BISMUN VII

UNITED NATIONS HUMAN RIGHTS COMMITTEE (UNHRC)

PRESIDENTS: MARIANA VERGARA & JUAN SANCHEZ

BACKGROUND GUIDE

BARRANQUILLA, COLOMBIA

Distinguished delegates,

Before anything else, congratulations are in order; not everyone has the courage to stand up and prompt the change that they want to see in the world. Thus, it is with the utmost pleasure that I welcome you to the seventh edition of BISMUN. My name is Mariana Vergara and this year I, alongside my Co-President Juan Sanchez, will be presiding over the United Nations Human Rights Committee!

The word "right" has been employed worldwide for several decades and by members of humanity without social, economic or cultural distinction as said term is meant to embody the series of principles and normatives to which we are entitled to in the wake of our human condition and in hopes of preserving the dignity and welfare of all global citizens.

Nonetheless, for as long as Human Rights have been legally established, after the Universal Declaration of Human Rights was adopted by the UN General Assembly on 1948, the world is no stranger to manifestations imparted by populations from different ages, nationalities, ethnic groups and genders in hopes of safeguarding and reclaiming their rights; as a plethora of nations intercontinentally neglect to preserve, respect and promote the proper installment of human rights within their territories, enforcing detrimental regimes with abusive and oppressive tendencies.

It is in this manner, that the UNHRC and thus you delegate become a crucial organ in the process of safekeeping each and all the world's populations; analyzing and condemning any behavior that represents a threat to the conservation of Human Rights and thus Human Dignity. In this occasion, throughout the development of the committee crucial thematic including The Protection of Humanitarian Aid Workers in Conflict Zones and the situation of citizens with an "unresolved status" will be debated upon.

Reason why I look forward to encountering excellently prepared delegates with a clear understanding of the topics and the best of attitudes. If I can be of any help through your preparation process don't hesitate to contact me via email mavergara@britishschool.edu.co and I will be glad to help you as soon as I can!

Best wishes,

Mariana Vergara

The United Nations Human Rights Office of The High Commissioner is the main entity of the United Nations regarding the area of Human Rights. The General Assembly has previously designated the High Commission, which is the main organ in the United Nations when dealing with Human Rights, and its office as the entities responsible of the promulgation and protection of each and all the recognized Human Rights for every member of the global population.

Regarding its role in the world, the UN's Human Rights Program primarily seeks to provide a net of surveillance and protection that guarantee the validity and enjoyment of Human Rights in every territory worldwide; despite nationality, ethnicity, language, religion or any other divergent factor. Amid its fundamental purposes as well, the Human Rights Committee claims a role of high importance in three of the main pillars defended by the United Nations; peace and security, Human Rights and development.

In terms of structure, it would be possible to refer to The Human Rights committee as a body composed by independent **experts**, who are selected individuals of high moral character and a recognized competence in the field of human rights. Its office belongs to the Secretariat of the United Nations, with an approximate employee count of 1.300 individuals, headquarters in Geneva and an alternative office in New York.

The international presence of the UNHRC is manifested through regional, national and independent offices. Its headquarters in Geneva counts with four main divisions; segregated by thematic. This are: The Research and Right to Development Division, the

Division of Human Rights Treaties, the Division of Field Operations and Technical Cooperation, and the Mechanisms Division of the Human Rights Council. **Purposes of each division are listed on** index 1.

Tackling once again on the concept of independent experts, it would be pertinent to highlight their role in supervising the execution and application of the **International Covenant on Civil and Political Rights** by its State parties; which are the nations that have adhered to and accepted the articles proposed on the covenant.

And consequently, it is worth stressing how in response to the independent experts' labor, All States parties are required to submit regular reports to the Committee on how the rights are being implemented. States must report initially one year after acceding to the Covenant and then whenever the Committee requests; which usually occurs periodically every four years. On part of the committee, said organ examines each report and addresses its concerns and recommendations to the State party in the form of "concluding observations".

