



GENERAL ASSEMBLY PLENARY BACKGROUND GUIDE 2014

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NATIONAL MODEL UNITED NATIONS



Dear Delegates,

Welcome to the 2014 National Model United Nations in Rome, Italy, (NMUN•Europe) and particularly to the General Assembly Plenary Committee. For the conference, your Director is Kristina Getty and your Assistant Director is Antonio Cardinale. Kristina is from the United States and attended numerous NMUN conferences as a delegate before joining the volunteer staff of the NMUN•NY and NMUN•DC conferences. She holds a M.A. in International Studies with a focus on global governance and civil society from the Josef Korbel School of International Studies at the University of Denver. Antonio is from Italy and is attending law school at LUISS University in Rome, which will lead to his master's degree in Law next year. He has also worked for Consules for the past two years, but in his spare time, he also enjoys being part of his university rowing team. As part of the volunteer staff for NMUN•Europe, we are looking forward to working with you at the conference and expanding on our work done to prepare the below background guide.

The topics being discussed by this year's GA Plenary are:

1. Prohibition of Small Arms and Light Weapons in the Americas
2. Legal Status and Protection of the Rights of Lesbian, Gay, Bisexual and Transgender (LGBT) People

The General Assembly Plenary committee plays a unique role in the UN System as it ultimately functions as the primary decision-making body for the United Nations where all Member States are granted equal voice. We hope that as a delegate in this committee for NMUN•Europe that you will take full advantage of the opportunity to discuss pressing and timely topics that relate to the whole of the UN's work and gain from the experience an appreciation for diplomacy and negotiation.

We hope you will find this Background Guide useful as it serves to introduce you to the topics for this committee. It is not meant to replace further research and we highly encourage you explore in-depth your countries' policies as well as use the Annotated Bibliography and Bibliography to further your knowledge on these topics. In preparation of the conference, each delegation will be submitting a position paper. Please refer to the following pages for details regarding the position paper submission process.

Additionally, please take note of the [NMUN Policies and Codes of Conduct](#) on the website and in the [Delegate Preparation Guide](#) regarding plagiarism, codes of conduct/dress code/sexual harassment, awards philosophy/evaluation method, etc. Adherence to these guidelines is mandatory.

If you have any questions concerning your preparation for the committee or the Conference itself, feel free to contact the Deputy Secretary-General Amanda Lichtenstein at dsg.rome@nmun.org.

We wish you all the best for your preparation for NMUN•Europe 2014 and look forward to seeing you at the conference!

Sincerely,

Kristina Getty, Director
Antonio Cardinale, Assistant Director

NMUN•Europe Position Papers Guidelines

Due 15 October 2014

Each committee topic should be addressed in a succinct policy statement representing the relevant views of your assigned country, non-governmental organization (NGO), or expert role. You should identify and address international and regional conventions, treaties, declarations, resolutions, and programs of action that are relevant to the policy of your country or NGO. You should also include recommendations for action to be taken by your committee. A delegate's role as a Member State, Observer State, or NGO should affect the way a position paper is written. The [Delegate Preparation Guide](#) will provide you with additional information.

A position paper should be submitted for each assigned committee.

- The two page position paper should cover all the topics in the background guide, not a separate paper for each topic.
- Do not submit papers for committees not assigned to your country/NGO (see [matrix](#)).
- No more than two delegates can represent a single country/NGO in a committee. If you assign two delegates to represent a country/NGO on a committee, they submit one position paper jointly, not separate position papers from each individual.
- NMUN position papers are not cited as is required for an academic paper. They are written as if they are a policy statement coming from the foreign ministry. While they may reference UN data or past UN Resolutions, like in our samples, formal citations are not used.

Please pay careful attention to the following guidelines when drafting and submitting your position papers. Only those delegations that follow the guidelines and meet the submission deadline will be eligible for [position paper awards](#).

Follow the layout in our [Sample Position Paper](#) using the standards below:

- Length must not exceed two pages
- Margins must be set at 1 inch or 2.54 cm. for the whole paper
- Font must be Times New Roman sized between 10 pt. and 12 pt.
- Country/NGO name, school name, and committee name must be clearly labeled on the first page
- Agenda topics must be clearly labeled in separate sections
- National symbols (headers, flags, etc.) are deemed inappropriate for NMUN position papers
- Convert your paper to PDF format

Please note that position papers must be comprised of entirely original writing. **The NMUN Conference will not tolerate plagiarism**, including copying from Committee Background Guides. Violation of this policy may result in dismissal from the conference. Although United Nations documentation is considered within the public domain, the conference does not allow the verbatim re-creation of these documents.

How to Submit Your Position Papers

Position papers need to be submitted by email in PDF format to dsg.rome@nmun.org. As proof of submission, include yourself as an email recipient. Please use the committee name and your assignment in both the email subject line and in the filename (example: GA1_Cuba). Each position paper should be sent as a separate attachment.

Many, many papers will be read by the Secretariat. Your patience and cooperation in adhering to the above guidelines is greatly appreciated.

History of the United Nations General Assembly

The United Nations (UN) was founded in 1945 with the goal of maintaining world peace and promoting international cooperation.¹ The General Assembly (GA), one of six principal organs, is often considered the heart and soul of the UN because of its universal membership, its broad agenda, and the sovereign equality of its members reflected in the one-state, one-vote formula.² The General Assembly is comprised of all 193 Member States of the UN and provides a forum for multilateral discussion of international issues. It also plays a significant role in the process of setting standards and the codification of international law.³

Functions and Powers

According to Article 10 of the UN Charter, the GA has the right to “discuss any questions or any matters within the scope of the present Charter ... and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.”⁴ Therefore, the General Assembly can discuss any issue of concern to the international community with the exception of those under active consideration by the Security Council and may make recommendations to UN Member States, the Security Council, or both.⁵

The decisions in the GA are taken by simple majority votes; only decisions on important questions, for example those on admission of new members, require a two-thirds majority.⁶ The decisions of the GA are legally non-binding recommendations. However, some documents adopted by the General Assembly convey a strong political message. Seventy to 80% of all resolutions are passed by acclamation, which is considered a stronger affirmation than taking a vote on it.⁷ Acclamation means that all Member States agree on the text of the resolution in question; because no vote is taken, these resolutions are also considered “adopted without a vote.” The only binding decisions taken by the GA are on internal matters of the UN: internal governance, budgetary, and membership issues.⁸

Beyond those functions, the GA also has a mandate to contribute to the progressive development of international law and its codification.⁹ Through the International Law Commission, an expert body that reports directly to the Plenary Assembly, as well as through its Sixth Committee, the GA develops draft texts of multilateral treaties and conventions, which remain only recommendations until they are signed and ratified by a sufficient number of states so that they can enter into force.¹⁰ Some of the most significant documents adopted by the GA are the *Universal Declaration of Human Rights* in 1948, which is a non-binding resolution, and the two *Covenants* on Civil and Political and on Economic, Social and Cultural Rights of 1966.

Committees and Subsidiary Organs

The General Assembly established six Main Committees which prepare draft resolutions and decisions for the plenary sessions in their respective field of work: the Disarmament and International Security Committee (First Committee); the Economic and Financial Committee (Second Committee); the Social, Humanitarian, and Cultural Committee (Third Committee); the Special Political and Decolonization Committee (Fourth Committee); the Administrative and Budgetary Committee (Fifth Committee); and the Legal Committee (Sixth Committee). These committees discuss the topics in their field and aim to harmonize the various approaches by the Member States.¹¹ All Member States of the UN are represented in all of the six Main Committees. The Main Committees each submit a separate report to the GA plenary on the issues considered by them and containing the draft resolutions and

¹ *Charter of the United Nations*, 1945, art. 1.

² Smith, *Politics and Process at the United Nations*, p. 143.

³ United Nations General Assembly, *Functions and Powers of the General Assembly*, 2013.

⁴ *Charter of the United Nations*, 1945, art. 10.

⁵ New Zealand Ministry of Foreign Affairs and Trade, *United Nations Handbook*, 2012, p. 11.

⁶ Smith, *Politics and Process at the United Nations*, p. 149.

⁷ Peterson, *The General Assembly*, 2006, p. 72.

