

The Indian Conclave : Surakshith Bharat

**5 & 6 June, 2021
Virtual, India**



THE INDIAN CONCLAVE
United Nations Human
Rights Council

Agenda:
***“Protection of Civilians in Conflict and
Post Conflict Areas with special
emphasis on Middle East”***

LETTER FROM THE EXECUTIVE BOARD

Greetings Delegates,

It is an honour for us to be the executive board of United Nations Human Rights Council at The Indian Conclave. We as the executive board expect a good level of research from all the delegates in council. To facilitate this purpose, we have made this guide as descriptive as possible. When you go through all the aspects of this guide, you will notice certain things. The introduction section of the guide consists of basics about the commission itself, the methods of work this commission and certain facts and figures with respect to the agenda.

The guide then goes on to elaborate about the problems, ideologies and prospective solutions with respect to agenda. However, we suggest that you go through the mandates, structures, resolutions and different treaties and conventions. At the end, all we would say is that we expect you to eagerly deliberate the agenda, and at the same time, enjoy the ambience that a great MUN has to offer.

We expect all the delegates to be very well researched on their countries, their foreign policies and the agenda. The introductory note is a starting point for you to begin research, and shall provide you the basic information on the agenda at hand. While researching on the various aspects and the problems concerning the agenda, we expect the delegates to come up with solutions to the same. Kindly do not limit yourself to the information provided in this document. Rather, we expect you to use this introductory note as the starting point for your research.

Please feel free to contact us on the given contact information, should you feel the need to have anything clarified.

Thank You.

Chirag Kundra
Co-Chairperson

Dilreet
Co-Chairperson

Navneet Kaur
Vice Chairperson

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How to prepare for the Committee

One of the major misconceptions about the concept of MUN's are that you just research from the internet and speak in the committee. However, that's not the only thing you do, you are required to research for the committee and analyse whatever you've studied. When it comes to the term analysis, a lot of people don't know what it means so for example: You see someone's marksheet and see that person has scored 90+ out of 100 in 4 out of 5 subjects however in the 5th subject, the person has scored just 53 out of 100. The part till here is called your research, this is something you've found out by searching somewhere. When it comes to analysis, analysis means interpretation, now for example in the above example a good analysis would be finding out that the person if gives more time to the 5th subject rather spending so much time on other subjects, his/her marks in the individual subjects might fall a bit but he/she would improve overall because now that person would be scoring well in 5th subject as well.

Analysis is a very important aspect when it comes to you playing the role of a delegate in a committee. Mostly delegates get confused by the term analysis and are not able improve the quality of their analysis overtime. In very simple words, "Analysis means interpreting the research you have from your perspective". The reason analysis is an important aspect of a MUN is because, without analyzing the current research you can't progress towards development but can only dwell upon the already existing research. Before that, let's understand what does your analysis include?

When you start analysis, you need to keep the following things in mind:

- Context– What is the context of your analysis? Basically, what are you analyzing? What is it related to?
- Stakeholders– Who/What are driving your research and playing a major role? Who are the relevant members to your research?
- Impact– What impact will your research have on the agenda? What role will it play on the stakeholders of the research you have regarding the agenda
- Scope of Solution Space– What all solutions can be formulated to tackle the problem?
- Constraints within solution– The solutions formulated in the solution space would have a few constraints, what are those? And can they be tackled or is there any way around?
- Key Insights– What is the final conclusion or key takeaways you have from the analysis you've done regarding your agenda?

The above are the key points which are included in the concept named "Analysis". If you are able to find answers to the above points regarding your research, you'll have an easier time going with the research and trying to understand the agenda.

For a sample, let's take the recent 2018 North Korea-United States Summit in Singapore(https://en.wikipedia.org/wiki/2018_North_Korea%E2%80%93United_States_summit) being discussed in General Assembly on the agenda related to nuclear weapons; Now let's draw out the line from this case:

Context– The context in this case would be that the summit had a few major decisions regarding the nuclear weapons in Korean Peninsula hence it's relevant to the agenda; to elaborate more upon the context one would go into detail of what has been promised by both the states regarding Nuclear weapons.

Stakeholders– The stakeholders in this case would be; USA, North Korea, South Korea majorly; but you can come with other stakeholders as well when you research further upon what bodies can play a role in this agenda, for example IAEA or P5 members of UNSC especially China.

Impact– So if the plans according to summit go well, we can have a nuclear weapon free Korean Peninsula and a threat to a nuclear war might reduce; the nuclear resources used for making Chits play an important role in conveying messages in the committee to delegates and the executive board.

