

# ISSUE BOOK

Legal  
Committee

IV  
Regional  
Conference

TAMING THE WAVES  
OF ASIA PACIFIC:

Curbing Disasters,  
Catching the Opportunities

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# WELCOMING LETTER

*When a certain number of people reach a certain degree of development, the whole human race achieves development*

*Confucius*

Honorable delegates of the Sixth Committee of the General Assembly!

Development is not a single monotonous process; it is a great series of actions put as a logic chain where every following step is better quality and higher in position than the previous one. The IV Regional Conference is a crucial event, as for many of you it can become the very first step on a big way to your development. On behalf of the Secretariat team it is our great honor to welcome you in the Sixth Committee of the General Assembly. We are one hundred percent sure that identifying this very committee is the right choice.

For about four days you will stimulate the work of the “heart” of the UN, trying to find acceptable solution to such important issues as illicit drug trafficking, organized crime and power of the documents relating to the protection of victims of armed conflicts. Each of you will feel the importance of what we do and impact on the society that we make. For this reason you all must build a “big picture” point of view realizing that you are the representatives of respectful states. Try to be professional in all the things you do, follow the policy of your country, be active during the debates as it is your vote that forms the final result of the conference.

Still the way to development is not always easy, and the IV Regional Conference promises to be challenging for each of you. Be ready to such occasions as positional contradictions, “harsh” debates and unexpected crises. However, we hope that this issue book will become a comprehensive guideline for your preparation and will help you to face the challenges that you will meet working in frames of the Sixth Committee.

We wish you good luck in your preparation to the Conference hoping that you will enjoy the process of debates in the Legal Committee of the General Assembly!

Respectfully,

Ksenia Shevtsova,

Chairperson of the Legal Committee of the General Assembly

Margarita Mchedlishvili,

Vice-Chairperson of the Legal Committee of the General Assembly

# BACKGROUND OF THE GENERAL ASSEMBLY AND ITS LEGAL COMMITTEE

Being established in 1945 in San-Francisco and consisting of 193 Member States, the United Nations (UN) is the primary global international organization with the headquarters in the New York City, USA. One of the principle organs of the UN, besides the Security Council, Economic and Social Council, Trusteeship Council, International Court of Justice and Secretariat, is the General Assembly (GA). As the main deliberative, policymaking, representative UN body\*<sup>1</sup>, the GA officially serves as a platform for multilateral discussion of all international issues covered by the Charter of the UN. The General Assembly offers a wide range of instruments to generate debate and achieve consensus among its Member States. The GA conducts meetings in regular annual sessions from September to December, and thereafter as required, moreover for every session the GA elects its President, 21 Vice-Presidents and Chairmen for each of its Main Committees. The current President of the GA for its 67<sup>th</sup> Session is Mr. Vuk Jeremić of Serbia. While UN Permanent Member States of the Security Council always have its representative among GA Vice-Presidents, the President could not be of their origin according to unofficial tradition.

The work of the UN is mainly based on the decisions of the GA and is implemented by:

**1. Committees** (e.g. Investments Committee, Committee on Contributions); **Ad hoc Committees** (for instance Ad Hoc Committee on the Administration of Justice at the United Nations); **Advisory Committees** (e.g. Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law); **Special Committees** (for instance, Special Committee on Peacekeeping Operations);

**2. Commissions** (e.g. International Law Commission, Disarmament Commission, Peacebuilding Commission);

**3. Boards** (for instance, Trade and Development Board, Advisory Board on Disarmament Matters);

**4. Councils** (e.g. Human Rights Council);

**5. Another UN bodies, which report to the GA**

In the **Chapter IV, Articles 10-17 of the UN Charter**, the following functions and powers of the GA are described:

- consider the general principles of cooperation in the maintenance of international peace and security, including disarmament, and make appropriate recommendations;
- discuss any matters relating to the maintenance of international peace and security, and to make recommendations with respect to these issues, except for the cases where a dispute or situation is under consideration of the Security Council (SC);
- initiate researching work and make recommendations aimed to promote international political cooperation, the development and codification of international law, human rights and fundamental freedom;
- promote international cooperation in the economic, social, humanitarian and cultural, educational and health services;

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<sup>1</sup>\*You may consult the Glossary below

- recommend measures for the peaceful settlement of any situation that can violate friendly relations between nations;
- receive and consider reports from the SC and other UN bodies;
- consider and approve the United Nations budget and establish the financial assessments of Member States;
- elected non-permanent members of the SC and the members of other boards and agencies of the UN;
- appoint the Secretary-General with the recommendation of the SC.

According to the **"Uniting for Peace" Resolution 377 A** adopted on **3 November of 1950**, the GA may, *inter alia*, take the initiative in case the UN Security Council fails to exercise its primary responsibility for the maintenance of international peace and security due to lack of unanimity among its permanent members, concerning situations where there is a threat to the peace, the breach of the peace or act of aggression takes place. The GA is to consider the matter immediately with a view to make appropriate recommendations to members for collective measures to maintain or restore international peace and security. Though the GA is empowered to make only non-compulsory recommendations on international issues within its scope, it nevertheless, initiated a great number of actions of political, economic, social and legal issues that influenced the lives of millions of people all over the world.

In compliance with *Article 18* of the UN Charter, every UN Member State has one vote in the GA. The decisions upon important issues, such as recommendations for peace and security and the election of members to the SC, shall be adopted by the qualified majority or two-thirds of the Member States present, while the same decisions on other questions are taken by *simple majority*. Simple majority itself presents the 50%+1 of the delegates voting in favour, while the *qualified majority* means the vote of two-thirds of the Member States. Recently, particular attention was paid to achieving consensus, not decision-making by formal voting. This policy undoubtedly contributed to incensement of support to the GA decisions. Thus, after consultations and agreement with the delegations the Chairperson of the Committee may propose passing a resolution without voting.

The General Assembly meets in regular annual sessions and in special sessions.

#### ▪Regular annual session of the GA

GA conducts meetings in regular annual sessions from September to December.

#### ▪Special sessions of the GA

According to the Charter, special sessions can be held "as occasion may require." A special session of the GA can be convened either at the request of the Security Council or a majority of Member States. A special session usually adopts one or two outcome documents, for example a political declaration, an action plan, or a strategy. These are high-level events with the participation of Heads of State and Government and government Ministers.

#### ▪Emergency special sessions

In accordance with *the "Uniting for Peace" Resolution 377 A* adopted on 3 November of 1950, the GA may, *inter alia*, take the initiative in case the SC fails to exercise its primary responsibility for the maintenance of international peace and security due to lack of unanimity among its permanent members, concerning situations where there is a threat to the peace, the breach of the peace or act of aggression takes place. The GA is to consider the matter immediately with a view to make appropriate recommendations to members for collective measures to maintain or restore international peace and security. An emergency special session of the GA is convened in the same

manner as a special session. It is the only time the GA can take decisions on issues that are under the exclusive mandate of the Security Council.

The GA allocates the items depending on their subject matter among its six Main Committees, which are to conduct debates, and then to present the written document (draft resolution\*) to the GA at the plenary. Every Committee is headed by a bureau consisting of a Chairperson, three Vice-Chairpersons, and a Rapporteur.

**The First Committee** named as **the Disarmament and International Security Committee (DISEC)** deals with the questions of non-proliferation of weapons and threats to peace that affect the international community. The Committee is responsible for examination and international control of all the weapons of mass destruction. The main goal set by the DISEC is total disarmament in both nuclear and conventional weapons.

**The Second Committee, or the Economic and Financial Committee (ECOFIN)**, builds its work upon economic and financial matters, for instance, external debt problem. Giving a wide economical review this Committee finds the weakest points not only in the world economy, but discusses the issues particularly correlated to the situation in the Least Developed Countries (LDCs).

**The Third Committee, or the Social, Humanitarian and Cultural Affairs Committee (SOCHUM)**, is characterized by work under social issues of humanity. "Promotion and protection of human rights" is considered to be the most important agenda making up about half of the work of the Committee.

**The Forth Committee (the Special Political and Decolonization Committee or SPECPOL)** discusses decolonization and a variety of political subjects, which are not included in the terms of reference to the First Committee. The Fourth Committee covers a diverse group of issues, the two major ones being "decolonization" and "the Middle East." A working group is convened on the item of "peaceful use of outer space." For instance, such questions as humanitarian assistance to refugees, the provision with working places are included in the wide spectrum of the work of this Committee.

**The Fifth Committee, or the Administrative and Budgetary Committee**, works with the administrative and budget questions of the United Nations. It mainly considers the program budget of the UN (biennial), peacekeeping budgets (annual), human resources issues, management reform as well as governance and oversight issues.