⁸ Smith, *Politics and Process at the United Nations*, p. 151.

⁹ *Charter of the United Nations*, 1945, art. 13 (1) (a).

¹⁰ Smith, *Politics and Process at the United Nations*, p. 151.

¹¹ New Zealand Ministry of Foreign Affairs and Trade, *United Nations Handbook*, 2012, p. 23.

decisions which are being recommended.¹² The General Assembly Plenary then has an opportunity to address the texts that are submitted to it and may alter the text. Only matters adopted by the Plenary are considered official resolutions by the UN General Assembly.¹³ While it does not happen very often, the General Assembly Plenary may also decide to deal with an issue without prior reference to a committee.¹⁴ For example, at the latest General Assembly Plenary meeting, a total of 63 resolutions were adopted without prior negotiation in a main committee.¹⁵

In addition, the General Assembly has created more than 30 subsidiary bodies including expert committees: permanent structures like the Committee on the Relations with the Host Country, ad hoc bodies dealing with finite issues such as the Open-Ended Working Group on the Question of Equitable Representation and Increase in the Membership of the Security Council, and others designed to address specific substantive issues, like the Committee on the Peaceful Uses of Outer Space and others assisting in administration of the UN.¹⁶ The set-up of this high number of subsidiary bodies has made the decision-making of the UN and the General Assembly more complex but it also provides for more issues to be addressed.¹⁷

Special Sessions and Emergency Special Sessions

According to Article 20 of the UN Charter, the GA can also meet in “special sessions as occasion may require.”¹⁸ So far, 28 special sessions have taken place and dealt with issues such as HIV/AIDS in 2001 and Population and Development in 1999.¹⁹ These special sessions can be convened by the Secretary-General within 15 days of such a request by the GA, the Security Council, or any Member State with the support of the majority of UN Members.²⁰

Since the *Uniting for Peace* resolution was adopted in 1950, the GA can also meet in an emergency special session to be held within 24 hours of a request by the Security Council or, in the case of a deadlocked SC through use of the veto, a request by a majority of UN members.²¹ The *Uniting for Peace* resolution was adopted to halt the ongoing violence on the Korean peninsula.²² Vis-à-vis the Security Council, this resolution “permits the Assembly to do much of what the Council was authorized to do under Chapter VII of the Charter.”²³ Under *Uniting for Peace*, the General Assembly may however only assume the powers of the Security Council and act should there be a “lack of unanimity of the permanent members” and the Council “fails to exercise its primary responsibility for the maintenance of international peace and security.”²⁴ To this day, there have been ten Emergency Special Sessions.²⁵

Annotated Bibliography

New Zealand Ministry of Foreign Affairs and Trade (2012). *United Nations Handbook 2012-2013*. Wellington: Ministry of Foreign Affairs and Trade/Manatu Aorere. Retrieved May 10, 2013, from:

<http://www.mfat.govt.nz/Media-and-publications/Publications/UN-Handbook/offline/UN-Handbook-2012.pdf>

This handbook, published annually by the New Zealand Ministry of Foreign Affairs and Trade, provides an excellent overview of the UN System, outlining the essential functions of the myriad of bodies that exist within the system. A beginning point for any research that is conducted about the UN, the Handbook is an essential resource for students. It includes a Chapter on the background of the General Assembly, its main functions and subsidiary organs.

Peterson, M. (2006). *The UN General Assembly*. New York, NY: Routledge.

¹² Dag Hammarskjöld Library at Uppsala University, *Main Committees*, 2013.

¹³ Smith, *Politics and Process at the United Nations*, p. 161.

¹⁴ New Zealand Ministry of Foreign Affairs and Trade, *United Nations Handbook*, 2012, p. 23.

¹⁵ United Nations General Assembly, *67th session – resolutions*, 2013.

¹⁶ Smith, *Politics and Process at the United Nations*, p. 161.

¹⁷ Smith, *Politics and Process at the United Nations*, p. 161.

¹⁸ *Charter of the United Nations*, art. 20.

¹⁹ United Nations General Assembly, *Special Sessions*, 2013.

²⁰ Smith, *Politics and Process at the United Nations*, p. 154.

²¹ United Nations General Assembly, *Resolution 377A(V)*, 3 November 1950.

²² Tomuschat, *Uniting for Peace General Assembly resolution 377 (V)*, 2008.

²³ Woolsey, *The “Uniting for Peace” Resolution of the United Nations*, January 1951, p. 129.

²⁴ United Nations General Assembly, *“Resolution 377(V) on Uniting for peace”*, 3 November 1950.

²⁵ United Nations General Assembly, *Emergency Special Session*, 2013.

This book provides vast background on the history and the processes of the General Assembly. The detailed description of the functions and powers of the General Assembly helps delegates to gain an understanding of the General Assembly's mandate and its possibilities of policy-making. The author also puts forward a critical assessment of the GA and its role in the 21st century.

United Nations General Assembly. (2013). *Functions and Powers of the General Assembly*. Retrieved May 10, 2013, from: <http://www.un.org/en/ga/about/background.shtml>.

This Web site is the main gateway to the work of the General Assembly. Delegates will find a wide array of information on the main powers of the General Assembly. In addition, this Web site contains links to several landmark documents that were adopted by the General Assembly, including the 2000 Millennium Declaration and the 2005 World Summit Outcome. Delegates should acquaint themselves with these documents, as they contain some of the most important commitments made by the international community and some underlying values and principles that continue to inform the work of the General Assembly.

I. Prohibition of Small Arms and Light Weapons in the Americas

"Where guns dominate, development suffers, schools close, shops close, commerce stops, and the local economy grinds to a halt."²⁶

Introduction

The proliferation and illicit use of small arms and light weapons (SALW) has a decisive negative impact upon human rights, economic development, and humanitarian efforts. The use of SALW causes the spread of terror among civilians, who are frequently victims of crimes using SALW.²⁷

SALW are "any man-portable lethal weapons that expels or launches [...] a shot, bullet or projectile by the action of an explosive."²⁸ However, not all SALW are the same. The *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, known as the International Tracing Instruments (ITI), was adopted by the United Nations (UN) General Assembly (GA) on 8 December 2005.²⁹ On this occasion, states agreed that "small arms" are weapons that can be used by one single person (for example, revolvers, rifles, carbines, etc.); whereas, "light weapons" are weapons that can be used by more than one person (for example, heavy machine guns, mounted grenade launchers, portable launchers of anti-tank missile, etc.).³⁰ Together, SALW are one of the primary instruments of war both in internal and external conflicts: Indeed, during wars since 1990, they have caused between 35% and 60% of total deaths and injuries.³¹ Furthermore, the effects of SALW are amplified as they are easily transmitted in the immediate area and to neighboring countries and regions. They also create a "culture of violence," trapping the population in a tormented cycle of hostilities.³² For these reasons, the UN, other international and regional organizations, and states have initiated efforts to control and reduce the global and regional spread of SALW and to eradicate such arms from areas of conflict.³³

Understanding the Problem in the Americas

Latin America and the Caribbean are two of the worst affected regions in the world, with between 73,000 and

²⁶ United Nations Development Programme, *UNDP's Role in Small Arms Reduction: A Primer*, 2002.

²⁷ United Nations Office for Disarmament Affairs, *Small Arms* [Web Site]; Goehsing, *A Multi-Pronged Approach to Transnational Criminal Networks: The Case of Latin America and the Caribbean*, 2006, p. 4.

²⁸ International Tracing Instruments, *International Instrument to Enable States to identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, 2005.

²⁹ International Tracing Instruments, *International Instrument to Enable States to identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, 2005.

³⁰ International Tracing Instruments, *International Instrument to Enable States to identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*, 2005.

³¹ Klare, *Small Arms Proliferation and International Security*.

³² Klare, *Small Arms Proliferation and International Security*.

³³ Klare, *Small Arms Proliferation and International Security*.