Now the chits can be used in 2 ways:

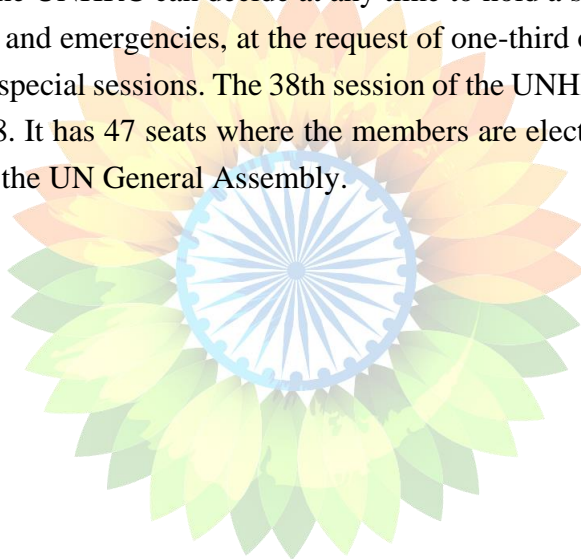
1. Lobbying by asking questions and sending points to other delegates.
2. Display of substantive knowledge by sending chits to the Executive Board Now when it comes to Substantive chits, they can be used to display your research and analytical skills. The only thing it won't help you in is your guidance of debate as the matter which you'll send would be only known to the Executive Board and you.

A few tips before sending substantive chits:

- NEVER EVER write long paragraphs. Underline/Highlight your main point which you want to convey (Display of research)
- No need to write much of substantive matter, in fact, just make sure the substantive matter being written is important and relevant.
- Try to concentrate on the analysis part. Which basically means what you interpret from the research you have done, what are things being conveyed by the substantive matter which you are giving to us? What do we do with the substantive matter? Research can be found anywhere on the internet, but what matters is how you interpret and analyse it while keeping your foreign policy in mind. That is when you need to carefully use your brain.
- A chit is meant to be short, crisp and detailed at the same time. So always try to keep it brief and to the point.

Introduction to the committee

The United Nations Human Rights Council (UNHRC) represents and protects the Human Rights of all persons in the world. The Council was established by the United Nations General Assembly on March 15, 2006 by resolution A/RES/60/251 to replace the United Nations Commission on Human Rights that had been strongly criticised for allowing countries with poor human rights records to be members. The UNHRC works closely with the Office of the High Commissioner for Human Rights (OHCHR) and engages the UN's special procedures. The headquarters of UNHRC is in Geneva, Switzerland. The current President of UNHRC is Mr Coly Seck from Senegal. The UNHRC holds regular sessions three times a year, in March, June, and September. The UNHRC can decide at any time to hold a special session to address human rights violations and emergencies, at the request of one-third of the member states. To date there have been 28 special sessions. The 38th session of the UNHRC began June 18, 2018. It ended on July 7, 2018. It has 47 seats where the members are elected every three year on a regional group basis by the UN General Assembly.



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Protection of Civilians in Conflict and Post Conflict areas

During armed conflict, civilians often pay a heavy price. They may face daily threats of violence and death as they find themselves inadvertently caught up in the middle of a conflict. Despite being protected under international humanitarian and human rights law, civilians continue to be the victims of violence and are sometimes deliberately targeted by belligerents. These deliberate attacks can include campaigns of sexual violence or deliberate killings to instil fear and coerce compliance from the local population. In addition to these direct attacks, civilians also need protection from the consequences of conflict such as being forced to move from their homes and thus losing ownership of land and property. Some may find temporary, but often only relative safety in camps for internally displaced persons (IDPs) or refugees, but the less fortunate may simply have to fend for themselves in inhospitable terrain. In recent years, their access to humanitarian assistance has been increasingly restricted by bureaucratic constraints, intense hostilities or violent attacks against humanitarian personnel and assets.

International humanitarian law, above all the Geneva Conventions of 1949 and the Universal Declaration of Human Rights (UDHR), established vital precedents for the international community. Virtually all UN Member States have made them part of their domestic law, fully enforceable. But the suffering of women and children in armed conflict. Remains appalling, as shown by on-going conflict in Libya, South Sudan, Syria and Yemen.

There are economic, social, and developmental issues faced by women in the international community as a result. These include, but are not limited to, poverty, child survival, limited mobility, sexual harassment and intimidation, role presentation in the media, battering, and gender-based violence.

In today's violent conflicts civilians are sometimes deliberately targeted by parties of the conflict as a tactic to achieve certain political goals. With this in mind it cannot be dismissed that the protection of civilians is not only a humanitarian obligation, but is also vital for establishing and upholding peace agreements as well as a necessary prerequisite for creating stability in post-war regions.