## **Specifics of the Legal Committee**

**The Sixth Committee or the Legal Committee** deals with international law issues. While the Sixth Committee often considers reports from with ad hoc\* committees, its essential function is discussing agenda items and creating draft resolutions, referred to conventions or codes, which are passed on to the General Assembly for final approval. The issues under discussion cover a broad spectrum of legal questions from the review of various treaties to making the definition of terrorism and other terms. It must be noted that the resolutions written in frames of the Legal Committee are not constituted the as evidence base of international law. Acting as recommendations they, however,

provide a strong voice, and oftentimes have the power to influence Member States to change their policies.

The important peculiarity of the work is that all the results achieved, are discussed during the “International Law Week” in October, when legal advisers from all Member States’ gather to consider the report of the International Law Commission (ILC).

The Sixth Committee adopts about 15–20 resolutions annually. The majority of draft resolutions are sponsored by Member States. Sometimes draft resolutions or decisions are prepared by the OLA also reviewed with the following adoption by the Sixth Committee. As a rule, resolutions are tabled only after they are negotiated and adopted by consensus.

Adopting various resolutions and conventions the Legal Committee mainly concentrates on urgent problems, possessing a threat to humanity. The most notable documents passed by the GA 6<sup>th</sup> are:

- The 1961 Vienna Convention on Diplomatic Relations;
- The 1969 Vienna Convention on the Law of Treaties;
- The 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;
- The 1979 International Convention against the Taking of Hostages (Hostages Convention);
- The 1995 Convention on the Safety of United Nations and Associated Personnel;
- The 1994 Declaration on Measures to Eliminate International Terrorism;
- The 1999 International Convention for the Suppression of the Financing of Terrorism (Terrorist Financing Convention);
- The 2001 Draft Articles on the Responsibility of States for Internationally Wrongful Acts;
- The 2005 International Convention for the Suppression of Acts of Nuclear Terrorism (Nuclear Terrorism Convention);
- The 2005 United Nations Declaration on Human Cloning.

One of the current issues the Committee discusses is the problem of international terrorism. Since 2000 the Legal Committee has been elaborating a Comprehensive Convention on International Terrorism to complement the existing counter-terrorism instruments.

The Legal Committee actively collaborates with numerous UN institutions, thus, we recommend you to pay close attention to:

**International Court of Justice (ICJ)** – a principle UN organ, which resolves, in accordance with the international law, disputes of a legal nature that are submitted to it by States (jurisdiction in contentious cases); and it gives advisory opinions on legal questions at the request of the organs of the UN\* or specialized agencies authorized to make such a request (advisory jurisdiction).

**Office of Legal Affairs (OLA)** - central legal service of the UN, which provides legal advice to the principal and other organs of the UN on questions of public international law, international humanitarian law (IHL), the legal aspects of the conduct of operations by UN organs and conferences, as well as the implementation of mandatory sanctions and the establishment and functioning of international and hybrid criminal tribunals as well as other accountability mechanisms. Moreover, it may provide technical assistance to States on international law matters, including through advice for the modernization of their legislation to conform to international commercial law standards; promote and facilitate participation in multilateral treaties.

**International Law Commission (ILC)**, which considers proposals or draft conventions submitted by principal organs of the UN other than the General Assembly, specialized agencies, or official bodies established by intergovernmental agreement to encourage the progressive development of international law and its codification. The Commission may consult any organ of the UN on any subject which is within the competence of that organ; any international or national organizations, official or non-official; scientific institutions and individual experts.

**International Humanitarian Fact-Finding Commission (IHFFC)** - is a permanent international body whose main purpose is to investigate allegations of grave breaches and serious violations of the IHL. The IHFFC is an essential mechanism to assist States to ensure the IHL is implemented and respected in a process of armed conflict.

# Glossary

**Agenda** - the issues brought before a committee to be discussed. The first duty of a committee following the roll call is usually to set the agenda.

**Ad hoc Committee** - a committee formed for a specific task or objective, and dissolved after the completion of the task or achievement of the objective.

**Chairperson** - member of the dais that moderates debates, keeps time, rules on points and motions, and enforces the rules of procedure (also known as Moderator).

**Draft resolution** - a document that seeks to fix the problems addressed by a Model UN committee. If passed by the committee, the draft resolution becomes a resolution.

**General debate** - a process of discussing the speeches on the topic handed down by the President of the GA. It is the deliberation of certain matters regarding society or the functions of the state in the Plenary of the GA.

**Plenary session** - a meeting referring to the opening of all the session of attendant speakers, who may each contribute materials. It is aimed to discuss general issues or to announce progress at the end.

**President of the GA** - a person presiding over the sessions and voted for by representatives in the UN GA on a yearly basis.

**Resolution** - a document that has been passed by an organ of the UN (UN equivalent of a law ) that aims to address a particular problem or issue.

**Secretary-General (SG)** – chief administrative officer of the UN, the head of the UN Secretariat, spokesperson and leader of the UN.

**UN bodies** - all UN intergovernmental bodies, i.e., the UN's principal organs as well as all their subsidiary bodies such as executive boards, committees, commissions, working groups, etc. If applied strictly, the term does not include the intergovernmental structures of the Specialized Agencies and the Bretton Woods Institutions (BWIs).

**UN entities** - a generic term for all institutional entities of the UN System, i.e., all UN Offices, Departments, Funds and Programmes and Specialized Agencies. From a legal perspective, “entity” implies a separate legal mandate and would thus exclude the Secretariat. A legal interpretation is also likely to exclude the Specialized Agencies and the Bretton Woods Institutions (BWIs), as they have been created through different intergovernmental processes.

**UN organs** - “the principal organs of the UN.” However, the term is sometimes used interchangeably with “UN bodies.”

## Useful links

<http://www.un.org/en/documents/charter/index.shtml> - UN Charter

<http://www.un.org/en/ga/sixth/index.shtml> - GA Legal Committee Homepage

<http://www.icj-cij.org/> - ICJ Homepage

<http://untreaty.un.org/ola/> - OLA Homepage

<http://www.un.org/law/ilc/index.htm> - ILC Homepage

<http://www.ihffc.org/> - IHFFC Homepage

<http://www.un.org/law/legalareas.html> - UN Legal web sites

<http://www.un.org/en/law/index.shtml> - UN resource on International Law

<http://www.un.org/law/avl/> - UN Audiovisual Library of International Law

<http://www.un.org/en/ruleoflaw/index.shtml> - UN and the Rule of Law

<http://www.un.org/en/documents/index.shtml> - UN documents search

[http://www.unrol.org/article.aspx?article\\_id=40](http://www.unrol.org/article.aspx?article_id=40) – UN key links

# DESCRIPTION OF THE AGENDA ITEMS

## AGENDA ITEM 1. Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

### Historical background of the agenda

Universal codification of international humanitarian law (IHL) began in the 19th century, since that time States have agreed upon a list of practical rules, based on the afflictive experience of warfare. These rules achieved a careful balance between humanitarian questions and the military requirements of States. Historically, the international community has been adjudicated documents which laid the foundation for the IHL:

- the 1864 Geneva Convention\* for the amelioration of the condition of the wounded in armies in the field;
- the 1868 Declaration of St. Petersburg (prohibiting the use of certain projectiles in wartime);
- the 1899 Hague Conventions respecting the laws and customs of war on land and the adaptation to maritime warfare of the principles of the 1864 Geneva Convention;
- the 1906 Review and development of the 1864 Geneva Convention;
- the 1907 Review of The Hague Conventions of 1899 and adoption of new Conventions;
- the 1925 Geneva Protocol\* for the prohibition of the use in war of asphyxiating, poisonous or other gases and of bacteriological methods of warfare;
- the 1929 Review and development of the 1906 Geneva Convention Geneva Convention relating to the treatment of prisoners of war;
- the 1949 Geneva Conventions and its Additional Protocols (1977, 2005)
- the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Additional protocols (1999);
- the 1972 Biological Weapons Convention;
- the 1980 Convention on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects ( CCW) and its Additional Protocols (1995, 1996);
- the 1993 Chemical Weapons Convention;
- the 1997 Ottawa Convention on anti-personnel mines;
- the 1998 Rome Statute of the International Criminal Court;
- the 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
- the 2001 Amendment to Article I of the CCW.

In fact, the legal basis for contemporary humanitarian law was laid down by **the Geneva Convention of 1864**, which can be characterized by the following principles:

- standing for universally accepted rules aimed to protect victims of conflicts;
- its multilateral nature opened to all the States;
- the obligation to extend care without discrimination to wounded and sick military personnel;

▪respect for and marking of medical personnel, transports and equipment using an emblem (Red Cross on a white background).

Furthermore, conducted at the initiative of Russian Emperor Alexander III in **1874, Brussels, Diplomatic Conference** adopted the first **International Declaration on the laws and customs of war**. Despite of the fact that the text was not ratified, this draft marked an important stage in the codification of the laws of war.