Committee History

The United Nations Human Rights Programs had a modest starting point approximately 60 years ago. However, organizationally, it surges initially as a small division at United Nations Headquarters in the decade of 1940s. Later, in time, the division moved to Geneva and was upgraded to the Centre for Human Rights in the 1980s. At the World Conference on Human Rights in 1993, the international community decided to destine more efforts towards the area of Human Rights and thus establish a sturdier commission with stronger institutional support. Accordingly, Member States of the United Nations created OHCHR by a General Assembly Resolution in 1993.

Since then, the growth in the United Nations efforts destined towards the ambit of human rights activities has paralleled the increasing strength of the international human rights movement since the United Nations General Assembly adopted the Universal Declaration of Human Rights on 10 December 1948.

Topic A: Protection of peacekeepers in Conflict Zones

Summary of the Problem

Since its beginnings, the United Nations have channeled its efforts primarily towards the maintenance of peace globally and within each adhered state, as well as to ensuring the protection and proper employment of Human Rights. For this purpose, countless strategies have been developed over a time frame of 70 years to promote and defend the propagation of human rights, over its violations.

In this order of ideas, Human Rights ideally represent a set of normatives which increase the human welfare by protecting its dignity. However, what would be expected to be naturally reasonable to all man; that is, seeking for the best interest of all, appears to be an abstract concept in today's society as human rights are incessantly being violated internationally in between citizens, authorities and neighbor states. This past often detonating social and armed conflicts that destabilize entire nations and nearby regions; inducing social, political and at times economical crisis that threaten international and national security.

These conflicts being detrimental to the population living in this conflict zones, as often they are subject to consequences of violence, such as displacement from their homes, rape, murder, separation of the families, torture, forced labor, denied access to health and education amid others.

In hopes of counteracting this problematic the UN established the United Nations Peacekeeping; which seeks to help countries undergoing harsh conditions product of conflicts. These institutions reach has ramifications destined to distinct purposes but all pointing to the protection of Human Rights. This are: the protection of civilians, the prevention of conflicts and the promulgation of a stronger political system that ensures the

nations security. The goals being achieved through offering humanitarian aid and intervention; both military and of humanitarian workers.

UN peacekeepers will consequently be the distinct members that construct each section of the peacekeeping area. One of this would be the blue helmets, which are the military personnel on the ground. Another would be the UN police officers and over 14,000 peacekeeping civilians.

Each carry out diverse functions and help to ensure peace within specified jobs and areas. Thus, their role would be the one of helping countries in their recovery process. Nonetheless, peacekeepers are subject to the violation of their Human Rights in the midst of protecting those of others; being victims of violence from the nations government, civilians, military and opponent nations.

Causes for the Violation of Peacekeepers Human Rights:

Peacekeepers are direct representations of the United Nations work force on territories where peace is absent, and thus they have the job to restore or achieve it. This can be done by UN civilians that facilitate the populations access to basic human rights such as health services, housing and a right nutrition. It can be achieved by UN police who ensure the compliance of laws within the territory and help to maintain order inside the cities in times of chaos. Or in the most alarming cases, the UN military can intervene to supervise and ultimately stop the conflict between armed groups.

However, while carrying out their jobs they often face violence and poor living conditions for multiple reasons. In first place, at times UN peacekeepers are entitled to using physical force as long as it is necessary for the maintenance of peace, yet there are cases where UN peacekeepers have abused their power and as a consequence have upsetted community members of the territories in which they are laboring; as they are seen to cause

more harm than actually aiding in the resolution of conflicts. In this manner, the population of the nation can take on violent behaviors against the Peacekeepers, violating their right to safety and to live.

At other times, UN peacekeepers life and safety are threatened by the attacks of belligerent groups who seek to abolish or" make weak" the presence of the UN in the territory in which they are located or where they pretend to enforce their dominance.

Similarly, UN peacekeeping operations are based on consent, meaning that the main parties of the conflict should agree upon the deployment of a UN mission. This will imply then, accordance between the host-state and the UN peacekeeping; however, when there is not an official or legitimate host-state, or the population is not entirely in favor of the mission, new conflicts can arise between this parties and the Peacekeeping troops and personal.