90,000 people killed annually by SALW, and with 60% of murders occurring by a gun.³⁴ The most gun homicides per 100,000 people occur in Colombia, and the most gun homicides are committed in Brazil.³⁵ The impact of SALW is pervasive because they are often considered as “weapons of choice” of armed groups, because they are cheap, light, and easy to handle.³⁶

In Central and Latin America, some countries are characterized by a deteriorated security situation and high homicide rates, fueled by SALW. For example, in 21 out of 23 Latin American and Caribbean countries, 42% of homicides are committed with firearms, including SALW, resulting in a higher rate than the global average.³⁷ Many countries lack political stability and are unable to prevent the illicit trafficking of small arms or stop acts of violence perpetrated by gangs.³⁸

Trade on the U.S.-Mexico Border

SALW flows throughout the Western Hemisphere, fueling death and destruction. In 2005, Latin America legally imported an estimated \$175 million of SALW, \$50 million of which was exported by the United States.³⁹ A study by the Mexican government showed that almost 20,000 guns cross the United States-Mexico border every day.⁴⁰ The U.S. role in supporting Mexico’s gun violence continues to rise despite gun control policies and the lack of arms manufacturing in Mexico.⁴¹ Official data affirm that many of the SALW fueling Mexican drug violence originated in the United States.^{42,43}

Despite the supremacy of the right to keep and bear arms within American culture, the United States declares itself as a global leader in efforts to prevent and control the illegal trafficking and proliferation of SALW.⁴⁴ The U.S. government is reluctant to impinge on the constitutional right to legally keep and bear arms within its borders; yet, the United States can and does attempt to eradicate illegal guns and the illicit gun trade, both domestically and through international frameworks.⁴⁵ Unfortunately, the U.S. government is facing many challenges in fighting the illicit trafficking of SALW within its borders and in ending their flow to Mexico. Still, U.S. agencies have provided technical and operative assistance to their Mexican counterparts to try to prevent SALW trafficking.

Gang Violence

According to official figures, at least 70,000 gangs operate in Central America, both in rural and urban areas, causing a large number of victims and the spreading of fear among the population.⁴⁶ In order to remain active, gangs take advantage of the weakness of the local government and the availability of unregulated weapons. In fact, it is estimated that more than 2 million small arms in Central America are unregistered.⁴⁷ The gangs’ criminal activities also create social costs, in terms of less private security, and an increase in public costs to provide additional police and judicial infrastructure. The presence of criminal activities results in lower productivity in the country; businesses record lower sales per worker and the national GDP growth is hampered.⁴⁸

³⁴ Goehsing, *A Multi-Pronged Approach to Transnational Criminal Networks: The Case of Latin America and the Caribbean*, 2006, p. 5.

³⁵ Graduate Institute of International and Development Studies, *Small Arms Survey*, 2002.

³⁶ United Nations Office for Disarmament Affairs, *Small Arms* [Web Site].

³⁷ Small Arms Survey, *A Fatal Relationship: Guns and Deaths in Latin America and the Caribbean*, 2012, p. 9.

³⁸ Small Arms Survey, *A Fatal Relationship: Guns and Deaths in Latin America and the Caribbean*, 2012, p. 9.

³⁹ North American Congress on Latin America (NACLA), *The Small Arms Trade in Latin America: Report on the Americas*, 2008.

⁴⁰ North American Congress on Latin America (NACLA), *The Small Arms Trade in Latin America: Report on the Americas*, 2008.

⁴¹ Cawley, *Mexico Gun Trafficking Benefits Nearly 50% US Dealers: Study*, 2013.

⁴² U.S. Government Accountability Office, *U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges*, 2009.

⁴³ U.S. Government Accountability Office, *U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges*, 2009.

⁴⁴ Waltz, *US Policy on Small Arms Transfer: A Human Rights Perspective*, 2007, p. 5.

⁴⁵ Former United States Ambassador to the United Nations James B. Cunningham, *Statement in the Security Council on Small Arms/Light Weapons*, 2 August 2001.

⁴⁶ Rodgers, Muggah & Stevenson, *Gangs of Central America: Causes, Costs and Interventions*, 2009, p. 4.

⁴⁷ Rodgers, Muggah & Stevenson, *Gangs of Central America: Causes, Costs and Interventions*, 2009, p. 4.

⁴⁸ World Bank, *Crime and Violence in Central America: A Development Challenge*, 2011, p. 4.

The Impact on Women

According to the United Nations Development Fund for Women (UNIFEM), women and other categories of civilians like children and the elderly are the primary victims of conflict.⁴⁹ SALW have a significant impact on women, as they facilitate harassment, gender violence, and other abuses of women's rights. For example, fear and intimidation caused by SALW can decrease women's participation in all public activities and make social actions more difficult.⁵⁰ As a response, there are groups and individuals working to address these ramifications of SALW on women. In 2012, the United Nations Office for Disarmament Affairs (UNODA) celebrated the commitment of several women from various government positions working in the field of small arms control in Latin America and the Caribbean regions. The agency has always seen women as "forces of change," encouraging states to carry over the incorporation of gender perspectives into the disarmament field.⁵¹ The UNODA's main goal is to finally promote and endorse a strong participation of women in the decision making process and in the formulation of strategies to prevent and fight against illicit arms trade.⁵²

United Nations System

It is imperative that the international community prevents the flow of SALW to armed groups, terrorists, and criminals.⁵³ The prohibition of the transfer of small arms to non-state actors was one of the most controversial issues addressed during the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects held in 2001 – a critical event in the development of SALW international policy. There, Member States agreed to recommend controls over the cycle of manufacture and transfer of SALW.⁵⁴ The Programme of Action to Prevent Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA-ISS) was created "to put in place, where they do not exist, adequate laws, regulations and administrative procedures to exercise effective control over the production of SALW within their areas of jurisdiction and over the export, import, transit or retransfer of such weapons."⁵⁵ The main goals of the PoA-ISS are: preventing, combating and eradicating the illicit trade in small and light weapons, and implementing international cooperation and assistance.⁵⁶

The PoA-ISS launched during that conference represents a strong push by the international community to curb the proliferation of SALW.⁵⁷ The PoA-ISS seeks to provide adequate regulations and to encourage states to collaborate with the UN system in order to prevent illegal trafficking in small arms.⁵⁸ The GA, emphasizing the need to implement the PoA-ISS and welcoming the efforts made by Member States, addresses the issue of SALW in three aspects: the role of PoA-ISS, the efforts of Member States, and the regional and sub-regional level. The GA endorses initiatives of any kind to promote the implementation of the PoA-ISS and works to provide assistance to Member States to this aim.⁵⁹ Furthermore, the GA encourages states to develop effective coordination mechanisms to improve cooperation at the international level.⁶⁰ The GA also stressed the relevance of efforts at the regional and

⁴⁹ Mogire, *The Humanitarian Impact of Small Arms and Light Weapons and the Threat to Security*, p. 13.

⁵⁰ Mogire, *The Humanitarian Impact of Small Arms and Light Weapons and the Threat to Security*, p. 13.

⁵¹ United Nations Office for Disarmament Affairs, *United Nations promotes women as forces of change in the combat against illicit transfer in small arms in Latin America and Caribbean*, 2012.

⁵² United Nations Office for Disarmament Affairs, *United Nations promotes women as forces of change in the combat against illicit transfer in small arms in Latin America and Caribbean*, 2012.

⁵³ United Nations Institute for Disarmament Research, *Prohibiting Arms Transfer to Non-State Actors and the Arms Trade Treaty*, p. 3.

⁵⁴ United Nations Non-Governmental Liaison Service, *United Nations takes action against the illicit trade in small arms and light weapons*, 2009.

⁵⁵ United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF. 192/15)*, 2001.

⁵⁶ United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF. 192/15)*, 2001.

⁵⁷ Kytömäki and Yankey-Wayne, *Five Years of Implementing the United Nations Programme of Action on Small Arms and Light Weapons (UNIDIR/2006/6)*, 2006, p. 7.

⁵⁸ United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF. 192/15)*, 2001.

⁵⁹ United Nations General Assembly, *Resolution A/RES/60/81*, 2006.