Subsequently, **in 1934, the 15th International Conference of the Red Cross** was held in Tokyo for approval of **the International Convention on the condition and protection of civilians of enemy nationality who are on the territory belonging to or occupied by a belligerent**, drafted by **the International Committee of the Red Cross**. However, as no action was taken on that text either, it failed and, as a result, the Tokyo draft was impossible to apply to during the Second World War.

The Second World War still remains a conflict distinguished by violence of an unprecedented scale, as much of it was directed against civilians. That is why, sealed by the tragedy of the War, the decision was made to develop the document to fill the gaps in the IHL.

Therefore, **the Diplomatic Conference** opened on **21 April 1949 in Geneva** gathered representatives from 64 countries and covered almost every sovereign State in the world at that time. The following four conventions were adopted as a result of these proceedings:

- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field;
- Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea;
- Geneva Convention relative to the Treatment of Prisoners of War;
- Geneva Convention relative to the Protection of Civilian Persons in Time of War.

In fact, these four documents greatly expanded the scope of IHL. *Article 3* common to the four Geneva Conventions proved to be a significant victory, extending the principles of the Geneva Conventions to non-international armed conflicts, and sweeping aside certain obstacles of national sovereignty. According to common *Article 3*, the parties of an internal armed conflict commit to respecting people's fundamental rights.

But the greatest advance is the adoption of the fourth Convention, which offered civilians a similar protection to other victims of war.

**The Final Act of the Diplomatic Conference** was signed at **12 August of 1949** to which the four Geneva Conventions were annexed.

**The Geneva Conventions** are the cornerstone of the contemporary IHL. They contain the essential rules of non-combatants protecting when they find themselves in the hands of an adverse party. These persons are the wounded and sick, the shipwrecked, the prisoners of war and civilians, including civilians living under occupation.

The basic notion underlying the Geneva Conventions is the notion of respect for the life and dignity of the individual as those who suffer in a conflict must be aided and cared for without any distinction. Moreover, Conventions confirm and strengthen the role of the medical mission – medical personnel, medical units with its transports which are to be respected and protected in any circumstances. This is an indispensable condition for collecting and caring for the wound and sick people.

## What are the Protocols Additional to the Geneva Conventions of 1949 relating to the protection of victims of armed conflicts?

The role of Geneva Conventions cannot be overestimated, moreover, they have been supplemented and developed by three comprehensive Additional Protocols:

- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I);
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II);
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III).

The first two were adopted in 1977, and the third more recently in 2005. **The 1977 Additional Protocols** were drawn up essentially in response to changes in warfare, most notably the expansion of guerrilla warfare, and the increased suffering of civilians in armed conflict due developments in weapons technology. They introduced essential rules relating to the conduct of hostilities and the methods and means of warfare. In particular, they formulated the important principle of distinction between civilians and combatants and between civilian objects and military objectives. The Protocols have expanded the list of fundamental guarantees applicable to all persons in the power of an adverse party.

These documents, in addition, were a response to the proliferation of internal armed conflicts. In fact, Additional Protocol II was the *first treaty ever* devoted exclusively to the protection of the victims of such conflicts elaborating upon the protection provided in common *Article 3*.

The Protocol Additional III introduced a new protective emblem, the *Red Crystal*. In compliance with the international law, *the Red Crystal* offers the same protection as *the Red Cross* and *the Red Crescent* when marking military medical personnel, establishments and transport; the staff of national societies; staff, vehicles and structures of the International Committee of the Red Cross and the International Federation. The objects with these emblems *are restricted to attack*, that is why adoption of the Protocol should facilitate access by humanitarian workers to victims of conflict and other crises.

### General description

Notwithstanding the fact that the recognition of the Protocols was called into a question by the international community even since the endorsement of first two in 1977, these legal instruments are still the centre of attention and supervision of the UN, and the Legal Committee of the General Assembly. Therefore, having decided to intensify the adherence of IHL, in 1982, the Committee introduced the agenda item **“Status of the Additional Protocols relating to the protection of victims of armed conflicts”** and has been regularly making comprehensive reviews and recommendations upon the issue.

Regular reports of the 6<sup>th</sup> Committee relating to the issue and, what is more, contain statements from the Parties of the Additional Protocols which provide the progress achieved in countries and new developments of the Member States relating to the topic. It is important to mention, that delegations emphatically underlined the importance of the Geneva Conventions and the Protocols Additional and stressed the need for those States that have not yet done so to ratify the Protocols as well as accede to other relevant instruments endorsed.

Due to the fact that some Member States are actively engaged into discussion, there were several considerable and far-reaching approaches suggested, which are now being undertaken. For instance, in the year of **2009**, the **UN SC** adopted **Resolution 1894** concerning the possibility of making use of **the International Humanitarian Fact-Finding Commission (IHFFC)** with regard to gathering information on alleged violations of applicable international law relating to the protection of civilians. Then, the 6<sup>th</sup> Committee accepted the competence of the Commission and started fruitfully to collaborate with the IHFFC which is responsible for:

- enquiring into any facts alleged to be a grave breach as defined in the Geneva Conventions and its Additional Protocols or other serious violations of the Conventions or the Protocols,
- facilitating the restoration of an attitude of respect for the Geneva Conventions and its Protocols.

Additionally, in order to punish acts committed in two recent conflicts (the former Yugoslavia and Rwanda) tribunals have been created. Due to the fact, that the activities of such tribunals might evoke possible fear of States and preempt national prosecutions, it may have the beneficial effect of spurring prosecutions before the national courts for serious violations of the IHL. That is why the existence, statutes, rules of procedure, evidence and practice of the international tribunals not only send a powerful message to the world but stimulate the development of the law itself, but also can be considered as a warning and effective approach. For instance, in Africa serious crimes have been committed by many dictators, however, no steps against it were undertaken. Thus, we can notice that the Rwanda Tribunal, for example, is even more significant for Africa itself, where its presence on the continent will raise people's awareness of the importance and value of human life. It is an evident signal from the international community that human life is precious, that it should be respected and protected, and that those who abuse it will be responsible for it.

It should be mentioned that there were also the initiatives to extend the jurisdiction of **the International Criminal Court (ICC)** over certain war crimes achieved at **the ICC Rome Statute Review Conference in Kampala in 2010**. During this meeting several comprehensive amendments were adopted: under the *Article 8* the use of certain weapons, already prohibited in international armed conflict, to a conflict of a non-international character was criminalized. Additionally, the definition, elements of crime and conditions for the exercise of the Court's jurisdiction over the crime of aggression\* were identified. What is more, examining the possibility of using a questionnaire in order to facilitate the submission of relevant information by States was suggested. Besides, the need to address possible legal gaps relating to the non-international conflicts was underlined.

In addition, at the initiative of the Swiss Government, in **2008** in order to formulate legal obligations concerning private military and security companies operating during an armed conflict, **the Montreux Document** was elaborated by a number of States. It was the first international legal instrument which described the international law as it applies to the activities of private military and security companies whenever they are present in an armed conflict. **The Document** also contains a compilation of good practices designed to assist States in implementing their obligations under the international law through a series of national measures.

Despite this, one of the aspects of the problem is still the increasing number of civilians being targeted in armed conflicts. On the one hand certain acts of States were viewed, *inter alia*, affecting the population of the occupied territories, as instances of such violations disregarding, the findings and decisions of the relevant UN bodies. However, these States highlighted its commitment to IHL and viewed the abovementioned views as unfounded allegations supported by one-sided and

politically motivated conclusions by such bodies as **the Human Rights Council's Fact-Finding Mission on the Gaza Operation**.

It is worth noting that the key contribution to this issue is being made by the **International Committee of the Red Cross (ICRC)**. The ICRC is a founding member of the **International Red Cross and Red Crescent Movement**. Being an impartial, neutral and independent humanitarian institution, the ICRC basically concentrates on the *promotion of the IHL and monitoring in compliance with it*. During international armed conflicts, the ICRC organizes its work pursuant **Geneva Conventions of 1949 and Additional Protocol I of 1977**. The Committee has a right to carry out certain activities such as bringing relief to wounded, sick or shipwrecked military personnel.

During non-international armed conflicts, the ICRC bases its work on *Article 3* common to the four **Geneva Conventions and Additional Protocol II**. *Article 3* also recognizes the ICRC's right to offer its services to the warring parties with a view to engaging in relief action and visiting people detained in connection with the conflict.

In violent situations not relating to an armed conflict (internal disturbances\* and other situations of internal violence), the ICRC concentrates on *Article 5* of the **Movement's Statutes**, which sets out the ICRC's right of humanitarian initiative. That may be also invoked in international and non-international\* armed conflicts. All these articles and laws together form the special mandate given to the ICRC by the international community (by the States).

