AGAINST WOMEN

The United Nations, in its Declaration on the Elimination of Violence against Women, defined violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life." Violence against women remains a significant problem, particularly violence by intimate partners. According to the World Health Organization, almost one third (30 percent) of all women who have been in a relationship have experienced physical and/or sexual violence by their intimate partner; in some regions this rate is much higher. These forms of violence affect women physically, but they also have severe negative psychological effects, including post-traumatic stress disorder, sleep difficulties, eating disorders and emotional distress. The social and economic costs are also enormous. Women may suffer isolation, inability to work, loss of wages, lack of participation in regular activities and limited ability to care for themselves and their children.

In 1948, the Universal Declaration of Human Rights recognized the rights of women as an issue that merits special attention. Much of the United Nations' early work on the topic was focused on establishing legal rights for women and encouraging gender equality under the law. One of the first major international agreements specifically focused on women's rights was the 1976 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The General Assembly approved the Convention in 1979, and it entered into force in 1981. Today it has been ratified by 188 Member States – making it one of the most universally ratified human rights treaties within the United Nations system. The Convention addresses the civil rights and the legal status of women in great detail. The Convention established the Committee on the Elimination of Discrimination Against Women, a body of twenty-three women's rights experts from around the world, mandated to collect reports of Parties' compliance with the convention and initiate inquiries into grave or systemic abuses. Despite this substantial progress on women's legal status, women are disproportionately the targets of violence, intimidation and other crimes. In many cases, violence is a response to women trying to exercise their established legal rights. Thus the attention of the United Nations eventually shifted to preventing, with the hope of eradicating, violence against women. In the 1980s, when violence against women first became a major issue

for women's movements in every region, the focus was on acts of overt physical and sexual violence. This included, for example, female infanticide, female feticide, incest, battery, burning, mutilation, marital rape and "honour killings" in the private sphere, and sexual harassment, stoning and rape in public arenas. By the 1990s, the definition had been expanded to include more structural forms of gender-based violence. Certain cultural practices, like son-preference, dowry customs, and virginity tests, for example, were highlighted as demeaning to women and fostering conditions that normalize and tolerate abuses of women's rights. In this way, violence against women increasingly has been understood as encompassing all forms of discrimination that create an environment in which such abuses can be perpetrated with impunity and, sometimes, even with social sanction. In 1993, the General Assembly adopted the Declaration on the Elimination of Violence Against Women, a broad outline of the underlying principles and recommended actions in support of eliminating violence against women. Shortly thereafter, the General Assembly established the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women. This fund supports national, regional and international actions taken by non-governmental organizations and governments to eliminate violence against women. In 2006, the General Assembly stressed the need to treat all forms of violence against women and girls as a criminal offense punishable by law and highlighted the obligation of Member States to exercise due diligence in preventing, investigating and punishing perpetrators of violence against women and girls.

Other United Nations bodies and organizations have also addressed violence against women. In 2012, the United Nations Human Rights Council passed a resolution encouraging Member States to prosecute perpetrators of violence against women, ensure equal access to justice for women, and adequately address the needs of victims of sexual violence. Additionally, several United Nations organizations have strengthened their collaboration under the Inter-Agency Network on Women and Gender Equality. In 2007, a report by the Secretary-General outlined some additional goals in this topic area. Secretary-General Ban Ki-moon is spearheading a multi-year, system-wide campaign to eliminate violence against women and girls through 2015. While organizations and countries have made progress, there have been difficulties with tracking and accountability. The General Assembly has also recently called for more data and investigations on the issue to support efforts both in prevention and prosecution.

Despite these efforts, violence against women is a tenacious challenge. Many Member States have laws and regulations on local and national levels that discourage and criminalize violence against women. However, many of these laws have been rendered ineffective due to inadequate enforcement, legal loopholes, and social or cultural stigmas that prevent victims from reporting. Fully ending violence against women requires the involvement of the United Nations system, Member States, communities, individuals, and shifting cultural norms. The last few years have seen particularly heinous acts of violence against women, such as the 2012 Delhi rape case. Increasingly civil society organizations are rallying to address societal taboos around reporting cases of violence against women. They are also putting increasing pressure on governments to address the legal and law enforcement challenges. Social media



has been an important tool for advocating on behalf of victims. At the same time, not all victims want the publicity, and too much attention can result in further harm or violence being targeted against victims. Balancing the promise of mobilization and information inherent in social media with the risk poised to victims and campaigners will be vital as individuals and organizations adopt it as a tool. Ultimately, ending the culture of immunity will be vital to stopping violence against women.