⁶⁰ United Nations General Assembly, *Resolution A/RES/62/47*, 2008.

sub-regional level, intended to better organize the resources to promote the aforementioned implementation.⁶¹

While the GA reaffirms the urgent necessity for international cooperation and assistance, including financial and technical assistance to facilitate efforts at national and global level, the body also works with several other organizations to specifically address the issue of SALW.⁶² The UN Office of Disarmament Affairs (UNODA), one of these key partners, was established in January 1998 with the aim of promoting both nuclear and small arms disarmament by implementing dialogue and transparency between governments and supporting norm-setting in the area of disarmament.⁶³ Furthermore, UNODA affirms the prominent role of governments, which have the responsibility to ensure public safety and development for their citizens.⁶⁴ The GA also works with the United Nations Institute for Disarmament Research (UNIDIR), which is an autonomous research department within the UN, working to find solutions regarding disarmament and security challenges.⁶⁵ The GA welcomes the unique work of UNIDIR in creating “holistic approaches to disarmament, peace and security.”⁶⁶

The United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC) plays a leading role in the regional control of SALW. This institution assists Member States, following a twofold approach: It organizes capacity building workshops and provides technical assistance to members of the parliaments for the drafting and examination of binding documents.

⁶⁷ Each year, the GA adopts a resolution on UNLIREC as part of the Reports of the First Committee on Disarmament and International Security. With the adoption of Resolution 68/60 of 5 December 2013, the GA welcomed the assistance offered by UNLIREC to some Member States and its fundamental role in enhancing the cooperation among Member States.⁶⁸

Finally, the Security Council Resolution 2011/255 of 5 April 2011 deals with the relationship between SALW and armed conflict.⁶⁹ It recognizes that, since armed violence may occur in marginal and neglected regions of a country, “a community security approach is most useful because, when combined with survey and assessment work, it allows assistance to be properly targeted at the subnational level, where the need is greatest. In this connection, the emerging practice in United Nations peacekeeping of ‘community violence reduction’ should be noted.”⁷⁰ This resolution therefore reiterates the impact of SALW on larger security issues and highlights the need for discussion of this topic in the plenary forum of the GA.

International and Regional Framework

The *Arms Trade Treaty* (ATT) represents a turning point in the fight against the illegal use of SALW. The ATT seeks to regulate the international trade of SALW. The Treaty was adopted by GA Resolution 61/89 of 2 April 2013.⁷¹ At present, the Treaty has been signed by 118 Member States.⁷² In addition to many Latin American countries, the United States signed the ATT. When signing the ATT in September 2013, U.S. Secretary of State John Kerry affirmed that the Treaty represents a significant step in facing illegal gun sales, and stated that it would also safeguard gun rights.⁷³ This action was undertaken with the intention of keeping weapons out of the hands of criminals and terrorists. In fact, Kerry stated that this treaty is not meant to reduce American’s freedom, but rather to increase the possibility to possess and use arms, including small and light weapons, for legitimate purposes.⁷⁴

⁶¹ United Nations General Assembly, *Resolution A/RES/59/86*, 2004.

⁶² United Nations Office for Disarmament Affairs, *Small Arms* [Web Site].

⁶³ United Nations Office for Disarmament Affairs, *Small Arms* [Web Site].

⁶⁴ United Nations Office for Disarmament Affairs, *Small Arms* [Web Site].

⁶⁵ United Nations Institute for Disarmament Research, *The United Nations Institute for Disarmament Research* [Web Site].

⁶⁶ United Nations General Assembly, *Resolution A/67/169*, 2012.

⁶⁷ United Nations Regional Centre for Peace, Disarmament and Development in Latin America and Caribbean, *Inside Regional Disarmament* [Web Site].

⁶⁸ United Nations General Assembly, *Resolution A/RES/68/60*, 2013.

⁶⁹ United Nations Security Council, *Resolution S/2011/255*, 2011.

⁷⁰ United Nations Security Council, *Resolution S/2011/255*, 2011.

⁷¹ United Nations, *Disarmament: Arms Trade Treaty* [Web Site].

⁷² United Nations, *Treaty Collection: Arms Trade Treaty* [Web Site].

⁷³ FoxNews.com, *Kerry signs UN arms treaty, senators threaten to block it*, 2013.

⁷⁴ FoxNews.com, *Kerry signs UN arms treaty, senators threaten to block it*, 2013.

The Treaty will enter into force after ratification by 50 Member States; it has been ratified by 32 to date.⁷⁵ According to the ATT, Member States should adopt mechanisms that allow the transfer of arms only through the use of licenses, and Member States should not authorize the trafficking of arms in circumstances that can be logically foreseen as contrary to the UN ideal or against international humanitarian rights and UN resolutions.⁷⁶ Likewise, Member States should be conscious of the impact of the transfer of small arms on regional security and sustainable development.⁷⁷

Through the Organization of American States (OAS), the western hemisphere was the first region to develop a legally binding treaty against the illegal trade of firearms, including small and light weapons, with the *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials* (CIFTA). All OAS members signed the Convention and 25 ratified it.⁷⁸ At the regional level, the CIFTA (also known as the OAS Convention on Firearms) analyzes the urgent need to combat and eradicate the wrong use of SALW within the states of the Americas. It stresses that state parties shall adopt the necessary legislative or other measures to establish as criminal offenses under their domestic law the illicit manufacturing of and trafficking in firearms, including small and light weapons.⁷⁹ The CIFTA stresses the need for authorization of exports, imports, and transit; underlines the reinforcement of control; and promotes the cooperation and exchange of information between states.⁸⁰

Conclusion

It is crucial for the international and regional community in the Americas to regulate the illicit trade of SALW through innovation and harmonization of international and national laws.⁸¹ The implementation of arms control treaties signed and ratified by states necessitates the “passage of new legislation.” The resulting measures must be adopted in national legislation before ratification occurs.⁸² This requires the aforementioned passage of legislation through political negotiations and harmonization with state governments.⁸³ However, this will prove difficult because of the ways in which different countries regard freedoms related to SALW and regard the role of SALW in conflict. In light of these constraints, it is important to consider several questions, including how can the GA Plenary address the proliferation of SALW? Is it possible to attain the prevention of the proliferation of small arms through an effective cooperation between regional actors? How can Member States cooperate with UN agencies so as to focus on small arms-related issues? What activities should be promoted both at the national and international level, with the aim of facilitating the harmonization of national laws with international framework on small arms? What role can civil society play in the fight to eliminate illicit small and light weapons in the Americas?

Annotated Bibliography

Organization of American States. (1998). *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials*. Retrieved on 23 May 2014 from: <http://www.oas.org/juridico/english/treaties/a-63.html>

This Convention affirms a vital need to create a solid framework to prevent and combat the illicit manufacture and trade of firearms. Members of the OAS encourage action not only at the national level, but at international and inter-regional levels. It is fundamental the way, this Convention

⁷⁵ United Nations, *Treaty Collection: Arms Trade Treaty* [Web Site].

⁷⁶ Arias Foundation for Peace and Human Progress, *Viability of the Arms Trade Treaty: Comparative Legal Analysis Exercise*, 2008, p. 2.

⁷⁷ Arias Foundation for Peace and Human Progress, *Viability of the Arms Trade Treaty: Comparative Legal Analysis Exercise*, 2008, p. 2.

⁷⁸ Goehsing, *A Multi-Pronged Approach to Transnational Criminal Networks: The Case of Latin America and the Caribbean*, 2006, p. 16.

⁷⁹ Organization of American States, *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials*, 1998.

⁸⁰ Organization of American States, *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials*, 1998.

⁸¹ Godnick, *Tackling the Illicit Trade in Small Arms and Light Weapons*, 2002, p. 8.

⁸² Godnick, *Tackling the Illicit Trade in Small Arms and Light Weapons*, 2002, p. 8.

⁸³ Godnick, *Tackling the Illicit Trade in Small Arms and Light Weapons*, 2002, p. 8.

urges Member States to adopt measures and to cooperate with international organizations and with each other, with the aim of receiving proper technical assistance and improving their plans of action.

United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. (2001). *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF. 192/15)*. Retrieved on 23 May 2014 from: <http://www.poa-iss.org/PoA/poahtml.aspx>

This document represents the practical consequence of the work stressed by this UN conference on small arms. Analyzing the impact of the illicit trade in small arms on civilians, the Programme of Action considers the growth of violence and crimes. Keeping in mind the humanitarian aspect, the Programme urges respect for humanitarian law and the provision of humanitarian assistance to armed conflicts, through the empowerment of public awareness and confidence-building programs, as well.