Addressing the problem, the ICRC's work includes identifying the rules of customary *humanitarian law*.

## **What is the International humanitarian law?**

International humanitarian law (law of armed conflicts or law of war) is a set of rules and international standards aimed, for humanitarian reasons, at mitigating the effects of an armed conflict. It does not regulate whether a State may actually use force; it is governed by an important and distinct part of international law set out in the UN Charter. International humanitarian law, being the set of rules governing relations between States, protects non-combatants\* and restricts the means and methods of warfare. International law, in its turn, contains agreements between States – treaties or conventions–, in customary rules, which consist of State's practice, is considered by them as legally binding and in general principles.

International humanitarian law applies to armed conflicts only; moreover, it does not cover internal tensions or disturbances\* such as isolated acts of violence. The law applies when a conflict has begun, and then equally to all sides regardless of who started the fighting.

International humanitarian law distinguishes between international\* and non-international\* armed conflict.

Thus, the IHL covers:

- 1) the protection of non-combatants;
- 2) restrictions on the means of warfare – in particular weapons and the methods of warfare, such as military tactics.

## **What should be done in order to implement the IHL?**

There is a set of measures that are to be implemented by States. States have an obligation to teach the principles and rules of the IHL to their armed forces and civil population. What is more, they are to prevent breaches of the law or punish violators if such situations occur. In particular,

Governments should enact laws to prevent the most serious breaches and punish violators of the Geneva Conventions and Additional Protocols, which are regarded as war crimes as well as pass laws protecting the Red Cross and Red Crescent emblems.

### **What are the main methods of insurance of the IHL?**

*Preventive measures, based on the responsibility of States to act in compliance with humanitarian law:*

- spreading knowledge about IHL;
- training qualified personnel to facilitate the implementation of IHL, and the appointment of legal advisers in the armed forces;
- adoption of legislative and statutory provisions to ensure compliance with IHL;
- translation of the texts of the Conventions.

*Measures for monitoring compliance with the provisions of the IHL during conflict:*

- actions by the Protecting Powers or their substitutes;
- International Committee of the Red Cross activities.

*Repressive measures, based on the duty of the parties to prevent the conflict and stop all violations:*

- the obligation for the national courts to repress breaches considered as war crimes (for international tribunals),
- the criminal and disciplinary responsibility of superiors and the duty of military commanders to repress and denounce offences;
- mutual assistance and cooperation between States concerning any criminal issues.

*It is worth mentioning that repressive measures are inherent in any consistent legal construct and also serve as a deterrent. Furthermore, there are other measures of implementation, which cover prevention, control and repression; the last two derived chiefly from the duty of States to ensure respect for IHL:*

- the International Fact-Finding Commission activities;
- the examination procedures concerning the application and interpretation of legal provisions;
- cooperation of States with the UN.

*Diplomatic efforts and pressure from the media and public opinion also help ensure implementation of IHL.*

## **Recommendations and concerns**

With the responsibility of enshrining the rules of conduct for the parties of any armed conflict, Additional Protocols to Geneva Conventions are among the most significant documents in the IHL. However, the main point is that Geneva Conventions were *universally ratified* (194 State parties), but the Additional Protocols were supported only by limited number of States. Thus, nowadays, 172 States follow to Additional Protocol I, 166 States to Additional Protocol II and 61 States to Additional Protocol III. And this fact makes the situation quite unstable and, moreover, requires an urgent and strict solution.

Furthermore, taking into account crucial situation in the world an immediate recognition and application of Protocol by all the States is necessary. As far as current situation creates a patchwork of treaty obligations with the Protocols applicable for some conflicts while not in others, it cannot be considered as a satisfactory. That is why the UN and the ICRC especially, stressed repeatedly that the ratification and fulfillment of the respective provisions of Geneva Conventions and its Additional Protocols should be one of the highest priorities in the sphere of international policy.

First of all, the prospective delegates are to analyze the legal instruments the agenda item refers to and related IHL documents, besides, it is necessary to make a research on the mechanisms which are being implemented by the international community for promoting the adoption of the Additional Protocols. Thus, in order to deliver an adequate decision upon the agenda, we recommend delegates to answer the following questions:

- 1) What are the reasons why many countries have not yet signed and ratified the Protocols? What countries refuse from ratification?
- 2) Do the Protocols need revision or reconsideration? Is there a need to make the Protocols more comprehensive?
- 3) What initiatives can you suggest for the dissemination and implementation of the rules and principles of the IHL?
- 4) How is it possible to facilitate the activities of the institutions involved into the implementation of the Protocols?
- 5) What actions of the UN can contribute to the promotion of the universalization of the Protocols?
- 6) What measures, in your opinion, the international community should undertake in order to ensure adherence of the Protocols?

## Glossary

**Convention** - an agreement or compact, particularly an agreement between States or nations, which has an obligatory power for its Parties as well as the document which is ordinarily applied to agreements prior to an execution of an official treaty or which serve as its foundation; or to international agreements for the regulation of international affairs of common interest not within the ambit of commercial transactions or politics, such as international postage.

**Crime of aggression** - planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the UN.'

**Definitive signature** - process of legal recognition of the treaty, when a State expresses its consent to be bound by a treaty by signing the treaty without the need for ratification, acceptance or approval. A State may definitively sign a treaty only when the treaty so permits. To make the comparison: a definitive signature has the same force as a simple signature, which is followed by ratification.

**High Contracting Parties** - representatives of States which have signed or ratified a treaty. From the point of view of international law it is immaterial where the treaty-making power resides (in a head of state, a senate, or a representative body): this is a question determinable by the constitutional law of the particular contracting state concerned. The signatories, as well as the parties, can be considered to be high contracting parties.

**Internal disturbances** – movements characterized by a serious disruption of internal order resulting from acts of violence which nevertheless are not representative of an armed conflict (riots, struggles between factions or against the authorities).

**International armed conflicts** - conflicts in which at least two States are involved (are subject to a wide range of rules, including those set out in the four Geneva Conventions and Additional Protocol I).

**The “law of Geneva”** - a legal instrument which protects non-combatants in an armed conflict.

**The “law of The Hague”**- the document which establishes the rights and obligations of belligerents in the conduct of military operations, and limits the means of harming the enemy.

**Non-combatants** – persons *who are not or no longer taking a direct part in hostilities* when they find themselves in the hands of an adverse party; wounded and sick, the shipwrecked, the prisoners of war and civilians, including those civilians living under occupation.

**Non-international armed conflicts** - fighting on the territory of a State between the regular armed forces and identifiable armed groups, or between armed groups fighting one another. To be considered a non-international armed conflict, fighting must reach a certain level of intensity and extend over a certain period of time. (A more limited range of rules apply to internal armed conflicts and are laid down in Article 3 common to the four Geneva Conventions as well as in Additional Protocol II.)

**Protocol** – a negotiated document often intended to supplement a treaty or agreement, stipulating specific actions that should be taken to fulfill the terms of the agreement, or modifying the agreement.

**Ratification** – the implementation of the formal process established by a country to legally bind its government to a treaty, such as approval by a parliament. In the United States, treaty ratification requires approval by the president after he or she has received the advice and consent of two-thirds of the Senate. Following ratification, a country submits the requisite legal instrument to the treaty's depository governments. Procedures to ratify a treaty follow its signature.

**Signature** - the signing of an agreement by a senior or designated representative of a country, which indicates that the country accepts the treaty and commits, until the completion of the internal ratification process, not to take any actions that would undermine its purposes, according to the Vienna Convention on the Law of Treaties.