The primary responsibility for the protection of civilians rests with Governments, as set out in the guiding principles on humanitarian assistance adopted by the General Assembly in its resolution 46/182 of 19 December 1991. At the same time, armed groups have a direct responsibility, according to Article 3 common to the four Geneva Conventions of 1949 and to customary international humanitarian law, to protect civilian populations in armed conflict.

International instruments require not only Governments but also armed groups to behave responsibly in conflict situations, and to take measures to ensure the basic needs and protection of civilian populations. Where Governments do not have resources and capacities to do this unaided, it is incumbent on them to invoke the support of the international system. Protection efforts must be focused on the individual rather than the security interests of the State, whose primary function is precisely to ensure the security of its civilian population.

In focusing on the humanitarian aspects of protection, it should be stressed that protection cannot be a substitute for political processes. Protecting civilians is most effectively achieved by preventing violent conflict — through the “culture of prevention” called for by the Security Council in November 1999 (S/PRST/1999/34). Or it can be achieved by ending a conflict and building sustainable peace, as stressed by the Council in February 2001 (S/PRST/2001/5). Protection must be enhanced, but it is not a solution in its own right, and should not be seen as such.

Over the course of the last century, the nature of wars and violent conflicts has changed significantly. While only five percent of all casualties in World War I were civilian casualties, World War II already had 50 percent civilian casualties and in conflicts at the end of the century up to 90 percent of those killed were civilians, a high proportion of those victims being women and children (see Chesterman 2001, p. 2). During Humanitarian tragedies like the events in Somalia (1992-1994), Rwanda (1994), Srebrenica (1995) or the Kosovo (1999), the international community failed to protect civilians in the context of complex emergencies (see Francis/Popovski/Sampford 2012, pp. 1-2). While the adoption of the Fourth Geneva Convention on the Protection of Civilians in 1949 was a recognition of this changing face of war, it did not help in lowering the actual numbers of civilian casualties in armed conflicts (see Chesterman 2001, p. 2).

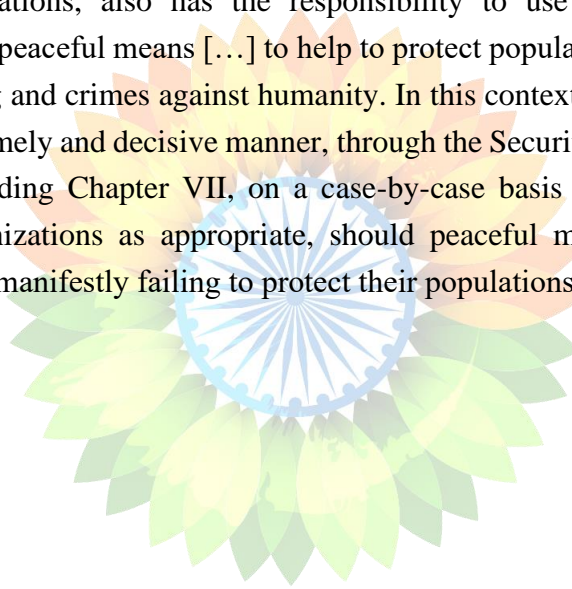


Responsibility to Protect

When talking about the protection of civilians in conflicts, one of the key emerging principles in the beginning of the 21st century is the responsibility to protect (RtoP). The principle of the RtoP tries to address issues of sovereignty when dealing with severe human rights violations and – in the light of events like the genocide in Rwanda – suggests that the international community is obliged to act if a state is not able to protect its citizens. The core principles of the RtoP state: “Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect” (ICISS 2001, p. XI). While the original idea of the RtoP entailed three specific responsibilities

– the responsibility to prevent, the responsibility to react and the responsibility to rebuild – it is mainly the responsibility to react that is most discussed when talking about the RtoP. It is the responsibility of the international community “to respond to situations of compelling human need with appropriate measures, which may include coercive measures like sanctions and international prosecution, and in extreme cases military intervention.” (ibid.). At the 2005 world summit all United Nations member states formally accepted concepts of the RtoP in the outcome document, which states:

“Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. [...] The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means [...] to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations” (A/RES/60/1, p. 30).



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Measures taken by the UN and the international community

There are three main areas of modern international law that are aimed at dealing with protection of victims of war: human rights law, refugee law and humanitarian law. International human rights law and international humanitarian law share the goal of preserving the dignity and humanity of all. Over the years, the General Assembly, the Commission on Human Rights and the Human Rights Council have agreed that, in situations of armed conflict, parties to the conflict have legally binding obligations concerning the rights of persons affected by the conflict. These rights, which are inherent in all human beings, are interdependent and indivisible.