Historical Background and Previous UN actions:

The first UN peacekeeping mission was launched in the year of 1948, after the security council granted permission for the deployment of the United Nations Truce supervision organization (UNTSO) to the Middle East, in order to supervise the development of the armistice agreement amid Israel and nearby Arab nations.

For around 70 years the United Nations have conducted Peacekeeping operations internationally, where the political and social conditions of a territory where and need a long-term peace.

The appearance of cold wars stimulated initial Peacekeeping missions, where the goal was to maintain the ceasefire; "suspension of fire" or a truce between the nations involved. Afterwards, near the decades of the 90s, with the apparent conclusion of the Cold War, the

UN started to employ its Peacekeeping forces towards the resolution of civil wars and internal conflicts of each nation in need, through negotiations for peace settlements.

Several conflicts were resolved through either direct or indirect intervention of the UN, specially by Peacekeeping operations. Some of the nations served include: El Salvador, Guatemala, Namibia, Camboya, Mozambique, Tajikistan, and Burundi.

Current Crisis:

At this time, around 25 different conflicts are developing in distinct nations globally, being perfect scenarios for Peacekeeping missions to be deployed. Nonetheless, with the increasing of the times, a rising production has strived simultaneously as some question the helpfulness of Peacekeepers; considering the alternative that these can actually further investigate the violation of Human Rights rather than being the solution.

With the surge of new conflicts, more troops and personnel are being deployed and consequently more Peacekeepers rights are exposed to violation.

The following countries are examples of conflict zones where Peacekeeping operations have been deployed:

Democratic Republic of the Congo; Central African Republic; Timor Leste; Sierra Leone; Kosovo; Liberia; Côte d'Ivoire; Mali; Haití; South Sudan; Darfur; El Salvador; Guatemala.

(For detailed information of each peacekeeping operation Regard **Appendix #4**)

Guiding Questions

1. What boundaries or regulations should be Imposed over Peacekeeping missions and Peacekeeper members?

2. Are Peacekeepers causing more harm than helping?

3. Have Peacekeeping missions been deployed on the nation your delegation represents? Have they been successful or problematic?

4. Should attacks and violence towards Peacekeepers be contemplated as a responsibility adhered to their jobs?

5. What is your delegation's government's position regarding the issue? Is it in agreement to the populations desires?

External Resources for Further Investigation:

https://www.nytimes.com/2019/01/20/world/africa/united-nations-peacekeepers-killed-mali.html

https://www.bbc.com/news/world-africa-46941711

Topic B: Stateless, Unresolved Status

Summary of the Problem:

The word "Nationality" is not an uncommon term and more likely than not most individuals worldwide have stumbled across or employed it at least ounces in their life span. However, contrary to what the common tongue may suggest, when one speaks about nationality it does not allude exclusively to the country of origin with which one person identifies natural off, but rather transcends to referring to the official right that someone posses to belong to a particular nation.

With a higher degree of precision, Nationality can be understood as the legal relationship established between a nation and an individual who was born in it, who has resided in it for a prolonged period of time or who is by proximate inheritance related to said territory. Nationality as well being even one of the most important Rights established and inscribed in the Declaration of Human Rights.

The Right to a Nationality:

As previously stated, the right to a nationality is a fundamental Human Right; this being for a couple of reasons. Firstly, it implies the right that each global citizen has to acquire, maintain and exchange a nationality; thus, ensuring that every individual is capable of identifying itself as a recognized, legal member of a community with which it shares some type of connection with. In second place, the custody of a right to a nationality offers all individuals not only the faculty to distinguish themselves as members of a specific population, but furthermore grants them the legitimate rights required in order to access and benefit from the advantages and warranties that its state of origin is expected to provide.

This right, as all other Human Rights, is intended to be universal, which means that it is not merely limited to protecting a specific group of people but rather extends to all human beings. It must also be inalienable, implying that no individual can deprive another from the enjoyment of their rights. And as well indefeasible, meaning that the validity of said right does not decrease or ceases to exist, despite the passage of time.

