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UNITED NATIONS

GENERAL ASSEMBLY

**Topic: Strengthening & Protection
of Human Rights in Conflict Zones
Globally**

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Introduction To Committee

The UN General Assembly (UNGA) is the main policy-making organ of the Organization. Comprising of all Member States, it provides a unique forum for multilateral discussion of the full spectrum of international issues covered by the Charter of the United Nations. Each of the 193 Member States of the United Nations has an equal vote.

The UNGA also makes key decisions for the UN, including:

- Appointing the Secretary-General on the recommendation of the Security Council
- Electing the non-permanent members of the Security Council
- Approving the UN budget

The Assembly meets in regular sessions from September to December each year, and thereafter as required. It discusses specific issues through dedicated agenda items or sub-items, which lead to the adoption of resolutions.

In the wake of the COVID-19 pandemic, the UN General Assembly had been carrying out its work since 2020 via novel means to guarantee business continuity and mitigate the spread of the disease. Specific examples include the use of virtual platforms to conduct meetings and the adoption of e-voting through procedures for decision-making when an in-person meeting is not possible.

However, the global fraternity at large is moving on from the pandemic and the focus is now shifting to more pressing and unresolved matters that are now grabbing the attention of people worldwide, and nations must act and move to resolve the problems and challenges that the international community faces.

Overview

The phrase "human rights" is of relatively recent origin. Only since World War II have people begun to discuss human rights. Before that they would usually speak of "natural rights" or "natural law," but although the wording has changed, the core idea remains the same: that all people are entitled to certain basic inalienable rights. Human rights have been defined in many ways by numerous writers in myriad cultures. They tend to include the same rights: a right to life, a right to freedom and a right to property. But where do such rights come from? Who grants humans their rights? Are they something natural, or something made by people?

It is important when discussing human rights to distinguish between moral claims that exist in all societies and legal defenses that may exist in a particular society. Legal rights are not necessarily the same as human rights; for example, the Nazi government in Germany in the 1930s had a legal system, but it did little to defend human rights. A basic assumption when talking of human rights is that such things as rights exist; in other words, that there are human rights that we all share. While this may seem an obvious truth to some, it has not always been so. The idea of human rights—whether they exist and what they are if they do exist—has long been debated.

In these past decades, one of the most prominent causes of collateral damage and losses of millions of civilians in armed conflict; violations of international humanitarian laws are common in all of the present armed conflicts. In some cases, the situation has gone to an extent where these violations include war crimes against humanity such as genocide. In the past 20-30 years, governments, politicians, diplomats, activists, and even the common people have regularly emphasized on the importance of the implementation of the International Humanitarian Law and human rights protection yet there is negligible implementation of them in armed conflicts.

International Humanitarian Law shares the goal of preserving humanity and the dignity of all even in dire conditions such as armed conflicts. Over a period of a few years, the United Nations General Assembly, the Human Rights Council, and other related international bodies have clearly stated that in armed conflicts, there are legally binding obligations on the involved parties to ensure that human rights are not infringed in any way.

International Humanitarian Law provides multiple protections to people in armed conflicts whether civilians, people no longer involved in the conflict, or even the active participants in the conflict. As recognized by the international community, as well as United Nation bodies and countries worldwide, the laws present in the International Humanitarian Law are applicable to all situations of armed conflicts.

For example, some parties claim IHL applies to every armed conflict and some parties believe a specific threshold of intensity must be reached to apply the International Humanitarian Law. The lack of clarity and poor implementation of the International Humanitarian Law paves way for human rights to be violated leading to war crimes and damages such as ethnic cleansing etc.

Human rights situation (current times)

A couple of present-day examples of cases related to human rights infringements in conflict zones are as stated below:

Syria

The Syrian conflict dates back to 2011 when a mass number of people protested against the high levels of unemployment, corruption, and lack of political freedom. However, the protests were met by stiff opposition from the Government which used different means to crush the protests which erupted nationwide paving way for a brutal war between the government and the present proxies.

Human rights infringement in Syria is occurring on a daily basis; the government and parties involved in conflict commit homicides and are responsible for widespread human rights abuses in neighboring nations as well such as in Lebanon, where troops of different non-state actors are present.

Political conflicts between the government and other related parties have resulted in deaths on both sides and it is believed that the police are responsible for detaining prisoners for long periods of time in conditions that are unknown.