## Useful links

<http://www.icrc.org/> - ICRC Official web-site

<http://www.icrc.org/eng/war-and-law/treaties-customary-law/geneva-conventions/index.jsp> - the Geneva Conventions of 1949 and Additional Protocols

<http://supportgenevaconventions.org/> - summary of the Geneva Conventions of 1949 and Additional Protocols

<http://www.un.org/law/lindex.htm> - Legal Bodies responsible for the Codification and Progressive Development of International Law

<http://www.icrc.org/eng/resources/documents/statement/2012/10-22-united-nations-additional-protocols-status.htm> - ICRC statement to the United Nations concerning the agenda item

<http://www.icrc.org/eng/what-we-do/other-activities/humanitarian-diplomacy/index.jsp> - humanitarian diplomacy and communication article

<http://www.icrc.org/eng/resources/documents/statement/united-nations-weapons-statement-2011-10-11.htm> - ICRC statement to the United Nations concerning weapons

<http://www.icrc.org/eng/resources/documents/statement/humanitarian-principles-statement-121007.htm> - article of the Director General of the IRCC on humanitarian principles

<http://www.icrc.org/eng/what-we-do/other-activities/development-ihl/overview-development-ihl.htm> - article about development of IHL

<http://www.icrc.org/eng/war-and-law/overview-war-and-law.htm> - article devoted to war and IHL

[http://www.un.org/en/ga/sixth/66/StatProtGeneva\\_StatesComments/After%20Addendum/ICRC.pdf](http://www.un.org/en/ga/sixth/66/StatProtGeneva_StatesComments/After%20Addendum/ICRC.pdf) - review of the Status of the Protocols Additional to Geneva Conventions for the period of 2010-2012

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N12/440/11/PDF/N1244011.pdf?OpenElement> – current report of the Secretary General on the agenda

[http://www.icc-cpi.int/EN\\_Menu/icc/Pages/default.aspx](http://www.icc-cpi.int/EN_Menu/icc/Pages/default.aspx) - Homepage of the ICC

[http://www.icrc.org/IHL.nsf/%28SPF%29/party\\_main\\_treaties/\\$File/IHL\\_and\\_other\\_related\\_Treaties.pdf](http://www.icrc.org/IHL.nsf/%28SPF%29/party_main_treaties/$File/IHL_and_other_related_Treaties.pdf) - States Party to the International Humanitarian Law and Other Related Treaties

<http://www.icc-cpi.int/iccdocs/PIDS/femalecounsel/ReviewConferenceEng.pdf> - review of the ICC Rome Statute

## AGENDA ITEM 2. Illicit drug trafficking and organized crime as a threat to the Rule of Law

*“The issues of trafficking and organized crime are connected, so we cannot address them in isolation. They are transnational — and they are too big for countries to confront on their own.”*

*Yury Fedotov, Executive Director of the United Nations Office on Drugs and Crime*

### Historical background

The problem of drug trafficking\* has always been crucial for all the world community. Responding to that, the UN declared the 1990s as the period of fighting against drug trafficking and the threat imposed by drug business. As a rule, the consumption of drugs\* and drug trafficking determined the extension of the zone of high social and criminal risk: the spread of diseases related to immunosuppression and HIV infection, sexually transmitted diseases, attempted suicide, as well as increasing number of individuals with the growing victimization.

The cooperation between the States in combating illicit drug trafficking began in the early 20th century with the creation of **the Shanghai Commission in 1909**, which became the first international organization to combat drug trafficking on the international level. The purpose of this Commission was to coordinate cooperation among states on issues of drug trafficking, which was qualified as a crime of international concern. The first international treaty in this area was **the Hague Convention of 1912\***, principles of which laid the foundation for the following documents:

- **The Convention for the Suppression of the Illicit Traffic in Dangerous Drugs**, adopted in 1936, has become a drug control treaty. Being the first mainly accepted treaty to make certain drug offenses international crimes, the Convention had little effect as not all the states agreed to sign it.
- **The Single Convention on Narcotic Drugs** of 1961 became the first document that has made the difference between the drugs of medical use and a dangerous addiction. Giving clear definition to mostly all drugs of plant origin and describes allowed and restricted points concerning drug using, underlining the first scopes of control. Moreover, this document obliged Member States to provide the 6<sup>th</sup> Committee with statistical data about the production, manufacture and consumption, imports and exports, as well as a stock of drugs.
- **The Convention on Psychotropic Substances** adjudicated in 1974 mainly determined to prevent the rising illicit drug traffic, stressing on the competence of the UN in the field of control of psychotropic substances.
- **The UN Convention against Illicit Traffic in Narcotic Drugs** of 1988 has become the basic document signed in frames of the UN concerning illicit drug trafficking and its link with organized crime\*, corruption\* and terrorism. The main point of attention stands for that the problem of drug trafficking is an international criminal activity, the suppression of which demands urgent attention and the highest priority.

Furthermore, various attempts were undertaken to create a comprehensive body aimed at struggling against illicit drugs and other crimes connected with drug trafficking. In 1989 it was proposed to create a permanent **International Criminal Court (ICC)\*** to deal with drug trafficking in frames of

the ICC. However, due to political contradictions and discrepancies between the states this plan failed. In 1997 by the union between the UN Drug Control Programme and the Centre for International Crime Prevention, **the UN Office on Drugs and Crime (UNODC)** was established. Operating in all regions of the world through an extensive network of field offices, the UNODC was created to assist Member States in their struggle against illicit drugs, crime and terrorism by means of technical cooperation projects, research and analytical work.

## **General description**

The question itself is closely correlated with such transnational issues as organized crime and corruption. Drugs and crime undermine development by eroding social and human capital. Limiting motion, crime impedes access to possible employment and educational opportunities, preventing the accumulation of assets. Possessing severe implications, drug trafficking is considered to be a serious legal problem. As regards affected regions (Africa and Asia particularly), criminal groups destroy state's authorities and the rule of law by fuelling corruption, compromising elections, and hurting the legitimate economy. In all cases, criminal influence and money are having a significant impact on the livelihoods and quality of citizens' lives, mostly on the poor, women and children.

Besides, drugs and crime undermine development by driving away business. Both foreign and domestic investors see crime as a sign of social instability, and crime drives up the cost of doing business. Drugs and crime, moreover, disrupt the ability of the state to promote development by destroying the trust relationship between the population and the state, and destabilizing democracy and confidence in the criminal justice system. These consequences of illicit drug trafficking poses the main threat to the rule of the law.

According to the UNODC report of 2008 in the world the problem drug users, who have been treated a year before amounted to approximately one fifth of the number of all drug users. Therefore, about 20 million people suffering from drug addiction did not receive medical care mainly due to financial insecurity.

## **Connection of the issue with the Rule of Law**

The main principle of the international law is that everyone, notwithstanding the nationality or citizenship is to respect and follow all the publicly promulgated laws. However, affecting the security, economy and social structure of all the states, the worldwide drug trafficking and organized crime still remain as the flagrant violation of this principle. According to **the World Summit Outcome** passed by the **GA Resolution 60/1 in 2005**, the main problem of large scale distribution of drug trafficking is reluctance possessed by some states to "become parties to the relevant international conventions... and to implement them effectively".

In some states criminal justice system and domestic legislation are not applied to various aspects of drug trafficking as illegal ones, or the restrictions do not cover all the spectrum of drug actions.

Thus, current criminal networks have mainly gained a foothold in West Africa and Asia Pacific region while a major transit hub for drugs goes from Latin America to Europe. Having devastating effects because of the vast illegal profits drug trafficking with organized crime undermine the authority of states and the rule of law.

The problem of violation of the drug-addicted people's rights is also not of the least importance. In various states drug users become a subject to humiliation and violence. Moreover, some states are in the practice of execution for crimes related to drugs, or worse than that, death squads on the spot without trial. This point should also be considered not only as violation of the principles of international law, but as violation of human rights respectfully.

The main UN entity, seeking to achieve security and justice in the sphere drug trafficking, crime and terrorism is still the UNODC. Its main goal is to assist States in order to protect their population from the threats posed by drugs, terrorism and organized crime. Basing its work on international legally binding instruments, such as **the UN Convention against Transnational Organized Crime (UNTOC)** and **the UN Convention against Corruption (UNCAC)**, the UNODC contains a set of UN standards and norms on crime prevention and criminal justice. Annually the UNODC presents its report which points out a grim picture of the situation worldwide. The data of the report forms a comprehensive background for discussion in the Sixth Committee of GA.

A number of international conventions on organized crime were created in frames of the UN. The most relevant of them are the UNTOC signed in 2000 and its three protocols on human trafficking, migrant smuggling and trafficking of firearms, which constitutes the key framework for a strategic response. All four of these instruments address the issue and correspond to the rules of the international law on human trafficking, arms trafficking and money laundering. Representing a clear view in the fight against transnational organized crime, the Conventions signifies the recognition by Member States of the seriousness of the problems posed by drug trafficking in connection with organized crime, as well as the need to foster and enhance close international cooperation in order to tackle those problems. However, the Convention has been signed only by 147 countries.

Passing **the Resolution 66/181**, the General Assembly expressed its concern upon the challenges and threats imposed by the illicit trafficking in firearms. The concern about connection of different forms of transnational organized crime, including drug trafficking and other criminal activities, was raised as well.

## **Recommendations and concerns**

It is desirable for the delegates to think properly over the links between the issue of drug trafficking and its influence on the rule of law. In order to deepen the understanding of the present agenda we encourage you to do the following:

- 1) Examine and analyze all relevant resolutions of the GA relating to the topic. Which ones do you find the most appropriate and effective in frames of the current agenda?
- 2) Study properly UNODC annual reports to define the statistics in the most affected regions and the most vulnerable groups of people there.
- 3) Try to make your statements and propositions in accordance with the legal basis and to connect your statements with the threat to the rule of law. Use references on crucial documents concerning illicit drug trafficking and organized crime.
- 4) Try to emphasize the value of a comprehensive approach and inclusive international partnerships in effectively fighting organized crime and drugs.
- 5) It is important to reveal the challenges posed by illicit drugs, crime, corruption and terrorism, to discuss existing problems in mainstreaming drug control and crime prevention into development initiatives and ways of improving the situation. This discussion will help to reveal weak points and to write the statements to the resolution.