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

- How can the United Nations support judicial systems prosecuting perpetrators of violence against women, and how can this be improved?
- How can Member States work with civil society to change social norms around reporting and prosecuting violence against women? What about social norms that encourage violence against women?
- What positive role could social media play in addressing violence against women? How can it complement or enhance existing reporting regimes?

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## PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS WHILE COUNTERING TERRORISM

Countering terrorism is one of the most complex and multi-faceted issues facing the international community, which continues to struggle with the best way to address the issue. Terrorism is not a new phenomenon; the era of modern terrorism began with the assassination of Tsar Alexander II of Russia in 1881. Yet the last several decades have seen new complexities. First and foremost, the ease of global communication enabled by the Internet and other communication technologies makes it increasingly simple for terrorists to reach larger audiences, communicate with associates around the world and recruit more easily. Second, the globalized trade and transportation systems have enabled terrorists to more easily move and acquire resources. Third, the number and diversity of terrorist attacks have increased significantly. The National Consortium for the Study of Terrorism and Responses to Terrorism estimates that there were around 650 terrorist incidents in 1970 and approximately 5,000 in 2011. The reasons have also changed: while nationalism was the primary motivator in the 19th century, political ideology, religion and independence movements all emerged as motivating factors in the 20th century. The methodologies employed by terrorists are equally diverse: ranging from fear and coercion through major violent attacks to drug and human trafficking. Individual governments are increasingly struggling with counter-terrorism efforts and are turning to the international community for support and cooperation. The United Nations plays an important role as a key platform for multilateral, systemic approaches to addressing these threats.

Preventing international terrorism has been on the United Nations General Assembly's agenda since 1972. The General Assembly adopted its earliest counter-terrorism conventions in 1973 and 1979: the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons and the International Convention against the Taking of Hostages. These conventions were spurred by the growing trend of terrorists to seize or attack embassies, or hijack planes and other vehicles. The Conventions were designed to create effective measures to prevent, address and punish the taking of hostages and targeting of diplomats and government employees. Further work was done on condemning and suppressing terrorists' access to bomb-making materials, financing and access to nuclear weapons, with conventions passed on each topic through the late 90s.

The terrorist attacks on 11 September 2001 in the United States brought the topic of combating terrorism to the forefront of the international agenda. After considerable discussion and debate, the General Assembly adopted the United Nations Global Counter-Terrorism Strategy in 2006. It was the first time the international community agreed to a comprehensive and strategic approach to combating terrorism and was the clearest condemnation yet of terrorism as a legitimate tactic. The Strategy centered on four pillars: measures to address the conditions conducive to the spread of terrorism; measures to prevent and combat terrorism; measures to build States' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in that regard; and measures to ensure respect for human rights for all and the rule of law as the fundamental basis for the fight against terrorism. This strategy is designed to enhance national, regional and international



efforts to counter terrorism. Though the Strategy was agreed to and adopted, Member States struggled in its formulation on how to approach the issue, with ongoing debate on whether prevention of radicalization or suppression of terrorism is the more effective approach. This debate is further compounded because there is no agreement over what motivates or causes individuals to turn to terrorism. Limited economic opportunity, poverty, weak governance and conflict are some of the conditions that can motivate individuals to become terrorists, issues that will be unaffected by security measures taken by domestic security measures taken by an individual state to prevent terrorist attacks.

Unfortunately, actions taken in the name of countering terrorism can have a negative impact on human rights. In order to prevent terrorism, governments may create direct restrictions on the exercise of individual human rights, including life, liberty, security and self-determination, many of the rights threatened by the actions of terrorists themselves. Operational activities to find and dismantle terrorist operations may also have a range of collateral effects, unintentionally violating the human rights of bystanders.

Human rights are universal and must be protected during the conduct of counter-terrorist activities. Some conventions, like the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, explicitly note that war and national emergency are not valid reasons for the derogation of human rights obligations. The United Nations Security Council established the Counter-Terrorism Committee in 2001, with a goal of monitoring implementation of Security Council Resolution 1373 on combating terrorism. The Counter-Terrorism Committee Executive Directorate advises the Committee, including on ensuring that human rights are protected while Member States implement counter-terrorism policies. In addition, the United Nations has passed numerous resolutions that describe principles of how to protect human rights while countering terrorism, including in the General Assembly and the Human Rights Council. The Special Rapporteur on Human Rights and Fundamental Freedoms while Countering Terrorism serves as a monitoring mechanism under the United Nations Human Rights Council. He makes monitoring visits to countries, including to the United States after the terrorist attacks in 2001, and offers recommendations. Through these actions this issue has received closer attention from all over the world.