The use of torture by police and non-state actors is believed to be widespread which includes beatings, electric shocks, and pulling out fingernails. A poor and corrupt judicial system enables this on a larger scale as there is minimal accountability for crimes committed. Moreover, the Syrian prisons do not meet international human rights standards; food and medical care are poor and prisoners are deprived of their rights and even denied the right to meet their family members. Moreover, it is reported that there is a restriction on permit visits by human rights advocates.

There have been multiple claims of the violation of the right to privacy by the government through multiple means such as spying on phone conversations by government agents and house raids without a legitimate reason. The freedom of speech and freedom of the press is restricted in Syria; criticism of the government and its policies isn't allowed, newspapers and radio stations are owned by the government and a lot of news is censored.

Women face heavy discrimination in Syria. Spousal rape is not considered a crime in many parts of the nation and many women refuse to seek help in cases of spousal abuse because of the fear of social stigma. It has been claimed that the government does not allow local human rights groups to operate though international human rights groups have occasionally been allowed to visit Syria for short periods of time.

Palestine

Palestinians had long been victims of brutal Israeli assailant forces. The innocent Palestinian civilians and children are not only victims of discrimination but are maltreated, battered, and forced to displace from their ancestral land. As a matter of fact, these Jews were the people who came to settle in Palestine under the Balfour declaration which announce the support for establishing a national home for Jewish people in Palestine. Hence according to the Palestinian Central Bureau of Statistics initially under the British mandate Israel occupied 6.2% of land in Palestine but now they control 27,000 m³ of land which accounts for 85% of historical Palestinian land. June 2021's destruction was another episode of human rights violations as in the violence nearly 243 people were killed in Gaza including more than 100 women and children. During this deadly conflict, Israeli brutal forces even flounced the Al Aqsa masjid and even shelled worshippers. Resultantly several were wounded as tear gas, rubber bullets, and stun grenades were used by callous Israeli police. Besides these coercive actions, Israel even launched air strikes causing the demolition of residential buildings. According to BBC news even on 16 May 2021, the airstrike hit a busy street in Gaza, as a result, causing a number of deaths and three buildings to collapse. In addition to all this viciousness the Israeli forces even demolished media buildings of Al Jazeera and Associated Press (AP) which also housed residential apartments and they were warned only an hour before air raids.

All this barbarity makes ones ponder where human rights are and where are human rights regimes. This makes one ponder if the same insanity was being done otherwise or in any other region of the world will still UN had been aphonic and voiceless. Is the UN champion of peace and justice playing its role and performing its responsibility faithfully? This makes us realize that these regimes and international organizations would not play their effective and just role and would not even grant basic human rights unless they themselves are strong and economically robust. This is high time that we should contemplate how individual, state, and regional level Muslims should play their role before it is too late as the Turkish president uttered: "if Jerusalem falls today, Israel could run over Mecca, Medina, Istanbul, and Islamabad." The divided Muslim world should understand they will tumble down and dilapidate if they do not join hands together.

Applicability of IHL and International Human Rights Law by the UN in Armed Conflict

Preserving peace and preventing armed conflict are key concerns of the United Nations. As provided in Article 1.3 of the Charter of the United Nations, promoting and encouraging respect for human rights and for fundamental freedoms for all without discrimination is one of the fundamental purposes of the Organization. In this respect, the United Nations has a history of drawing on both international human rights law and international humanitarian law to protect people during armed conflict. It takes into consideration that the adoption of important international instruments on human rights, such as the Universal Declaration of Human Rights and international human rights treaties, has contributed to asseverate the idea that everyone is entitled to enjoy human rights, whether in time of peace or war.

In the past two decades, United Nations member nations have increasingly called upon the United Nations Secretariat and specialized agencies to use both bodies of law as the basis for their objectives and affairs, leading to the development of considerable expertise, methodology, and practice in the field. Both regimes of law are applied in the context of the General Assembly, the Security Council, and the Human Rights Council. They are also used in the context of resolutions, tracking, examinations, analysis, and reporting by the United Nations Secretariat and specialized agencies, including the Secretary-General and OHC HR.

International human rights law and international humanitarian law have been applied, in particular, in the context of the Security Council's work concerning the protection of categories of persons, including civilians, women, children, and IDPs.

The General Assembly, as the main norm-creating body of the United Nations, has since the creation of the UN been actively involved in the development of human rights guidelines, including the Universal Declaration of Human Rights. The General Assembly has adopted a number of human rights principles and standards on the rights of specially protected groups. The General Assembly has also developed standards on the detention, arrest, extradition, and punishment of persons guilty of war crimes and crimes against humanity.