The past conditions, although constitutionally fixed, are more idealistic than proper of our reality, as for a long while and up to the present date multiple Governments, who contrary to their ascribed responsibility to ensure Human Rights over their citizens, take on harmful behaviors that go against and violate their populations rights to a nationality for several reasons; generating issues such as statelessness.

What is Statelessness?

Nationality is traditionally obtained by an individual at the moment of their birth; and his can either be acquired through the parents, making the offspring a "national" of one or both of the parents' country of origin, or by the territory in which the child was born. However, in some cases despite complying with both or one of the requirements previously mentioned and necessary for the attainment of a nationality, an individual is found with an unresolved status or is legally "stateless", denoting that said person is not considered as a legitimate inhabitant or national of any state.

Causes for Statelessness:

There are several possible reasons that fuel this problematic, amid which it is possible to discern between the causes why an individual is born "stateless" and why an individual may become "stateless". In first place, every country counts with a series of laws regarding nationality; and most specifically tackling on the manners via which a person can acquire or

be deprived of it within the nation in question. The past being the most common epicenter for issues regarding nationality and consequently statelessness, due to the fact that with a high frequency states develop discriminatory policies that exclude certain groups of people of the territory's population.

This inequitable state policies can be directly associated with individuals born under a stateless condition. The situation naturally varies from country to country, nevertheless it is possible to stress three main causes for the problematic. Firstly, in multiple given countries the robust tendency towards gender injustice serves as a base for adverse norms to be formed; this being the case for at least 27 countries in where women are not capable of passing on their nationality to their relatives and natural children as only males are the ones that can legally do so. The previous, being distinctively harmful to families where the male parent is absent, deceased or unknown due to the fact that the child will be most likely irrevocably and unjustly unrecognized by the state.

Furthermore, discrimination does not only occur amid the boundaries of gender roles, this phenomenon can also be perceived repeatedly in the cases of specific ethnic groups, races or minorities which are abrogated by their government; which in defiance of their alleged responsibility to protect all naturals and citizens by inheritance, on their country without discriminating against them, completely fail to acknowledge and protect these populations right to a nationality parting from prejudices and segregating stances. Reason behind why hundreds of indigenous children, for instance, who were born and raised in one territory, are not free to enjoy the benefits that obtaining a nationality would grant them.

Other motives for inborn statelessness can be traced back to the existence of factors such as poverty, forced displacement due to natural disaster or conditions of violence and high numbers of population in rural. This causes being primarily present in the less economically developed nations where at times the population can encounter harsh

difficulties at the moment of registering themselves and their children as nationals as a consequence of issues like the lack of nearby health centers, or offices of public administration among others.

Regarding the event of an individual becoming stateless, this can occur for a number of reasons. One case would be when individuals are forced to move from one territory to another, where children are at a higher risk of becoming stateless if the country of immigration does not allow people to obtain a proper nationality just by the fact of having been born or raised in the location but rather only by family ties.

Another cause could be attributed to when the individual violates one or multiple of the conditions that a country has established as requirements for the acquirement and preservation of a nationality. Finally, statelessness can also take place when individuals count with not enough substantial proof to sustain their family heritage our connection to the country in which they were either born or by which they wish to be recognized.

Impact and Consequences of the Issue:

Statelessness represents a grand problematic globally as said unresolved status does not only violates an individual's right to a nationality but farther extrapolates to all aspects of the person's life; altering all of the "citizens" fundamental rights. This harsh reality which millions of people face, mirrors a life lacking opportunities, lacking Human Rights and lacking participation in civic duties and rights. Not being recognized by a legal state implies a candrum of difficulties as not only are stateless people at risk of having no documentation at all as proof of their data and overall existence, but on top of that it also leads to these individuals not being able to access health care systems, education, the right to vote; to get legally married, to adopt and even to access a proper employment.