Several recent high-profile issues have highlighted the conflict between human rights and activities intended to counter terrorist activities. Persons suspected of being terrorists have been captured, deported and detained without charge and allegedly subjected to torture. Non-governmental organizations and some States have expressed concern that cyber-espionage and data collection on civilians carried out in furtherance of counter-terrorism activities conflicts with the right to privacy described in the Universal Declaration of Human Rights. A serious debate about interpreting this right to privacy in the digital age, complicated by States' determination to protect themselves and their people, is ongoing. A January 2014 report from the Special Rapporteur outlines an inquiry into the lethal use of drones in counter-terrorism operations and its effects on civilians, noting that the use of drones may violate the right to life of civilians and may also violate the right to trial of the accused terrorists. The report also recommends States conduct their own independent and impartial investigations when civilian casualties occur. Even with these recommendations, the Special Rapporteur cautions that issues of accountability and transparency may be raised in regard to

drone strikes even if there is no violation of international law. In every case, all issues must be examined while keeping in mind the framework laid out in the Global Counter-Terrorism Strategy, in which States must ensure that any means of combating terrorism needs to adhere to international law.

A key difficulty faced by activists on all sides of the issue is defining what laws are applicable in countering terrorism. The laws of war, specifically the Geneva Convention, offer very limited protections for unlawful combatants, a category applied to terrorists by some States. Resolving this debate is essential for an international understanding of alleged terrorists' rights to trial, free speech and other issues. Unfortunately, the debate is compounded by the practice of labeling opposition or minority parties in some States as terrorists to justify their harsh treatment. Finally, Member States must deal with cultural, linguistic and religious diversity while countering acts of terror. The Kurdish, Uighur, and Chechen movements for independence or autonomy have all witnessed spates of violence and repression, a cycle fueled by the failure of integration. If this diversity is not taken into account, the inadvertent discriminatory actions taken may lead to further marginalization and radicalization of communities affected by these policies.

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

- What are the implications of data collection as it becomes more significant in efforts to counter terrorism?
- What safeguards are in place to allow for investigation into allegations of the violations of human rights, especially those of civilians harmed by State-sponsored violence, during efforts at countering terrorism?
- Does the question of the applicability of international law need to be resolved for an effective reporting regime to exist?
- What opportunities are available while countering terrorism to improve the mediation and management of sectarian conflict, and how could they be leveraged to improve the underlying human rights situation?

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# THE GENERAL ASSEMBLY SIXTH COMMITTEE

## LEGAL

### PURVIEW OF THE GENERAL ASSEMBLY SIXTH COMMITTEE

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 United Nations's General Assembly as a whole, see page 24.

Please note: When considering the reports of sub-committees that may change the United Nations Charter or other legal documents, the Sixth Committee may act on provisions within that report and write resolutions appropriate to carry out any recommendations from such reports. When a topic results in a recommendation to change the United Nations Charter, the provisions laid out in Chapter XVIII and elsewhere in the Charter must be followed in the GA Plenary session, followed by submission of any approved portion to the Member States before ratification. Similarly, if this Committee recommends the formation of a new treaty or comparable legal agreement, a treaty conference would be called for during the GA Plenary session, to be held at a later date.

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

### THE RULE OF LAW AT THE INTERNATIONAL AND NATIONAL LEVELS

The rule of law refers to a set of legal concepts that the international community has accepted as key to both the fair administration of justice within a sovereign country and the fair administration of justice between sovereign countries. The notion of the rule of law long predates the establishment of the United Nations and, in its earliest iterations (dating as far back as 1760 BC in the form of laws promulgated by the King of Babylon), it simply meant the codification and presentation of law to the public. The concept has evolved, over time and across the globe, to encompass the principles of supremacy of law, accountability of government to the wishes of the public and the importance of an independent judiciary.

At the United Nations, rule of law at the international level addresses elements relevant to the ways in which Member States relate to and interact with each other, including the right to self-determination of all peoples and sovereign equality before the law, respect for and fulfillment of international obligations in good faith, non-use or threat of use of force, and peaceful dispute resolution between States. At the national level, rule of law as defined by the United Nations takes the form of a Constitutional system as the supreme law of the land supported by a clear and consistent legal framework and strong institutions of justice, governance, security, and human rights that are well structured, financed, trained and equipped, as well as contributions from public and civil society that strengthen the legitimacy of those institutions and hold them and public officials accountable.