Concerns for the respect of human rights in armed conflict were already raised in the 1968 Proclamation of Tehran, in which Member States declared that "Massive denials of human rights, arising out of aggression or any armed conflict with their tragic consequences, and resulting in untold misery, engender reactions which could engulf the world in ever growing hostilities". The Tehran Conference in its resolution XXIII, requested the Secretary General of the United Nations, after consultation with ICRC, to bring to the attention of all States Members of the United Nations the existing rules of international humanitarian law, and urge them, pending the adoption of new rules, to ensure that civilians and combatants are protected. The General Assembly, in resolution 2444 (XXIII), took note of this and also requested the Secretary-General to prepare a study on the question of respect for human

rights in armed conflicts. The Secretary-General subsequently submitted several reports to the General Assembly.

In recent years the General Assembly has been actively involved in the progressive development of human rights in all contexts, particularly through the adoption of the Millennium Development Goals and afterward the Sustainable Development Goals. In their Millennium Declaration, the Heads of State and Government resolved “[t]o ensure the implementation, by States Parties [...] of international humanitarian law and human rights law, and call[ed] upon all States to consider signing and ratifying the Rome Statute of the International Criminal Court”.

The simultaneous application of international human rights and humanitarian law can occur only when a series of objective requirements are met. International humanitarian law is fundamentally a body of law applicable to armed conflict, the existence of a situation amounting to an armed conflict is compulsory to trigger its applicability in conjunction with international human rights law.

It should, however, be noted that several IHL obligations necessitate action before a conflict begins or after a conflict ends. For example, States must provide training in international humanitarian law to their armed forces in order to prevent potential abuse; States must also encourage the teaching of international humanitarian law to the civilian population; domestic legislation must be adopted implementing its relevant provisions, including the obligation to include war crimes in domestic law; States must also prosecute persons who have committed war crimes.

The concurrent applicability of international human rights and humanitarian law depends on the non-partisan legal conditions required for the equivalent legal norms to apply. In this particular case of the relationship between international human rights law and international humanitarian law, it is the existence of an armed conflict that will trigger the application of the latter and, thus, of the complementary application of international human rights and international humanitarian protections.

The role of the Sustainable Development Goals

The Sustainable Development Goals (SDGs) have now come into force and there is much expectation for their potential to be the harbinger of positive change in the lives of millions of people.

Conflict, insecurity, weak institutions, and limited access to justice remain a great threat to sustainable development. The number of people fleeing persecution and conflict exceeded 70 million in 2018. The highest level recorded by the UN refugee agency (UNHCR) in almost seven decades. In 2019, the United Nations tracked 357 killings and 30 enforced disappearances of human rights defenders, journalists, and trade unionists in 47 different countries.

And the births of around 1 in 4 children under the age of 5 worldwide are never officially recorded, depriving them of proof of legal identity that is essential for the protection of their rights and for access to justice and social services. When the 2030 Agenda was adopted, Member States pledged to leave no one behind and to “endeavor to reach the furthest behind”. They also pointed out that “there can be no sustainable development without peace and no peace without sustainable development”. The new agenda is set to transform a world confronted with challenges on a scale we have not experienced in decades.

Violent conflicts in the Middle East, Africa, and elsewhere are disrupting the lives of millions.

In particular, children especially are affected by war and conflict. Too often during the conflict. We think that children are on the fringe of violence. In reality, it is they who are most affected by war and conflict, and our efforts to protect them are being challenged. Right now, in countries such as South Sudan, Syria, Yemen, Iraq, Iran, Nigeria, Somalia, and many more, children are killed, maimed, assaulted, recruited, and used as child soldiers, abducted and made victims of sexual violence. Schools and hospitals are under attack, and they have no access to basic life-saving facilities or humanitarian assistance. Children represent roughly half the world's population affected by conflict and they largely remain invisible victims. They are undoubtedly among the most vulnerable and have been left the furthest behind.

Boys and girls affected by armed conflict are also much worse than victims of unbelievably difficult circumstances. They are key to building the peaceful, strong societies envisioned by the 2030 Agenda. To achieve the objectives of the SDGs, we must utilize the potential of boys and girls affected by conflict.

Peace, justice, and strong institutions are at the heart of the new development agenda. Several goals are related to children, including ensuring quality education and health services and ending the recruitment and use of child soldiers. and stopping all forms of violence against children.

The SDGs assert every child's right to quality education. Yet, conflict often means the end of learning for millions of children. Schools are destroyed, and children are forced to abandon their homes and rarely find a safe place to continue their education during their displacement.