United Nations, General Assembly, Fifty-fourth session. (2000, January 10). *Resolution A/RES/54/54 V (United Nations Conference on the Illicit Trade in Small Arms and Light Weapons In All Its Aspects)*. Retrieved on 23 May 2014 from: <http://www.un.org/Depts/dda/CAB/res5454Ve.pdf>

The General Assembly, adopting this resolution, is aware of the negative consequences derived from the wrongful use of SALW. Reaffirming the strong role of the United Nations in the disarmament field, in this resolution, the General Assembly establishes the UN Conference on Small Arms and invites all Member States to guarantee a strong participation and to establish robust cooperation with each other, through international and regional organizations.

United Nations, General Assembly, Sixty-seventh session. (2012, July 25). *Resolution A/67/176*. Retrieved on 23 May 2014 from: <http://www.poa-iss.org/CASAUUpload/ELibrary/A-67-176-E.pdf>

The main goal of this General Assembly resolution is to achieve the consolidation of peace in armed conflict through practical disarmament measures. Also, it aims to provide to Member States with tangible assistance in order to fight against the illicit trade of SALW. This resolution further reiterates that Member States have the duty to respect international laws and regulations and to provide conventional standards towards reducing armed conflict and implementing social wellness and peace security.

United Nations, Security Council. (2011, April 5). *Small Arms, Report of the Secretary-General (S/2011/255)*. Retrieved on 23 May 2014 from: <http://www.poa-iss.org/poa/S-2011-255-smallarms-en.pdf>

This report by the Secretary-General emphasizes the need to address the issue of small arms, affirming that it is fundamental not only to prevent their illicit manufacturing and trade, but also to regulate their wrongful use. With the help of the United Nations system, and through cooperation between states, it recommends providing useful plans of action, improving peace-building development, and sustaining international assistance.

II. Legal Status and Protection of the Rights of Lesbian, Gay, Bisexual and Transgender (LGBT) People

“Governments have a legal duty to protect everyone. Some will oppose change. They may invoke culture, tradition or religion to defend the status quo. Such arguments have been used to try to justify slavery, child marriage, rape in marriage and female genital mutilation. I respect culture, tradition and religion – but they can never justify the denial of basic rights.”⁸⁴

Introduction

Since the United Nations (UN) General Assembly established the *Millennium Declaration*, which led to the Millennium Development Goals, it has strengthened its role and reiterated its importance for the safe guarding of

⁸⁴ UN News Centre, *Religion and culture cannot justify discrimination against gays and lesbians, Ban warns* [Press Release], 2013.

human rights.⁸⁵ As such, the UN General Assembly, along with the UN Human Rights Council (HRC), has led the UN's efforts on improving the status and protecting the rights of lesbian, gay, bisexual, and transgender (LGBT) people.⁸⁶ Though many key conventions of the UN, as well as the *Universal Declaration on Human Rights* (UDHR) Article 1, establish the framework for this in their commitments to eliminate discrimination of all forms, it is only in recent years that the UN has truly confronted and prioritized this issue.⁸⁷ This focus on LGBT people is crucial as those who identify as LGBT continue to suffer human rights violations, predominately through hate crimes, the criminalization of homosexuality, and discriminatory practices, such as in healthcare and employment.⁸⁸ Additionally, it has been noted that this violence “tends to be especially vicious compared to other bias-motivated crimes” and occur with a high level of cruelty and brutality.⁸⁹ Instances of this discrimination reflect cultural norms, but also the fact that LGBT people worldwide continue to lack the legal status and protection that could allow for greater societal change and the protection of these rights.

LGBT Rights as Human Rights

As Secretary-General Ban Ki-moon stressed, the plight of LGBT people is “one of the great, neglected human rights challenges of our time.” This is clear in the fact that LGBT people face a wide range of abuses, including violent attacks such as verbal abuse, psychological bullying, torture, and targeted killings; discriminatory criminal laws that criminalize same-sex relations; discriminatory restrictions on free speech such as prohibition of information on same-sex sexuality; and discriminatory treatment in all settings such as in offices, schools, homes, and institutions.⁹⁰ In fact, in approximately 40% of UN Member States homosexuality is criminalized.⁹¹

Recognizing and addressing these abuses begins by recognizing that the right of LGBT people to not face discrimination based on sexual preference is a human right.⁹² Establishing this began in 1991 when Nicholas Tonnen, an Australian resident, filed suit with the UN Human Rights Committee against the state's anti-sodomy laws that criminalized homosexuality.⁹³ Tonnen appealed that his rights to privacy and equal protection before the law, both enshrined in the *International Covenant on Civil and Political Rights* (ICCPR), were violated by these laws. In response, Australia decriminalized sodomy.⁹⁴ This led to a landmark case, *Tonnen v Australia*, before the Human Rights Committee that established that “laws against adult, consensual homosexual sex violate protections against discrimination in the ICCPR.” Though not explicitly, in essence, this ruling ensured that “sexual orientation” was now considered a part of anti-discrimination protections.⁹⁵

With this ruling, the UN system has now begun to more explicitly include LGBT rights, predominately through continuing to use the same lens to expand existing definitions.⁹⁶ For example, Article 3 of the UDHR, declaring “the right to life, liberty, and the security of person,” now is interpreted along with Articles 6, 9, and 17 of the ICCPR as calling on Member States to protect LGBT rights.⁹⁷ Additionally, references to freedom from discrimination in articles within the *Convention on the Rights of the Child* and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) are also interpreted to include freedom from discrimination on the basis of sexual orientation.⁹⁸ The Human Rights Committee has also made several statements, or General Comments, related to

⁸⁵ United Nations, General Assembly, *General Assembly of the United Nations* [Web Site].

⁸⁶ Barwick, *LGBT People, the Religions & Human Rights in Europe*, 2013.

⁸⁷ Barwick, *LGBT People, the Religions & Human Rights in Europe*, 2013.

⁸⁸ UN News Centre, *Countries must repeal laws that discriminate against LGBT individuals – UN officials* [Press Release] 2013.

⁸⁹ UN News Centre, *UN issues first report on human rights of gay and lesbian people* [Press Release], 2011.

⁹⁰ United Nations, Free and Equal, *UN Free & Equal* [Web Site].

⁹¹ Paoli and Jingshu, *State-Sponsored Homophobia: A World Survey of Laws: Criminalisation, protection and recognition of same-sex love*, 2013, p. 5.

⁹² UN News Centre. *Religion and culture cannot justify discrimination against gays and lesbians, Ban warns* [Press Release], 2013.

⁹³ Southern Poverty Law Center, *A Timelines: LGBT Rights and International Organizations* [Web Site], 2013.

⁹⁴ Southern Poverty Law Center, *A Timelines: LGBT Rights and International Organizations* [Web Site], 2013.

⁹⁵ Long, *Making the Mountain Move: An Activist's Guide to How International Human Rights Mechanisms Can Work for You* [Web Site].

⁹⁶ Barwick, *LGBT People, the Religions & Human Rights in Europe*, 2013, p. 17.

⁹⁷ Barwick, *LGBT People, the Religions & Human Rights in Europe*, 2013, p. 17.

⁹⁸ Barwick, *LGBT People, the Religions & Human Rights in Europe*, 2013, p. 17.

protecting LGBT people under international law as well.⁹⁹ These statements have been more explicit and also sought to include gender identity along with sexual orientation.¹⁰⁰ As such, in numerous ways, the “United Nations human rights treaty bodies have confirmed that sexual orientation and gender identity are included among prohibited grounds of discrimination under international human rights law.”¹⁰¹ Most importantly, however, all of these instances, by stemming from individual conventions or declarations signed on to by Member States, are underscored with an understanding that the responsibility to protect LGBT rights as human rights falls to the state.¹⁰²

Yogyarta Principles

Reflecting many of these conclusions, in 2006 a group of experts met to form the Yogyarta Principles. Conceived of in Yogyarta, Indonesia, the Principles were designed to unite and reflect the many standing international human rights standards related to sexual orientation.¹⁰³ As such, the hope is that no instance in which LGBT rights have been, or ought to be protected, is overlooked. Though they have not been ratified or formalized within the UN system, the Principles continue to play an important role in the discourse around LGBT rights.