The international community has thus adopted a comprehensive legislative and normative framework so as to deal with violations of human rights in armed conflicts and war zones. International humanitarian law seeks to limit the effects of armed conflict and protects persons who are not (or no longer) participating in the hostilities, and restricts the means of warfare. It has to be applied equally by all sides of every armed conflict.

In particular, Protocol I to the 1949 Geneva Conventions (1977) relates to international armed conflicts. Broadly speaking, international armed conflicts involve different nation-states whereas national conflicts involve only governments and rebel forces operating within the borders of one country; yet, as this distinction is not always applicable, the international community has since recognized that some “internal” conflicts should be considered as international armed conflicts, thus being included under abovementioned Protocol I.

Another pillar of this framework is the Rome Statute of the International Criminal Court (entered into force in 2002) which is the treaty that established the ICC and four core international crimes: genocide, crimes against humanity, war crimes and the crime of aggression. Under the Rome Statute, the ICC can prosecute such crimes in situations where states cannot or do not want to do so themselves. If the crime is committed in a state which is not party to the Statute, the ICC has to receive an authorization from the UNSC before proceeding to any investigation. There are also a number of Security Council Resolutions on the protection of civilians during times of conflict.

Condition of women and children

Geneva Conventions: the Geneva Conventions of 1949, brought about by the ICRC as a specific measure to help war victims do contain provisions which apply specifically to women and/or children. Some provisions of the four conventions and their AP to deal expressly with sexual violence, while others look to women in their capacity as mothers or ‘special needs’ prisoners.

The Geneva Convention Four relative to the protection of Civilian persons provides: “women shall be especially protected against any attack on their honor in particular against rape, enforced prostitution or any form of indecent assaults”.

The AP I of 1977 provides: “women shall be the object of special respect and shall be protected in particular against rape, forced prostitution, and any other form of indecent assault”.

AP II of 1977 prohibits: “outrageous upon personal dignity in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault.

The international humanitarian law (IHL) has gradually developed specific measures of protection of children in time of armed conflict. In parallel, the human rights law (HRL) has built up on the rights of the child, applicable in all time. The two branches- IHL & HRL, however, are not entirely separate circles. The boundary between “armed conflict” and “peace” became slimmer today in the age of terrorism, domestication of armed conflict, and increased role of non state actors.

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DISCUSSION

Syria

Recently the Syrian conflict has been characterized by a significant reduction of human rights and humanitarian law. According to the UN Office for the Coordination of Humanitarian Affairs around 2 million people lived in besieged areas and were denied humanitarian aid. Thousands of civilians have been subjected to torture, ill-treatment, kidnapping and execution. It is estimated that non-state armed groups opposing the government use child soldiers, block humanitarian aid and violate the human rights.

Joint Investigative Mechanism between the Organisations for the Prohibition of Chemical weapons during their attack in Idlib in March 2015. The ISIS was also accused of using The Joint Investigative Mechanism between the Organisations for the Prohibition of Chemical Weapons (OPCW) and the UN in their reports stated that the government used chemical sulphur mustard gas in their attacks. In October 2015 Russian Federation lost its seat at the Human Rights Council and several human rights organisations accused Russia of their involvement in war crimes. Human Rights Watch accused the Russian-Syrian coalition of targeting civilians and use internationally banned cluster munitions. In 2016 the UN alleged that the Syrian government created obstacles for the supply of the Humanitarian Aid to be delivered to the civilians. While the UN and the International Community work with determination to protect the human rights of civilians, the human rights violations still occur. The conflict resulted in displacement and death of thousands of persons. Some Syrian citizens seek refuge and support abroad but often they face challenges during their journeys. Thus, at the present moment Syrian Conflict is considered one of the most dangerous and requires immediate resolution.

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Yemen

For now, the United Nations envoy's attempts at bringing the different sides to the table have failed. The UN estimates more than 10,000 civilians have been killed and 3 million displaced from their homes since 2015. In addition, UNICEF²² states that more than 2 million Yemeni children suffer from acute malnutrition. What is unfolding there is a huge humanitarian disaster that every member state should feel the need to address urgently.

The humanitarian crisis in Yemen is now the largest in the world, with more than 18 million people in need of assistance and 7 million already at risk of famine. These figures come on top of 50,000 casualties due to armed conflict²³. The disaster created by the protracted civil war will weaken state institutions and the Yemeni population for many years to come. Among other horrors unfolding in the country is a large-scale cholera outbreak that must represent a public health priority, giving a new sense of urgency to an already acute situation.