With prolonged conflicts, the education of entire generations is at risk. This is why providing education during emergencies must be prioritized. If children were able to continue their education in times of war, countries would be better equipped to rebound and build the foundations and achieve durable peace. Similarly, we must prioritize rebuilding schools once peace is achieved. Experience shows that it can take decades to reinstall skilled teachers and the physical infrastructure required to provide a quality education.

SDG 4 reminds us that we need to "promote lifelong learning opportunities for all". This is especially important for children recruited and used as child soldiers or whose education was interrupted for so long that going back to a regular school might be difficult or impossible.

Healthcare services save and sustain lives. Today's armed conflicts increasingly leave hospitals in the direct line of fire and attacks on hospitals, health workers, and patients strike at the heart of the protection of children affected by armed conflict, and force doctors and medical personnel to flee, bereaving communities of their vital expertise and services when it is most needed. Violence perpetrated against healthcare facilities and personnel has a considerable effect, causing significant increases in the mortality rate of patients, including, of course, children.

Rebuilding health infrastructure and bringing back doctors and nurses to post-conflict communities can take years. As a result, the health of boys and girls is affected and so is the country's development.

To fulfill SDG 3's call to "Ensure healthy lives and promote well-being for all at all ages", protecting hospitals and health services in times of conflict must be a priority.

Gender equality is not only just a fundamental human right but a necessary foundation for a peaceful and sustainable world. International commitments to advance gender equality have brought about improvements in certain areas, but the promise of a world in which every woman and girl enjoys full gender equality, and where all legal, social, and economic obstacles to their empowerment have been overcome, remains unfulfilled.

In the past 20 years, the protection of children affected by armed conflict has been firmly placed on the agenda of the United Nations' highest bodies.

(SDG 8) Over the years, instruments have been developed and resolutions adopted to form the core of a strong framework to address violations against children, including the recruitment and use of child soldiers. There is now a growing agreement among Member States that children do not belong in Government security forces in conflict.

Launched in March 2019, the new campaign ACT to Protect Children Affected by Conflict is a call for action. It aims at raising awareness and rallying efforts to end and prevent the six grave violations committed against children in conflict; bringing the voices of children affected by armed conflict to the UN's highest fora; increasing communication about the Children and Armed Conflict mandate and its results; consolidating alliances to protect children affected by armed conflict; mainstreaming the children and armed conflict agenda to ensure integration and action throughout the UN system and beyond.

Grievances ferment if judges do not adjudicate them equitably. Job opportunities disappear if the business is guided by corruption.

Without law and accountability (SDG 16), there is no sustainable development. Our efforts to prevent conflict and improve education and health, for example, could be in vain. That is how crucial justice and accountability are to development. They are also vitally important to provide protection to children by ensuring that violations are not repeated.

Ensuring accountability for violations against children and persons affected by conflict is the best way to prevent their recurrence. Accountability comes in many forms, but governments bear the primary responsibility for protecting their civilians and ensuring justice. States must adopt clear legislation and issue command orders to their security forces to protect civilians, and in particular, take precautionary measures to avoid harm to children. All crimes must be investigated swiftly and effectively, and prosecutions must be pursued.

The SDGs are poised to make a real difference in the lives of millions of children affected by armed conflict. It is now our collective duty to join forces to ensure that all these boys and girls from Afghanistan to South Sudan to Colombia will grow up to live and contribute to the potential for meaningful change brought about by the new development agenda.

Questions to be Addressed

1. The concept of human rights is central to modern Western culture. But what does "human rights" mean? Do we have such rights, and if we do, why are they needed? And what are the most fundamental rights which need to be guaranteed to citizens in conflict zones?

2. For centuries, the foreign policy of most Western nations was based on realpolitik. doing whatever is necessary to forward the self-interest of the nation. In the United States, which traditionally has seen itself as held to a higher standard, tension has always existed between realpolitik and a desire to act out of humanitarian concern or to preserve liberty. Should nations whose self-interests are not threatened intervene in other countries solely for humanitarian reasons?

3. During the 1990s the international community intervened to end massive human rights violations in the former Yugoslavia. But less dramatic infringements of human rights continue. China regularly cracks down on pro-democracy activists, Tibetans, and Christian groups, while civilians disappear” in Colombia. How should those concerned about human rights address the issues? Intervention, whether by military force or through peacekeeping forces, or by diplomatic means, might curtail human rights abuses, but it poses practical and moral problems. What should be the guidelines for the basis of humanitarian intervention?

4. What roles can countries, not a party to the conflict, play in protecting the rights of civilians, and to what extent can they intervene? How can we set up a system of accountability (with complete transparency) to hold parties/ nations involved in violating human rights accountable?