LGBT Issues in the UN System

Despite the fact the primary obligation for protecting LBGT rights is given to the state under international human rights law, the *Tonnen v Australia* ruling, in particular, “created a precedent for the rest of the UN’s human rights mechanisms to address all forms of discrimination against LGBT people.”¹⁰⁴ This has centered on the work of the General Assembly, the Human Rights Council (HRC) that reports to the General Assembly, and a few offices of the UN secretariat. Their work, however, is also being translated into new and exciting campaigns.

Though the General Assembly Plenary has lead the UN in promoting LGBT rights, it has not directly adopted any resolutions itself. In terms of its own unique work, the General Assembly has once indirectly and once directly dealt with the issue of LGBT rights. Indirectly, in 2008, a resolution by France and the Netherlands, largely reflecting the Yogyarta Principles, was read by Argentina calling for support for LGBT rights.¹⁰⁵ This draft resolution stands as an informal indication of the General Assembly’s actions because while it was originally designed to be a declaration, it has not been adopted; rather, it is still open for signing and so far 94 Member States have signed.¹⁰⁶ Still, this resolution was monumental because it was the first resolution before the General Assembly that condemned LBGT rights abuses.¹⁰⁷ Also it received support from all continents.¹⁰⁸

More directly, in 2012, from the General Assembly Third Committee, the General Assembly Plenary adopted a resolution that calls for states to evaluate discriminatory killings. Resolution 67/168 of 2012 had been routinely introduced and passed by the Third Committee every two years, always striking “sexual orientation” as a type of discriminatory killing to be evaluated. However, in 2012, the resolution was adopted with not just this language, but also language calling for discriminatory killings based on gender identity to be evaluated as well.¹⁰⁹ Though the 2012 resolution was the first to call for this, “Since 1999, the Special Rapporteur on extrajudicial, summary or

⁹⁹ Barwick, *LGBT People, the Religions & Human Rights in Europe*, 2013, p. 17.

¹⁰⁰ Barwick, *LGBT People, the Religions & Human Rights in Europe*, 2013, p. 17.

¹⁰¹ United Nations, Free & Equal, *International Human Rights Law and Sexual Orientation & Gender Identity* [Fact Sheet], p. 1.

¹⁰² Barwick, *LGBT People, the Religions & Human Rights in Europe*, 2013, p.17.

¹⁰³ United Nations, High Commissioner for Refugees. *UNHCR Guidance Note on Refugee Claims Relation to Sexual Orientation and Gender Identity* [Guidance Note], 2008.

¹⁰⁴ Long, *Making the Mountain Move: An Activist’s Guide to How International Human Rights Mechanisms Can Work for You* [Web Site].

¹⁰⁵ United Nations General Assembly, sixty-third session, "Joint Statement from the Permanent Representatives of Argentina, Brazil, Croatia, France, Gabon, Japan, the Netherlands and Norway to the United Nations addressed to the President of the General Assembly," 18 December 2008.

¹⁰⁶ Barwick, *LGBT People, the Religions & Human Rights in Europe*, 2013, p. 19; United Nations General Assembly, sixty-third session, "Joint Statement from the Permanent Representatives of Argentina, Brazil, Croatia, France, Gabon, Japan, the Netherlands and Norway to the United Nations addressed to the President of the General Assembly," 18 December 2008.

¹⁰⁷ Amnesty International, *UN: General Assembly statement affirms rights for all* [Public Statement], 2008.

¹⁰⁸ Amnesty International, *UN: General Assembly statement affirms rights for all* [Public Statement], 2008.

¹⁰⁹ United Nations, Free & Equal, *International Human Rights Law and Sexual Orientation & Gender Identity* [Fact Sheet], p. 1.; International Gay & Lesbian Human Rights Commission. *Governments Condemn Extrajudicial Executions in Seminal UN Vote* [Press Release], 2012.

arbitrary executions has drawn attention to persons being subjected to death threats or killed because of their sexual orientation or gender identity.¹¹⁰ Additionally, “the Special Rapporteur on violence against women has reported on incidents of rapes, family violence and murder experienced by lesbian, bisexual and transgender women.”¹¹¹ Also, because in many countries those identifying or even thought to identify as LGBT are threatened or tortured, the Committee Against Torture and the Special Rapporteur on torture have also evaluated issues relating to torture and sexual identity.¹¹²

Given this sparse body of work, the main actor within the UN system advancing LGBT rights has been the UNHRC in conjunction with the Office of the United Nations High Commissioner for Human Rights. Specifically, in 2011 a resolution was placed before UNHRC expressing “grave concern” over the discrimination and violence LGBT people faced around the world on account of their sexual orientation.¹¹³ The resolution called for the United Nations Human Rights Office of the High Commissioner (OHCHR) to create a report documenting these violations and, while it received much dissent, it passed in March 2012. This report, *Born Free & Equal: Sexual Orientation and Gender Identity in International Human Rights Law*, ultimately presents on the situation and rights violations faced by LGBT peoples, and also calls for the repealing of laws that criminalize homosexuality.¹¹⁴

Beyond these actors, increasingly, key figures at the UN have spoken out in favor of advancing LGBT rights. Secretary-General Ban Ki-Moon is an outspoken advocate for LGBT issues and rights at the UN.¹¹⁵ He has spoken on the topic numerous times and has expressed his commitment to pressing leaders for progress on the topic.¹¹⁶ Additionally, Navanethem (Navi) Pillay, the United Nations High Commissioner for Human Rights is a key spokesperson on the issue. Under their leadership, the UN has also begun hosting regional seminars to better understand “the specific human rights challenges for sexual minorities in each region, and to discuss how these challenges may best be overcome.”¹¹⁷ Their advocacy is helping to bring together the desperate work of different UN bodies and offices, such as the UN High Commissioner for Refugees (UNHCR), that have dealt with the issue in policy and guidelines—such as those relating to refugees who are applying for asylum based on claims related to sexual orientation—but not directly in resolutions or reports of the committee.¹¹⁸

Top-level efforts such as those by Secretary-General Ban Ki-Moon and Navi Pillay have recently culminated in a UN-wide campaign called “United Nations, Free & Equal” (UNFE).¹¹⁹ Given its scope, Free & Equal “is an unprecedented United Nations global public education campaign for lesbian, gay, bisexual, and transgender (LGBT) equality.” It is lead by the OHCHR and the nonprofit Purpose Foundation. Its goal is to promote LGBT rights and lead conversations on homophobic and transphobic violence and discrimination.¹²⁰

Despite these efforts working towards supporting LGBT issues at the UN, it is worth noting that opposition also exists. This has come from a wide variety of sources, though it has particularly been strong from the Arab League, the Organisation of Islamic States, and many religious organizations. Largely their concerns relate to what the legal

¹¹⁰ Barwick, *LGBT People, the Religions & Human Rights in Europe*, 2013, p. 18.

¹¹¹ Barwick, *LGBT People, the Religions & Human Rights in Europe*, 2013, p. 18.

¹¹² Barwick, *LGBT People, the Religions & Human Rights in Europe*, 2013, p. 18; United Nations, Committee Against Torture, *Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment: General Comment No. 2 (CAT/C/GC/2)* [General Comment], 2008.

¹¹³ Barwick, *LGBT People, the Religions & Human Rights in Europe*, 2013, p. 20.

¹¹⁴ UN News Centre, *UN issues first report on human rights of gay and lesbian people* [Press Release], 2011; Barwick, *LGBT People, the Religions & Human Rights in Europe*, 2013, p. 32; United Nations Human Rights Office of the High Commissioner, *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law*, 2012.

¹¹⁵ UN News Centre, *Religion and culture cannot justify discrimination against gays and lesbians, Ban warns* [Press Release], 2013.

¹¹⁶ UN News Centre, *Religion and culture cannot justify discrimination against gays and lesbians, Ban warns* [Press Release], 2013.

¹¹⁷ UN News Centre, *Religion and culture cannot justify discrimination against gays and lesbians, Ban warns* [Press Release], 2013.