## Glossary

**Drug** - chemical agent, which causes screeching halt, coma or insensitivity to pain.

**Drug trafficking** - global illicit trade involving the cultivation, manufacture, distribution and sale of substances which are subject to drug prohibition laws.

**Organized crime** - a form of crime, characterized by persistent criminal activity carried out by criminal organizations (organized groups, gangs, criminal networks and other similar illegal groups). Having a hierarchical structure, material and financial base and government relations, organized crime is based on the mechanisms of corruption.

**International Criminal Court** - the first permanent legal institution, competent to prosecute criminals, responsible for genocide, war crimes and the crimes against humanity.

**Corruption** - the abuse of official position for a personal sake. Corruption has different forms: bribery, misappropriation of goods and services dedicated for public consumption, favoritism (hiring preference for personally preferable people), influence the formulation of laws and regulations for personal gain, etc.

**The Hague Convention of 1912 (International Opium Convention)** - the first international drug control treaty, signed by 12 Member States of the League of Nations in response to increasing criticism of the opium trade.

## Useful links

<http://www.un.org/en/ruleoflaw/index.shtml> - UN Rule of Law

<http://www.unodc.org/unodc/en/index.html> - UNODC Homepage

<http://treaties.un.org/pages/CTCTreaties.aspx?id=6&subid=A&lang=en> - UN documents concerning Narcotic Drugs and Psychotropic Substances

<http://www.unodc.org/unodc/en/commissions/CND/index.html?ref=menutop> – The Commission on Narcotic Drugs

<http://www.unodc.org/unodc/en/commissions/CCPCJ/index.html?ref=menutop> – The Commission on Crime Prevention and Criminal Justice (the CCPCJ)

<http://www.unodc.org/unodc/en/drug-trafficking/index.html> - Useful information about drug trafficking

<http://www.unodc.org/unodc/en/field-offices.html?ref=menutop> - UNODC Field offices

<http://www.incb.org/incb/index.html> - The International Narcotic Control Board (the INCB)

<http://www.unodc.org/unodc/en/data-and-analysis/WDR-2012.html> - The UN World Drug Report of 2012

# DOCUMENTS PREPARATION BLOCK

## General Requirements on Documents

All delegates of the Legal Committee should submit 1 Policy Paper on one of the agenda items described in the present Study Guide. The delegates are also supposed to submit 1 Resolution on the agenda item different from the topic of their Policy Paper, but in frames of the Committee's agenda.

The deadline for both documents is **27 April 2013, 16:59 (MSK)**, e-mail for submission is [ivrc.board@gmail.com](mailto:ivrc.board@gmail.com). The name format is the following:

“Country\_6GA\_PP\_#Agenda item.doc” for Policy Paper, e.g. “*Burkina-Faso\_6GA\_PP\_1.doc*”

“Country\_6GA\_Res\_#Agenda item.doc” for Resolution, e.g. “*Burkina-Faso\_6GA\_Res\_2.doc*”

Please, take into account that in case you are late with your documents sending, you will not have a chance to get high scores for them. Anyway, if you are eventually late with the deadlines, it does not mean that you must not send your documents at all.

Please, contact us if you have any questions:

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## Documents preparation tips and advices

While preparing for the Conference, every delegate, notwithstanding the experience, the depth of knowledge or English skills, faces many problems. These problems can be connected with misunderstanding of complicated terms, inability to make the right research based on relevant information, or simply with not knowing how to write an appropriate document. The first thing you should remember is that you get knowledge, experience and important skills mainly during the Conference. Thus, you should realize that you cannot cover all the information and to know everything before the debates. Your personal preparation is just the beginning of your development. However, the amount of your knowledge, the basis for your development at the Conference, is directly depended on the level of your preparation beforehand. We hope that this article will help you to prepare to the Conference, following directly all the instructions given below.

## Start your research

The first thing to remember is that **your research must be taken from relevant sources of information**. In the annex “useful links” you can find relevant sites with the checked valid information. We recommend you to concentrate on the following points:

- 1) *Understanding of the history, structure, and operations of the United Nations*. For this reason the most important document is the *UN Charter*. It is impossible to simulate the work of organization without knowing its specification.
- 2) *Researching your State*. This question concerns the official position of your country. You should know for sure, what policy your State follows upon this or that question. Remember that in any case you represent a concrete State. Thus, giving a way to your personal imagination, contradicting your State’s policy is inappropriate during debates. Not to be caught in a confusing situation, learn properly all the working systems of your State (economy, governmental, legislative, cultural policy, etc.).
- 3) *Researching your Committee*. This step is important to make a clear vision of the work in your committee. After understanding of all peculiarities, try to answer the questions: “What are we to do in the Committee?”, “What our work should be based on?”, “How to behave during debates and what rules to follow?” There are pages, dedicated to every Committee on the official UN web-site. There you will learn the rules of your Committee and all the specifications.
- 4) *Researching your role in the Committee*. After reading the Charter, try to determine what status your country holds in frames of the UN (it may be a permanent member of the SC, an observer, etc.). To make a clear picture of the State status, refer to the official page/web-site of your State.

Therefore, you should know the following “roles” of delegates during the Conference:

**Member States** are credentialed delegates the Committee is mainly made up of. These are the members of the organization. All Member States may sponsor draft resolutions and have full voting rights within the organization.

**Observers** are States or International bodies that participate in the negotiations *but may not vote on substantive matters*, such as the approval of reports or resolutions. Observers are allowed to make speeches and participate at caucuses in order to share their opinion with Member States.

**Non-Governmental Organizations (NGOs)** are gaining both visibility and respect as a resource for program design and implementation. NGO delegations maintain all of the privileges accorded to traditional observer delegations, and are required to exhibit the same level of preparedness. NGOs are rarely represented during MUNRFE Conferences, however, there is a possibility of the involvement of NGOs in crisis situation and should be prepared for that.

- 5) *Researching your agenda topics*. The majority of your preparation time for the Conference will be spent researching your actual Committee topics. Each delegate should understand the topics on his or her Committee's agenda. For this reason read the brief description of the cases in this handbook firstly. After understanding of the basis start your own researching work. While searching try to answer the following questions:

- When considering each topic, what essential points are being raised?
- In your opinion, why are these issues important?
- Give specific reasons why you believe these issues remain unresolved.
- What important documents are essential to your research?
- What actions have various international bodies taken regarding these issues in the past?
- What actions are they currently implementing?
- What organs of the UN, International organizations address the issue?
- What should be done from the perspective of your State to resolve the issues?

### **Formulation of position and proposals**

- 1) In fact, your delegate's position and proposals must correspond to the policy, interests and needs of the State you are representing. However, if there is no clear position of your country on the current agenda, suggestions must at least not contradict the common vision of the State.
- 2) Every Position Paper requires strong proposals, so does any Resolution. Try to elaborate something new, develop it, clarify aims of your proposal, terms of implementations, responsible bodies and expectations. However, in case you cannot suggest something new, try to find as much information about current initiatives as it possible. Find out negative features and think over the possible ways to cope with these obstacles.
- 3) Try to find the opinions of scientist, experts and outstanding politicians on your agenda (or the related ones). That may help you to understand the agenda and assist you in development of your thoughts and proposals. You also can use the statistics, opinions of excerpts and other official resources.

## Policy Paper Requirements and Advices

A Policy Paper should be prepared by each delegate for one of the items described above. Its main aim is to express the policy of the state one represents on the issue within the scope of the Committee's competence. It helps to organize the research properly, underlining the most important facts and elaborating the arguments for defending the national interests of a state. The Policy Paper must be no longer than 2/3 of the standard A4 sheet in length.

It must consist of three paragraphs and contain the following:

### The first paragraph

Brief historical overview of the issue,  
The UN actions taken in the past on the issue,  
Explanation why the UN actions were not effective;

### The second paragraph

The current status of the issue,  
Current actions or resolutions by the UN;

### The third paragraph

Justification for the country's policy on the issue and supporting arguments for the position,  
Solution that your country might propose to the issue.

*The proposed solution should be directed towards the issue at the international level and not towards the selected country's internal policy.*

### Policy Paper Format:

line spacing - 1.0,  
paragraph spacing - 0.0,  
indent - 0.0,  
margins: top - 2, bottom - 1.5, left - 3, right - 1.5  
alignment - justified,  
Times New Roman, 12.