Some Member States may not view the implementation of rule of law principles to be in their best interest because the rule of law could detract from their own power and ability to control government resources—or they may have publicly supported the rule of law but not executed any actual improvements within their own borders. However, individual Member States have much to gain from better implementation of rule-of-law principles, especially in transitional periods. During times in which the government of a Member State is in flux, such as during the recent transitions of the Arab Spring, there is a window of opportunity for the incoming government to better implement the rule of law. The United Nations can assist in this regard by providing experts and resources to assist with nation-building. Additionally, when national governments fail due to various crises such as natural disasters and wars, international rule of law principles and resources can help to fill the gap until a functioning government can be reinstated.

Although the concept is not expressly mentioned in the Charter of the United Nations, maintaining and promoting rule of law is inextricably linked to its primary purposes. The principles of rule of law also pervade the Charter. It charges the United Nations with promoting respect for international legal obligations by providing mechanisms for the codification and wide-spread acceptance of international law in the form of treaties and agreements initiated by the General Assembly. The Charter established the International Court of Justice, which is responsible for independent adjudication of disputes between States at the international level. Finally, it establishes the right of self-determination and equality before the international legal order for all States and peoples, regardless of size and strength.

The Universal Declaration of Human Rights states that “it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.” It has only been in the past two decades that the issue has gotten regular and specific attention at the United Nations. In 1993, the Vienna World Conference recommended that the United Nations establish a comprehensive program to help States build up infrastructure to help maintain adequate rule of law. Since that time, the United Nations has undertaken a number of initiatives and activities to promote and maintain rule of law at the international level and to assist States with establishing it at the national level.

The Millennium Declaration in 2000 declared that rule of law is critical to the accomplishment of the Millennium Development Goals. In 2004, Secretary-General Kofi Annan issued a report on the rule of law and transitional justice in conflict and post-conflict societies that set forth a comprehensive definition of the rule of law. The report defined the rule of law as a principle of governance encompassing equality before the law, independence of the judiciary, consistency with international human rights law, and separation of powers. The Security Council, which has adopted a number of resolutions on the importance of the rule of law, regularly uses the definition from the Secretary-General's report as a guide to focus on the scope of the topic and it has widely been accepted as the official United Nations definition of the concept.

Current efforts at the United Nations are focused on strengthening and coordinating United Nations rule of law activities, particularly regarding the interrelationship between rule of law and areas such as peace and security, development and the protection and promotion of human rights.



The 2005 World Summit outcome and a number of reports from the Secretary-General contributed to a renewed interest in rule of law by the General Assembly in 2006. This interest led to the establishment in 2007 of the Rule of Law Coordination and Resource Group, chaired by the Deputy Secretary-General and supported by the Rule of Law Unit, which coordinates United Nations efforts to support and promote the rule of law at international and national levels.

During the High-Level Meeting on the Rule of the Law held by the General Assembly on 24 September 2012, the General Assembly adopted the Declaration on the Rule of Law at the National and International Levels. It stresses the interrelationship between the rule of law and the three pillars of the United Nations: peace and security, development, and human rights. Follow-up and implementation remain concerns.

In June 2013, the Secretary-General issued a report titled “Measuring the Effectiveness of the Support Provided by the United Nations System for the Promotion of the Rule of Law in Conflict and Post-Conflict Situations,” which heavily discusses the High Level Meeting on the issue of the rule of law, and also looks into ways in which the effectiveness of the rule of law is being carried out by the United Nations. The Report indicated that special attention with respect to this particular aspect of the rule of law is needed in the Middle East and sub-Saharan Africa. Additionally, the Secretariat has launched reforms to the system of peacekeeping operations to aid in the maintenance of the rule of law. The reforms aim to create a global focal point for the police, justice and corrections fields to aid in the maintenance of the rule of law in conflict and post-conflict zones.

Looking ahead, there are several issues that the United Nations should consider addressing, including capacity-building, asset recovery, peace-building, conflict prevention and the logistical and policy concerns surrounding the management of crisis and conflict situations and the aftermath of those situations. At the national level, technical capacity and political reforms will be key in creating effective strategies between Member States while focusing on justice, peace and democracy. Many Member States have also expressed a desire to ratify and implement effective international instruments pertaining to the rule of law at the national level.

Questions to consider from your government’s perspective on this issue include the following:

- How can States work with associations and civil society organizations to improve the rule of law through international and national cooperation?
- What policy barriers remain to the development of robust national and international rule of law?
- How must the rule of law adapt to accommodate regional cultures and traditions while maintaining core principles, such as equality, before the law?