Reason why an alarming portion of stateless people have extremely deplorable health, sanitary, economic and education related conditions. Which later on translate to unsafe living grounds and an explicitly below average living standard. The consequences of statelessness not only affecting those individuals with an unresolved status, as this issue and its impact on the victims has and continues to be a detonating cause for social resentment and violent conflicts.

Historical Background and previous UN actions:

Statelessness is not a new concept, however with the increasing times and its adhered conflicts, the efforts and attention destined towards the issue have also incremented.

Historically, before the appearance of the United Nations, towards the year of 1924 attempts were already being made by the league of nations to put an end to statelessness through the means of the creation of a possible convention aimed to abolish the issue. However up to this day, the problem still grows with a sturdy pace, and it is not until approximately the year of 2024 by which the international community, and primarily the office of the United Nations High Commissioner for Refugees (UNHCR), estimates to resolve the problem from the root.

In this way, it would be possible to break down the 100-year history of the international community's confrontation to statelessness, into four main stages. As a point of departure, during the early 20th century the regulations regarding nationality were established by each territory, lacking international laws and restrictions that imposed boundaries over their sovereignty over the topic. Thus, allowing hundreds to become stateless parting from the Authoritarian government directives.

Concerned by this past situation, around the decade of the 20's, the League of Nations developed a convention with respective committee sessions where nationality and the

possibility to envelope said condition under certain international laws of a more just nature. Afterwards, reaching the spring of 1930 a convention on certain questions relating to the conflict of nationality laws was adopted at the codification conference in Hague. And through the convention, the issue of statelessness derived from the lack of regulations tackling nationality was prioritized as a crucial preoccupation of the international community. Reason why, later on in time it was via this convention that a primitive set of global rules, affected to minimize the authoritative norms circling nationality, were developed.

At least 20 years after, once the second world war had concluded, millions of citizens had undergone a major displacement from their territories of origins and the globe consequently faced massive denationalization rates, especially those of the European population. Anguished by the incrementing pace of statelessness in the year of 1949, the United Nations introduced within its early programs strategies of combat towards statelessness and proceeded to develop three initial measures which were; the *Convention relating to the Status of Refugees*, adopted in 1951, the *Convention relating to the Status of Stateless Persons*, in 1954 and the Convention on the Reduction of Statelessness, near 1961.

(Further Information about this convention is disclosed in **Appendix #2**)

In third place, with the declaration of human rights, the 10th of December of 1948, a major step in relation to nationality took place simultaneously as it was parting from this historic event that the debate on nationality transformed from being a social problematic to a matter of Human Rights. In the same sense, the establishment of nationality as a human right made possible the institution of a series of international laws that safeguarded each individual's right of being recognized by a state, despite any singularity in religion, ethnicity, language, gender or age. Consequently, opposing to discriminatory policies that might have

segregated specific individuals and communities in the past; aiding to reduce significantly the numbers of stateless people.

Finally, in more recent times, the United Nations perseveres in the goal of eradicating statelessness through the launching of programs such as "#Ibelong"; which from the year of 2014 and the present date have extrapolated efforts worldwide, with the purpose of rejecting arbitrary behaviors in relation to nationality regulations, offering warranties to individuals with unresolved statuses and working towards the improvement of the living conditions of those whose quality of life has experienced a serious detriment due to statelessness.

Current Crisis:

Examples of nations with high figures of Stateless individuals:

Côte D'Ivoire (Ivory Coast); Myanmar; Kenya; Kuwait; Madagascar; Dominican Republic; Malaysia; Iraq; Brazil; Syria; Nepal; Thailand; Estonia; Latvia.

(View appendix 3)

It is estimated that at least 10 million people, are today impacted by statelessness. Thus, having their right to a nationality disregarded and moreover, affronting multiple challenges in terms of employment, education, marriage, housing and several other aspects of their public and private life, as a repercussion of not being legally recognized and embraced by any state.