### Heading:

NAME OF THE COUNTRY	<i>e.g.</i> SAINT KITTS AND NEVIS
SIXTH COMMITTEE	SIXTH COMMITTEE
NAME OF THE AGENDA ITEM	ILLICIT DRUG TRAFFICKING AND ORGANIZED CRIME AS A THREAT TO THE RULE OF LAW

**Take a note:**

- While writing your Position Paper do not use too complicated words and expressions; make it clear and concise. Make sure, that you suggestions are detail described and the position is comprehensively expressed.
- The language used must be professional (no slang, no low-colloquial, no repeating).
- Use linking words as they will make your document more integral and easy to understand. Subordinate all document to one motive, main idea and lead it during writing whole PP.
- Copy paste in all its forms **is prohibited!** Use your own words, try to work with your own efforts, elaborate something new.

# Sample Policy Paper

THE UNITED STATES OF AMERICA

FIRST COMMITTEE

ASSURING NON-NUCLEAR WEAPON STATES AGAINST THE USE OR THREAT OF USE OF NUCLEAR WEAPONS

Efforts to limit the proliferation of nuclear weapons (NW) were first made by the United Nations (UN) in 1946, when it considered Baruch Plan. Despite wide support, it was blocked in the UN Security Council (SC). Nevertheless it remained the official policy of many states until 1953, when the President of the USA, which was the only NW state at that moment, D.Eisenhower made his “Atom for Peace” speech to the UN. It led eventually to the creation of the International Atomic Energy Agency (IAEA) in 1957, which became the main executive and observing body concerning nuclear power. In the 1960s the USSR, UK, France and China had acquired their own NW, thus new turn of NW proliferation started. The consensus was reached in 1968, when the UN General Assembly endorsed the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) by its Resolution 2373. Due to NPT, IAEA had controlled NW proliferation till 1980’s, when NW development started simultaneously in several states.

In order to increase effectiveness of NPT, its member states regularly review it, reaffirming their commitment, while the UN is trying to resolve the problem via SC and IAEA actions. Parties to NPT agree to accept technical safeguard measures, suggested by IAEA, following the idea of stable and peaceful nuclear development. On the contrary, non-NPT states, possessing NW, do not stand for this position, do not grant access to IAEA commissions, while hiding their nuclear activity under the scientific and experimental names. They neither sign the NPT, nor accept safeguards possessed by IAEA, making international community doubt in their nuclear transparency and nuclear potential purposes. Consequently, NPT regime is slowly failing, while significant shift in nuclear activity occurs, raising the possibility of nuclear terrorism and violating the basics principles of international peace and security.

Being one of the parties to NPT, the United States of America suggests empowering the NPT itself and its regime with multilateral, particularly Six-party, agreements. They should be created within the regions, where the nuclear activity is dramatically increased. The USA deems that it will be crucial to clarify the benefits of NPT to the non-NPT states and to meet their interests in order to assure them for its rapid signing, which will limit NW development in these states and let IAEA observe it in a full measure. Moreover, the NPT should be improved and reconsidered by all parties and interested non-member states in order to expand its regime to all technical types of nuclear activity. The USA stands for changing IAEA status, increasing nuclear transparency, and ensuring stable and peaceful atomic development.

## Resolution Requirements and Advices

The final decisions of the Legal Committee, the same as the decisions of other Main Committees of the UN GA and the Assembly itself, are usually formed in Resolutions. It contains the position of the whole simulated body on the issue and its recommendations to the international community or the UN system. At the IV Regional MUNRFE Conference the delegates have the right to choose among the topics the one for Resolution writing, but it must differ from the agenda item described in the Policy Paper. The length of resolution is not limited, but should be of a reasonable size and sufficient for encompassing all important details.

The resolution usually includes four parts: heading, name, preamble and operative. The format of the heading you may find below. **The name of the Resolution** reflects the whole sense of it and may express the anticipated result of its implementation. It should be written in the uppercase (ALL LETTERS SHOULD BE CAPITAL) and centered. For example

### THE UNITED NATIONS COMPREHENSIVE APPROACH TO PREVENT THE MILITARIZATION OF OUTER SPACE

The **preamble phrases** are the justifications for actions or recommendations given in an operative part of the document. They may include the references to various documents, programs, especially the UN Charter. The **operative clauses** are the exact actions undertaken by the body (encouragement, recommendation, inquiry, demand, etc.) through the Resolution.

The purpose of the **preamble clause** is to supply historical background for the issue as well as justify the action. Preamble clauses usually begin with a participle and cite appropriate sections of the UN Charter, past UN resolutions and precedents of international law relevant to the topic. The preamble should also specifically refer to factual situations or incidents.

The importance of the preamble depends on the question under consideration. In some cases, the preamble is merely a formality; it is the operative clauses that are difficult to agree on. However, the preamble is still critical because it provides the framework through which the problem is viewed. Remember that preamble clauses begin with participles, are in italics, and are always followed by a comma.

The solution in a resolution is presented through a logical progression of sequentially numbered **operative clauses**. These clauses may recommend, urge, condemn, encourage, request certain actions, or state an opinion regarding an existing situation. Each operative clause calls for a specific action. The action may be as vague as denunciation of a certain situation or a call for negotiations, or as specific as a call for a ceasefire or a monetary commitment for a particular project. It is important to bear in mind that only Security Council resolutions are binding upon the international community. The General Assembly and the Economic and Social Council can only make recommendations. The power and authority of a committee determine what may be included in the operative clause. Resolutions are seldom complete solutions to a problem; they are usually only one step in the process of developing a solution. Prior research should have revealed alternatives that failed. Operative clauses begin with an active, present tense verb and are followed by a semi-colon, with a period placed after the final clause.

## Resolution Format:

line spacing - 1.0,  
paragraph spacing - 0.0,  
indent – 1.25,  
margins: top - 2, bottom – 1.5, left - 3, right – 1.5  
alignment - justified,  
Times New Roman, 12.

## Heading:

A/C.6/4/#Agenda Item/Res.1	<i>e.g.</i> A/C.6/4/2/Res.1
Sixth Committee	Sixth Committee
IV Regional MUNRFE Session	IV Regional MUNRFE Session
Name of the Country	The Republic of Mauritius

The heading must be aligned to the left. It is followed with the double space.

## Brief Facts about Resolution Writing

- The Resolution usually comprises of one sentence. It means that there is only one full stop (point, dot) in the very end of it.
- There are commas after each preamble clause and semicolons separating operative clauses.
- All the preamble phrases are in italics and operative phrases are underlined.
- The body of the Resolution always starts with the name of the body in italics with 1.25 centimeters indent at the beginning and a comma after it. For the delegates of the Legal Committee it is:  
*The General Assembly,*
- In Resolution we do not usually use acronyms like the UN or whatsoever, except for programs and organs which are usually named with their abbreviations.
- In the phrase Member States both words should be capitalized if we mean the UN Member States.
- When we refer to or recall the resolutions of the UN GA, we write them in the following format: “resolution #GA Session/#Resolution”, e.g. resolution 55/48.

## **Do’s and Don’ts**

### **Do’s:**

1. Start writing a resolution with formulating operative clauses as this is your proposal. Come to preambular part only when you are done with the operative one.
2. While formulating preambular clauses, consider what justifications are needed for each operative phrase starting with the first one. In this case, your preambular part will correlate with your operative part (still, there is no necessity to have the strictly equal number of preambular and operative clauses).

3. Keep a track on the size of clauses. If clause one seems to be too large, think about dividing it into several separate clauses or make sub-clauses.
4. Use sub-clauses when there is a need for listing the duties/functions/activities of bodies/committees/etc.
5. Specify each function or activity that you propose. For example, if you are writing about assistance, specify what kind of assistance you mean (technical, financial, etc.) Be as much precise as it is possible.
6. In operative part, provide answers to all possible questions regarding your proposal: What? Who? How? When? Secretariat officers often evaluate resolutions according to this criterion.
7. Pay a special tribute to financial issues of your resolution. Usually, a particular financial mechanism is elaborated for implementation of a given resolution (Trust Fund, for instance). In other cases, a reference or appeal to existing financial institutions can be made. Even the exact sums of donations can be determined if there is a prior agreement on this within a committee. Sometimes it is even enough to refer to the UN Secretary-General as it is done in the following clause: "Requests the Secretary-General to make necessary financial arrangements to support the work of the Office of Coordinator". However, the more realistic the ways for providing adequate financial support are, the higher a resolution will be evaluated.
8. Make a logical conclusion of the resolution. In most cases they are standardized and refer to peculiarities of particular committees. For instance, the last clause of GA resolutions is often "Welcomes further/other initiatives on the issue". Yet, bear in mind that in this case the issue remains open for further discussion (in some situations and for some countries this can be inappropriate). Or SC resolutions may end with: "Decides to remain actively seized of the matter". This means that the SC still has the matter on its agenda, and that the GA may not pass resolutions on the matter unless the GA did so through something along the lines of the Uniting for Peace Resolution. However, this is a very unusual action that has only been used twice in 60 years, so it should be carefully used by MUN delegates.