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

Under international law, wrongdoers should be held accountable for their crimes, subject to due process of law. Unfortunately, this has not always been the case for United Nations officials and experts on mission. Accountability of United Nations officials has been a problem for years. In the early 1990s, peacekeepers in the Balkans and Southeast Asia were accused of numerous illegal activities, including the operation of prostitution rings. The issue has returned to the spotlight because of recent allegations of misconduct by United Nations peacekeepers and other officials. Allegations include criminal sexual abuse and exploitation committed by United Nations officials in developing countries, specifically in Mali, Haiti, Sierra Leona, Guinea and Liberia.

While the work of United Nations officials and experts on mission is undoubtedly important, the General Assembly has recognized the extremely detrimental and negative effects that the criminal acts of these officials can have on the image, credibility, impartiality and integrity of the United Nations as a whole. This is particularly true for serious crimes such as sexual exploitation and abuse. These allegations ultimately damage the United Nations’ ability to operate as a neutral, objective and credible actor, particularly in conflict zones. Moreover, they represent an affront to the ideals of human dignity that form the core of the United Nations’ mandate.

While issues of criminal accountability affect both civilian personnel and peacekeepers, allegations of misconduct arise mostly from United Nations Peacekeeping missions. The lack of an internal United Nations system for individual criminal accountability and justice, combined with the fact that Peacekeepers are typically not citizens of the Member States in which their missions are located, often causes the criminal acts of these officials to fall into a jurisdictional gap. The Member State in which the



crime occurred and the Member State of which the offending official is a citizen may both claim rights to prosecute, and each may have valid concerns about the other's ability and willingness to prosecute. For example, the Member State where the crime occurred may not have a functioning criminal justice system, while the Member State of citizenship may choose not to prosecute or may be seen as too lenient on the accused.

One of the first United Nations discussions on this issue occurred in 1996, when the study *Impact of Armed Conflict on Children* revealed that the arrival of peacekeepers was correlated with a significant increase in child prostitution in six countries under examination. In 2000, the United Nations released the Report of the Panel on United Nations Peace Operations, commonly known as the Brahimi Report. The Brahimi Report took on the issue seriously and made a number of recommendations to isolate flaws and increase accountability for peacekeeping personnel. The Secretariat accepted the recommendations, but full implementation remains a challenge.

In 2005, the Secretary-General's Special Advisor, Prince Zeid Ra'ad Zeid al-Husseini, published a report entitled "A comprehensive strategy to eliminate future exploitation and abuse in United Nations peacekeeping operations." In response, the Secretary-General released new rules and regulations for peacekeeping missions. These codes of conduct are outlined in two publications: *Ten Rules: Code of Personal Conduct for Blue Helmets (Ten Rules)* and *We Are United Nations Peacekeepers*. These publications sought to deal with an additional issue identified over the course of a decade: the inconsistent training provided to peacekeepers, in particular. Unlike civilian employees of the Secretariat, peacekeepers are employed by their home government—and those governments are responsible for both paying and initially training peacekeepers from their home country. Insufficient training in their obligations and responsibilities is a major issue for peacekeepers.

In 2005, the General Assembly also moved quickly to create the Ad Hoc Committee on the Criminal Accountability of United Nations Officials and Experts on Mission. Additionally, the Sixth Committee convened a group of legal experts in 2005 to examine how best to consider this issue in light of the original principles contained in the United Nations Charter. The group has since expressed support for strict adherence to the zero-tolerance policy in order to close jurisdictional gaps. This is a complicated issue due to the many varying ways in which Member States extend their domestic laws internationally or to nationals acting on foreign soil.

This debate continues today, and Member States will need to consider what additional steps can be taken in this regard. Striking the proper balance on criminal accountability has been difficult for the United Nations. While it is important to close jurisdictional gaps and hold perpetrators of crimes accountable, this interest must also be balanced against ensuring due process of law for the accused. Processes that strip the accused of due process rights are also inconsistent with the spirit of the United Nations. The Sixth Committee does need to examine where jurisdictional gaps exist and how Member States and the Secretariat can work together to ensure accountability. Closing jurisdictional gaps for peacekeepers is especially important, given the volume of allegations arising from peacekeeping operations. Finally, the Sixth Committee might consider how adequate training of United Nations personnel might complement the existing rules and enforcement mechanisms. Both civilian personnel and peacekeepers may not have a sufficient understanding of their legal obligations while on missions, especially given differing legal environments and cultural norms between countries.

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

- How can the United Nations reduce misconduct through training, rule-setting and enforcement?
- What is the right balance between holding perpetrators accountable and ensuring that adequate due process is provided for the accused?
- Where do jurisdictional holes exist that allow allegations to go uninvestigated or unprosecuted?

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