¹¹⁸ United Nations, High Commissioner for Refugees, *UNHCR Guidance Note on Refugee Claims Relation to Sexual Orientation and Gender Identity* [Guidance Note], 2008.

¹¹⁹ United Nations, *Free and Equal, UN Free & Equal* [Web Site].

¹²⁰ United Nations, *Free and Equal, UN Free & Equal* [Web Site].

precedent would justify; however, even places with highly defined laws preventing discrimination based on sexual orientation, such as in Europe, can be home to discrimination and see vast violations of LGBT rights.¹²¹

Legal Status and Protection

As the current framework for conceiving of LGBT rights as human rights demonstrates,

...protecting LGBT people from violence and discrimination does not require the creation of a new set of LGBT-specific rights, nor does it require the establishment of new international human rights standards. For all the heat and complexity of the political debate about LGBT Equality at the United Nations, from a legal perspective the issue is straightforward. The obligations that States have to protect LGBT persons from violations of their human rights are already well established and are binding on all United Nations Member States.¹²²

Implementing these rights can begin by working to amend and strengthen the legal status and protection of LGBT peoples, such as by ending laws that outlaw or regulate sexual activity between adults.¹²³ Only a few countries, South Africa, Fiji, and Ecuador, have gone so far as to protect those who are discriminated against based on sexual orientation in their constitutions.¹²⁴ As such, there is much ground for most Member States to improve their legal status and protection of LGBT people to support their human rights and improve their situations.

Across the UN system, as promoted by the United Nations Human Rights Office of the High Commissioner, those involved have identified several key obligations states have toward meeting their legal requirements according to international law and in addressing the legal status and protection of LGBT peoples. These obligations are divided into five groups: protect, prevent, repeal, prohibit, and safeguard.¹²⁵ Protect refers to protecting individuals from homophobic or transphobic violence.¹²⁶ Implementing this should focus on enacting hate crime laws that recognize crimes based on hate ought to be punished as such and ensuring that victims are protected by both having an effective legal and law enforcement system and working to create an environment in which victims can identify themselves and report crimes.¹²⁷ Preventing used to be included under the “protect” mandate, but now refers to preventing torture and other “cruel, inhumane and degrading treatment.”¹²⁸ This means governments should focus on protecting LGBT people in law enforcement facilities, such as through training, and working to ensure those responsible for crimes are held accountable to prevent further injustices.¹²⁹ “Repealing” as a group for action is clear and focuses on ensuring LGBT equal representation before the law.¹³⁰ Accordingly, states should work to decriminalize homosexuality and, in general, not to regulate or prohibit “private sexual conduct between consenting adults of the same sex.”¹³¹ Other laws that also ought to be repealed subject LGBT people to different physical searches and arrests based on their sexual orientation.¹³² Prohibiting also directly relates to the legal status and protection of LGBT people and calls for not only laws prohibiting discrimination based on sexual orientation, but

¹²¹ Barwick, *LGBT People, the Religions & Human Rights in Europe*, 2013, p. 7.

¹²² United Nations Human Rights Office of the High Commissioner, *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law*, 2012, p. 61.

¹²³ Choike, *Sexual Diversity and the Law* [Web Site].

¹²⁴ Choike, *Sexual Diversity and the Law* [Web Site].

¹²⁵ United Nations Human Rights Office of the High Commissioner, *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law*, 2012.

¹²⁶ United Nations Human Rights Office of the High Commissioner, *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law*, 2012.

¹²⁷ United Nations Human Rights Office of the High Commissioner, *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law*, 2012.

¹²⁸ United Nations Human Rights Office of the High Commissioner, *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law*, 2012, p. 13.

¹²⁹ United Nations Human Rights Office of the High Commissioner, *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law*, 2012, p. 13.

¹³⁰ United Nations Human Rights Office of the High Commissioner, *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law*, 2012, p. 13.

¹³¹ United Nations Human Rights Office of the High Commissioner, *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law*, 2012, p. 13.

¹³² United Nations Human Rights Office of the High Commissioner, *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law*, 2012, p. 13.

also laws that ensure non-discrimination for access to service which is also supported by training to reinforce these laws.¹³³ Finally, in this framework, safeguarding LGBT people seeks to ensure freedom of expression through laws explicitly allowing this and the changing of cultural norms to allow this for all LGBT peoples.¹³⁴

Even more difficult than changing laws is changing social and cultural norms. Partially this is because laws can sometimes be written in a way that seems to support LGBT rights, but then implemented oppositely. Working to change these norms and the overall legal system can therefore be very difficult. As the UN Free & Equal campaign is trying, much work is currently focused on the changing public perceptions through education. The UN HRC resolution, for example, specifically calls for public information campaigns and a focus on law enforcement training to ensure that when such laws as the UN would like to see do exist, they are followed. This relies on efforts to “persuade rather than lecture States to change their laws.”¹³⁵

Conclusion and Questions for Further Research

LGBT rights as human rights is an emerging framework for protecting LGBT people from violations such as violence, torture, and discrimination in a wide-variety of areas based on their sexual orientation or gender identity. The UN, through an ad-hoc system, developed this frame and, through predominately the OHCHR and the new Free & Equal campaign, the UN has also identified areas for legal reform to address the legal status and protection of LGBT people. However, though other actors, such as the United States, are behind this framework and push, the problem remains that, especially within this sphere, international organizations are “confined to monitoring abuses and advocating better legal treatment.”¹³⁶ Indeed, that is what the most recent action on this issue has looked like: For example, the a 2014 report from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, reporting on Montenegro, cites some vague concerns about the need for action to respond to recent acts of aggression against the LGBT community.¹³⁷ As the leading deliberative body of the UN, overseeing the Human Rights Council, what more is needed is up to the General Assembly.

The body must consider a range of questions, such as: Given the delicate balance needed in calling for and suggesting changes to domestic legal regimes, what role is there for the General Assembly in protecting LGBT rights? How can the General Assembly work to better mainstream or include LGBT rights throughout the UN system? For example, can it work with UNDP or UNAIDS better in their on the ground efforts? How can momentum around state and civil society initiatives, such as the International Day Against Homophobia, be capitalized on by the General Assembly to bring about increased protection and changes to the legal status of LGBT people? What can and should the UN and General Assembly do in terms of helping shift societal and cultural norms that lead to discrimination towards LGBT people?

It is vital for this body to consider these questions to ensure the LGBT people are given the same rights enshrined in Universal Declaration of Human Rights and other UN conventions to be free from discrimination and to not face acts of violence, torture, and cruelty.

Annotated Bibliography

Amnesty International. (2008, December 18). *UN: General Assembly statement affirms rights for all* [Public Statement]. Retrieved 5 June 2014: <http://www.amnesty.org/es/library/asset/IOR40/024/2008/en/269de167-d107-11dd-984e-fdc7ffcd27a6/ior400242008en.pdf>

This document provides a concise summary of the first instance of direct discussion on the issue of LGBT rights at the General Assembly, as well as the subsequent discussion and feedback on the issue. In doing so, this press release highlights why the General Assembly resolution was

¹³³ United Nations Human Rights Office of the High Commissioner, *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law*, 2012, p. 13.

¹³⁴ United Nations Human Rights Office of the High Commissioner, *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law*, 2012, p. 13.

¹³⁵ UN News Centre, *UN issues first report on human rights of gay and lesbian people* [Press Release], 2011

¹³⁶ Southern Poverty Law Center, *A Timelines: LGBT Rights and International Organizations* [Web Site], 2013.

¹³⁷ General Assembly, Human Rights Council, twenty-sixth session, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, Addendum, Mission to Montenegro* (A/HRC/26/30/Add.1), 2014, p. 18.

groundbreaking for both its content and the support it received. The document also provides simple examples for the types of rights abuses LGBT people are subject to.

Barwick, M. (2013). *LGBT People, the Religions & Human Rights in Europe*. Human Rights without Frontiers International. Retrieved 5 June 2014 from: <http://www.hrwf.net/images/reports/2014/2013lgbtreligion.pdf>

This document focuses on the international rights frameworks that apply to Europe on the issue of combating discrimination against LGBT people. However, it is useful for all delegates because it provides a very clear narrative on what has happened in the UN on the topic as well. The author also starts from a place of trying to breakdown the remaining reluctance to accepting LGBT rights. As such, the author not only provides solid background information on the legal framework surrounding LGBT rights issues in Europe and beyond, but he also writes for an audience of policy practitioners and religious leaders, meaning he also includes several important and creative ways greater action could be taken to bridge the gap between the two frequently antagonistic groups to protect LGBT people.