**Don'ts:**

1. Do not create a body/committee that already exists. In spite of the fact that this is obvious, still a lot of delegates propose to establish institutions that are similar to those that the UN already has.
2. Do not make your resolution too complicated and over-institutionalized. Although your concept should be institutionalized, that is, to have a tangible form (body, committee, task force, project, etc.), the extent of institutionalization should be reasonable. Otherwise, you will be blamed for proliferating bureaucracy.
3. Do not authorize a body to do something that this body is not mandated for. For instance, asking the United Nations High Commissioner for Refugees to lead the development effort in Guinea-Bissau would not be part of UNHCR's mandate, which is limited to helping refugees, returnees, stateless persons, and, in some cases, internally displaced persons (IDPs); development functions would come under the purview of UNDP or one of the other UN development agencies.

# Sample Resolution

A/C.1/72/Res.1  
General Assembly  
VII MUNRFE International Session  
The United States of America

## INCREASING TRANSPARENCY OF THE STATE'S MILITARY EXPENDITURES

*The General Assembly,*

*Recognizing* the increase of the states' military expenditures as an indirect threat to international peace and security,

*Recalling* its resolutions 53/72 of 4 December 1998, 54/43 of 1 December 1999, 56/14 of 29 November 2001, 58/28 of 8 December 2003, 60/44 of 8 December 2005 and 62/13 of 8 January 2008, which established framework for collecting objective information on military matters, including transparency of military expenditures,

*Also recalling* its resolution 35/142 B of 12 December 1980, endorsing the United Nations (UN) Standardized Instrument for Reporting Military Expenditures (UNSIRME), and its resolutions 48/62 of 16 December 1993, 49/66 of 15 December 1994, 51/38 of 10 December 1996 and 52/32 of 9 December 1997, calling upon all Member States to participate in UNSIRME,

*Recalling further* its resolution 47/54 B of 9 December 1992, introducing the guidelines and recommendations for objective information on military matters and inviting Member States to provide the Secretary-General with relevant information regarding their implementation,

*Noting* the role of the UNSIRME as an important instrument to enhance transparency in military matters,

*Noting also* that the further existence and operation of the United Nations' system for the standardized reporting of military expenditures is considered to develop with a trend to changing structure of the states' military expenditures,

*Supporting fully* views and ideas, expressed by Member States to the Secretary-General, on increasing the transparency of military expenditures and reduction of the world military budget, particularly, on ways and means to implement the guidelines and recommendations for objective information on military matters, including strengthening and broadening participation in the standardized reporting system and reassessing the structure of the reportable military expenditures,

*Underlining* the clause 5(d) of the General Assembly's resolution 62/13 of 8 January 2008, concerning consultations between the UN and relevant international bodies on the ascertainment of requirements for adjusting the current United Nations' system for the standardized reporting of military expenditures, with a view to encouraging wider participation,

*Underlining also* the clause 5(e) of the General Assembly's resolution 62/13 of 8 January 2008 concerning possibilities for enhancing contribution of international and regional reporting systems,

*Appreciating highly* the role of the Stockholm International Peace Research Institute's independent researches and reports in the process of increasing transparency of the states' military expenditures,

*Bearing in mind* the successful experience of strong cooperation and collaborative actions of the UN and various international and national organizations, and recognizing the usefulness of such experience, that can be projected to the cooperation of the United Nations and the SIPRI, as well as other relevant structures and bodies,

*Taking into account* the current unstable international economic situation, influenced by global financial crisis,

1. Calls upon Member States to report to the Secretary-General their military expenditures for the latest fiscal year for which data are available, using the reporting instrument as recommended in the resolution 35/142 B;

2. Encourages relevant international bodies and regional organizations to promote transparency of military expenditures and to enhance cooperation and integration among reporting systems, taking into account the particular characteristics of each region, and to consider the possibility of an exchange of information with the UN;

3. Expresses its satisfaction with the SIPRI's military expenditures observing system and suggests the Stockholm International Peace Research Institute to be the main non-United Nations organization to observe the states' military expenditures;

4. Declares to create United Nations - Stockholm International Peace Research Institute Agreement on Cooperation and Development, aimed to determine the frames of cooperation and enhance collaborative efforts between UN and SIPRI;

5. Also requests the Secretary-General, within all available resources to promote cooperation between relevant international bodies and organization, with a view to ascertaining requirements for adjusting the present instrument, to encouraging wider participation, and to making recommendations, based on the outcome of the cooperation taking into account the views of Member States, on necessary changes to the content and structure of the standardized reporting system;

6. Considers necessary to review and change the existing United Nations Standardized Instrument for Reporting Military Expenditures in order to increase states' active military budgets transparency;

7. Suggests amending the content of the state's reportable military budgets, assigned in UNSIRME, by stating as following:

- (a) operation, mobilization and maintenance expenditures,
- (b) military research and development expenditures,

- (c) military aid expenditures,
- (d) procurement expenditures,
- (e) weapon tests and military trainings expenditures;

8. Encourages all Member States to express to the Secretary-General directly their views on necessary changes to the content and structure of the United Nations system for the standardized reporting of military expenditures;

9. Calls upon Member States, that in the context of unstable economic situation, the reduction of military budgets of the Member States should have soft and gradual nature;

10. Invites Member States to submit additional reports to the Secretary-General on the military expenditures, in the case of changing their content or structure;

11. Welcomes expanded annual reports on the states' military expenditures, including indirect military expenditures, which are not stated in the clause 7 of this Resolution;

12. Welcomes further initiatives on the issue.

## PREAMBULAR CLAUSES

Acknowledging	Having considered
Affirming	Having decided
Alarmed	Having examined
Alarmed in particular	Having listened to
Appreciating	Having received
Appreciating highly	Having regard for
Aware	Having reviewed
Basing itself	Having in mind
Bearing in mind	Having regard
Being convinced	Looking forward
Believing	Noting
Calling attention to	Noting further
Cognizant of	Noting with appreciation
Commending	Noting with gratitude
Concerned	Noting with interest
Concurring	Noting with satisfaction
Confident	Noting with serious concern
Conscious	Paying tribute
Considering	Profoundly concerned
Continuing to take the view	Reaffirming
Convinced	Reaffirming its commitment
Deeply alarmed	Realizing
Deeply appreciative	Recalling
Deeply concerned	Recognizing
Deeply conscious	Re-emphasizing
Deeply convinced	Referring
Deeply disturbed	Regretting
Deploring	Reiterating
Desirous	Reiterating its appreciation
Determined	Reiterating its concern
Dismayed	Reiterating its conviction
Distressed	Reiterating its regret
Emphasizing	Remaining deeply concerned
Encouraged	Resolved
Endorsing	Seriously concerned
Expressing its appreciation	Solemnly declaring
Expressing concern	Stressing
Expressing conviction	Strongly emphasizing, supporting, etc.
Expressing deep appreciation	Taking into account
Expressing sympathy	Taking into consideration
Expressing the hope	Taking note
Expressing the urgent need	Taking note with appreciation
Firmly convinced	Taking note with interest
Further recognizing	Taking note with concern
Further supporting	Thanking
Further welcoming	Underlining
Gravely concerned	Welcoming
Guided by	Wishing

## OPERATIVE CLAUSES

Acknowledges	Highly appreciates
Acknowledges with great appreciation	Insists
Adopts	Instructs
Affirms	Invites
Affirms its confidence	Looks forward to
Agrees	Notes
Also concurs, encourages, notes, requests, welcomes	Notes in particular
Appeals to	Notes with appreciation, satisfaction
Applauds	Once again calls upon
Appoints	Once again encourages
Appreciates	Once again urges
Approves	Places on special record
Authorizes	Proclaims
Calls for	Profoundly deplors
Calls upon	Reaffirms
Categorically condemns	Reaffirms emphatically
Commends	Recognizes
Commends and encourages	Recognizes and encourages
Concurs	Recognizes with deep concern
Condemns	Recommends
Condemns in particular	Reconfirms
Confirms	Re-emphasizes
Congratulates	Regrets
Considers	Reiterates
Continues to support strongly	Rejects
Decides	Reminds
Declares	Renews its appeal, request
Declares its firm opposition	Requests
Demands	Shares its concern
Denounces	Solemnly declares
Deplors	Stresses
Designates	Strongly condemns
Determines	Suggests
Directs	Supports
Draws attention to	Takes note
Draws the attention of	Takes note with appreciation, regret, satisfaction
Emphasizes	Underlines
Encourages	Underscores
Endorses	Urgently appeals
Expresses its concern, determination, thanks, support	Urges
Highlights	Welcomes
	Welcomes with satisfaction