Yet, even if Yemenis receive aid from the international community, the armed conflict cannot be solved with aid alone: it requires a political solution. That is why it is now crucial that countries which are fuelling the conflict by supplying arms to the parties cease doing so as soon as possible. NGOs among which Human Rights Watch and Amnesty International reported that the Saudi-led coalition launched attacks into populated civilian areas near the Saudi-Yemeni border. In a series of investigations undertaken between 2015 and 2017, a UN panel of experts concluded that the coalition had breached international law and intentionally **targeted civilians** and residential areas.

Who is responsible for safeguarding International Human Rights during conflicts?

- ➤ **The State.** Under the treaties and conventions, the States are held responsible for the implementation of the International Human Rights Law and Humanitarian Law, States are obligated to provide the training in humanitarian law to their armies in order to prevent potential abuse.
- ➤ **The United Nations:** The committees of the UN are responsible for monitoring the violations of Human Rights and implement strategies to prevent them with punishing the wrongdoers.
- ➤ **The UN Peacekeepers** is provided by the member-states of the UN is responsible for safeguarding the Human Rights of the civilians.
- ➤ **Non-Governmental Organisations** such as Human Rights Watch or Amnesty International are expected to record and highlight violations of human rights and sometimes use their resources to prevent them.
- ➤ In some conflicts other actors might intervene

MEASURES TAKEN BY THE UN AND THE INTERNATIONAL COMMUNITY

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IMPORTANT RESOLUTIONS, TREATIES AND CONVENTIONS

- S/RES/1325 (2000)
- S/RES/1820 (2008)
- S/RES/1888 (2009)
- S/RES/1889 (2009)
- S/RES/1960 (2010)
- S/RES/2106 (2013)
- S/RES/2122 (2013)
- S/RES/1261 (1999)
- S/RES/1308 (2000)
- S/RES/1314 (2000)
- S/RES/1325 (2000)
- S/RES/1379 (2001)
- S/RES/1460 (2003)
- S/RES/1539 (2004)
- E/CN.6/2000/PC/2
- Universal Declaration of Human Rights
- International Bill of Human Rights
- Charter of the United Nations and Statute of the International Court of Justice
- International Humanitarian Law (IHL)
- The Geneva Conventions
- The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)
- Beijing Platform for Action
- The Convention on Rights of Child (CRC)
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Convention Relating to the Status of Refugees
- Convention on the Reduction of Statelessness
- Declaration on the Protection of Women and Children in Emergency and Armed Conflict
- The Rome Statute of the International Criminal Court
- Disarmament, Demobilisation, Repatriation, Reintegration and Resettlement (DDRRR)



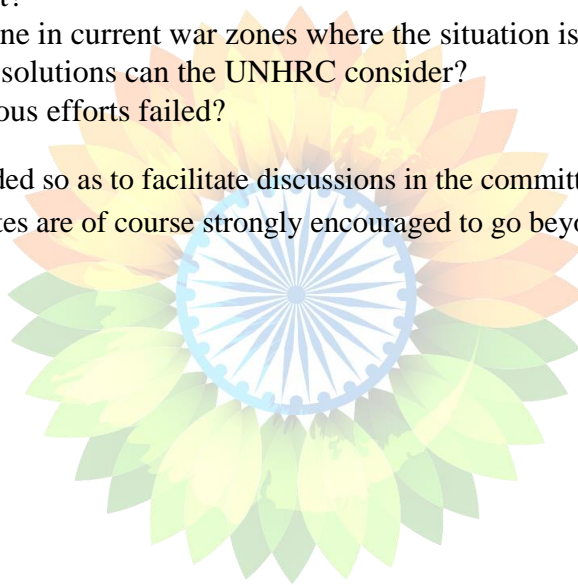
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POINTS A RESOLUTION MUST ADDRESS

Delegates from this committee will be asked to elaborate a draft resolution specifically focusing on the protection of human rights in times of armed conflict and political turmoil. We would like you to do some research in order to identify the key challenges and vulnerabilities arising in war zones, particularly in relation to preventing human rights violations from happening in the critical conditions brought about by conflict (collapse of political institutions, break up of public order, conditions of displacement, widespread disregard for human dignity...).

- How can the UNHRC better fight human rights abuses?
- Which actors (national or international) should this committee work with in order to be more efficient?
- What is to be done in current war zones where the situation is extremely urgent?
- What long-term solutions can the UNHRC consider?
- Why have previous efforts failed?

This list is provided so as to facilitate discussions in the committee and individual research. Delegates are of course strongly encouraged to go beyond those questions!



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