Statelessness is not exclusive to a specific nation but rather propagates through all of the globe. However, this issue presents a higher degree of presence in some nations more than others, which is often due to the territories political situation. A punctual case where stateless presents alarming rates is one of the following state:

Myanmar:

The previously titled nation of "Burma", now known by the means of "Myanmar", consists of a territory in Southeastern Asia found in between Bangladesh and Thailand and happens to be one of the locations most highly distressed by the issue of stateless. Up to this day, the international community has been able to identify at least three distinct populations which are denied by the nation, the right to a

nationality within said territory. The most prominent, being the Rohingya, the native born but non-indigenous people and children that despite having Burmese parents were born in Thailanders territory.

When we speak about the Rohingya, it is being referred to the groups of Muslim individuals who reside in the northern parts of a geographically isolated area in western Burma, known as the Rakhine or Arakan state. And who have been subject to discriminatory policies employed by the state of Myanmar for several generations.

The problem between the Rohingya and the Burmese political body arises motivated by a conflict developed around 1924 and 1926, via which the British annexed the region in question and encouraged migrations from India, which would later on, after the nations independence in 1948, lead to the Burmese governments rejection of the population of this area as part of its nationals; leaving hundreds of citizens with an unresolved status as they were neither recognize by Burma nor Bangladesh or India.

In 1974, an Emergency Immigration Act withdraw officially Burmese nationality to members of the Rohingya community and only 3 years later, in 1977, "operation Nagamin" was put into effect as a national attempt to register all citizens of the Burmese nation, excluding those who were considered as "foreigners"; condition which was attached to the

Rohingya, Children of Burmese descent born outside the country and Bangladesh specifically and a number of persons of Indian origin, that despite having lived for over a decade in Myanmar have not being embraced by the Government as legal citizens.

This campaign rather that being a legitimate national census, contributed to the mass murders, rape and destruction of hundreds of individuals and their religious traditions. To escape this persecution and violence, an estimate of 200,000 Rohingya fled to Bangladesh and other bordering nations; Which through the governments lens was proof sufficient to assure the Rohingya's illegal state within the territory.

Time after "operation Nagamin" had ceased, the government installed a new law of citizenship in 1982, under which the Rohingya were declared foreign residents and thus were detached from all of the benefits and protection that the Burmese government was responsible to offer over its citizens. Leaving more than 700,000 Rohingya with an unresolved status and denied Human Rights.

Similarly, to the Muslim community positioned in the Arakan Region, individuals of Indian origin residing in Burmese territory are often victims of statelessness as, regardless of the vast amount of time for which they have lived in Myanmar, the government refuses to accept them as nationals and as they have remained in Myanmar at times for decades, they face rejection from Indian authorities simultaneously. As of the late years, there is estimated to be around 2,9 million Indian citizens in Burmese territory, where 2,500,000 are people of Indian origin; which are individuals who at a given point posed a passport of Indian origin, and only about 2000 are expected to be recognized as Indian nationals.

Guiding Questions:

1. *How has Statelessness impacted your delegation?*

2. *What has your nation done in the past in favor or against of statelessness?*

British International School Model of United Nations

3. *What have other allied or non-allies' nations done in favor or against of statelessness?*

4. *How could statelessness be reduced and eventually completely abolished?*

5. *Are the current measures employed to counteract statelessness viable?*

6. *What are the common causes for statelessness in territories where the issue is found in alarming proportions?*

External Resources for Further Investigation:

https://youtu.be/jNo6JiBFS9Q

https://www.unhcr.org/ibelong/wp-content/uploads/UNHCR-Statelessness-2pager-ENG.pdf

http://www.nationalityforall.org/

<u>Appendix</u>

Appendix 1:

https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx

Appendix 2:

https://www.peacepalacelibrary.nl/2016/08/a-100-year-history-of-statelessness/

Appendix 3:

1. https://www.reuters.com/article/us-stateless-groups-idUSTRE77M2AS20110823

2. http://www.worldsstateless.org/continents/africa/country-profiles

Appendix 4:

http://www.un.org/en/sections/issues-depth/peace-and-security/

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people.html

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PeacekeepingAndHostStateConsent.pdf
https://www.unhcr.org/ibelong/wp-content/uploads/UNHCR-Statelessness-2pager-
ENG.pdf