The Council for Global Equality & Human Rights First. (2012, December). *How to Protect LGBTI Persons around the World from Violence: Blueprint for the Next Administration*. Retrieved 5 June 2014 from: http://www.humanrightsfirst.org/wp-content/uploads/pdf/LGBTI_blueprint.pdf

Though focused on the United States, this document provides recommendations that all Member States should consider for how to protect the rights of LGBT people. In particular, it is useful because it calls into question each state's role in the overall international human rights system, while it also focuses and reflects on what is needed at the United Nations to combat lesbian, gay, bisexual, transgender, and intersex (LGBTI) discrimination. This document is also useful because it thematically groups some of the key actions needed in terms of the legal status and protection of LGBT persons from a different perspective than the UN.

Southern Poverty Law Center. (2013, July). *A Timelines: LGBT Rights and International Organizations*. Retrieved 5 June 2014 from: <http://www.splcenter.org/get%20informed/publications/Dangerous%20Liaisons/A%20Timeline%3A%20LGBT%20Rights%20and%20International%20Organizations>

*This document presents a clear timeline of all events and developments related to the promotion of LGBT rights at various international organizations. It is useful because it tracks some of the early developments on this issue not included in this background guide, and it also includes more information on regional initiatives. Additionally, it is updated for other major events. In addition to listing the events, the timeline also situates key events in an easily understood context. For example, this document provides a useful summary of the *Tonnen v Australia* case.*

United Nations Human Rights Office of the High Commissioner. (2012). *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law*. Retrieved 5 June 2014 from: <http://www.ohchr.org/Documents/Publications/BornFreeAndEqualLowRes.pdf>

This landmark report was the product of the first resolution directly adopted by the UN Human Rights Council on LGBT rights abuses. It is an outstanding resource when considering potential areas for further legal reform as the document is organized around five core legal options states have in terms of protecting LGBT rights. It is useful because it provides background on why those options matter and what their outcomes could be, while also offering concrete examples of the laws that should be established.

Bibliography

Committee History

Dag Hammarskjöld Library at Uppsala University. (2013). *Main Committees*. Retrieved June 13, 2013 from: <http://dagdok.org/en/un-structure/main-bodies/general-assembly/main-committees.html>.

Peterson, M. (2006). *The UN General Assembly*. New York, NY: Routledge.

Smith, C. (2006). *Politics and Process at the United Nations. The Global Dance*. Boulder, CO: Lynne Rienner Publishers.

Tomuschat, C. (2008). *Uniting for Peace General Assembly resolution 377 (V)*. Retrieved June 12, 2013 from: <http://untreaty.un.org/cod/avl/ha/ufp/ufp.html>.

United Nations. (1945, June 26). *Charter of the United Nations*. Retrieved May 10, 2013 from: <http://www.un.org/en/documents/charter/>.

United Nations General Assembly. (2013). *67th session – resolutions*. Retrieved July 16, 2013 from: <http://www.un.org/en/ga/67/resolutions.shtml>.

United Nations General Assembly. (2013). *Functions and Powers of the General Assembly*. Retrieved May 10, 2013 from: <http://www.un.org/en/ga/about/background.shtml>.

United Nations General Assembly. (1950, November 3). *Uniting for Peace Resolution, 377A(V)*. Retrieved June 10, 2013 from: <http://www.un.org/Depts/dhl/landmark/pdf/ares377e.pdf>.

United Nations General Assembly. (2013). *Special Sessions*. Retrieved June 12, 2013 from: <http://www.un.org/en/ga/sessions/special.shtml>.

United Nations General Assembly. (2013). *Emergency Special Sessions*. Retrieved June 12, 2013 from: <http://www.un.org/en/ga/sessions/emergency.shtml>.

United Nations General Assembly. (2013). *Schedule of General Assembly plenary and related meetings*. Retrieved July 12, 2013 from: <http://www.un.org/en/ga/info/meetings/67schedule.shtml>.

United Nations News Centre. (2013). *General Assembly elects UN Ambassador of Antigua and Barbuda as President of 68th session*. Retrieved July 16, 2013 from: <http://www.un.org/apps/news/story.asp?NewsID=45177#.UeUf2BYa38M>.

Woolsey, L. H. (1951, January). “The ‘Uniting for Peace’ Resolution of the United Nations.” *American Journal of International Law*, Vol. 45, No. 1, pp. 129-137.

I. Prohibition of Small Arms and Light Weapons in the Americas

Alters, S. M. (2009). *The History of the Right to Bear Arms*. Retrieved on 17 June 2014 from: http://ic.galegroup.com/ic/ovic/ReferenceDetailsPage/ReferenceDetailsWindow?query=&prodId=OVIC&contentModules=&dviSelectedPage=&displayGroupName=Reference&limiter=&disableHighlighting=true&displayGroups=&sortBy=&search_within_results=&zid=&p=OVIC&action=2&catId=&activityType=&documentId=GALE%7CEJ3020690101&source=Bookmark&u=nysl_we_bcsd&jsid=ff88af2059a78b8e73d88c90a0eefb9b

Annan, K.A. Former United Nations Secretary-General. (2006, June 26). *Opening Meeting of the Review Conference* [Web Site]. Retrieved on 23 May 2014 from: <http://www.un.org/events/smallarms2006/index.html>

Arias Foundation for Peace and Human Progress. (2008). *Viability of the Arms Trade Treaty: Comparative Legal Analysis Exercise*. Retrieved on 23 May 2014 from: <http://controlarms.org/wordpress/wp-content/uploads/2011/03/Towards-an-Arms-Trade-Treaty-Perspective-of-Countries-in-Latin-America.pdf>

Cawley, M. (2013, March 20). *Mexico Gun Trafficking Benefits Nearly 50% US Dealers: Study* [News Article]. Retrieved on 17 June 2014 from: <http://www.insightcrime.org/news-briefs/san-diego-university-study-mexico-gun-trafficking-us>

Dunlap, C. (1995). *Revolt of the Masses: Armed Civilians and the Insurrectionary Theory of the Second Amendment*. Retrieved on 23 May 2014 from: http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=5203&context=faculty_scholarship&sei-redir=1

- Cunningham, J.B. Former United States Ambassador to the United Nations (2001, August 2). *Statement in the Security Council on Small Arms/Light Weapons*. Retrieved on 23 May 2014 from: <http://fas.org/asmp/campaigns/smallarms/cunningham.htm>
- Federation of American Scientists. (n.d.). *Regional, International and Governmental Efforts to Combat the Illicit Traffic in Small and Light Arms* [Web Site]. Retrieved on 23 May 2014 from: <http://www.fas.org/asmp/campaigns/smallarms/illicit.html>
- Godnick, W. (2002). *Tackling the Illicit Trade in Small Arms and Light Weapons*. Retrieved on 23 May 2014 from: <http://www.international-alert.org/sites/default/files/publications/Tackling-the-Illicit-Trade.pdf>
- Goehsing, J. (2006). *A Multi-Pronged Approach to Transnational Criminal Networks: The Case of Latin America and the Caribbean*. Retrieved on 23 May 2014 from: http://interamericanos.itam.mx/working_papers/05JULIA.pdf
- International Tracing Instrument. (2005). *International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons*. Retrieved on 5 June 2014 from: http://www.poa-iss.org/InternationalTracing/ITI_English.pdf
- Klare, M. *Small Arms Proliferation and International Security*. (n.d.). Retrieved on 17 June 2014 from: <https://www.hampshire.edu/academics/22157.htm>
- Kytömäki, E. and V. Yankey-Wayne. (2006). *Five Years of Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Regional Analysis on National Report (UNIDIR/2006/6)*. Retrieved on 23 May 2014 from: <http://www.smallarmssurvey.org/fileadmin/docs/E-Co-Publications/SAS-UNIDIR-2006-5-years-impl-UN-PoA.pdf>
- Mogire, E. *The Humanitarian Impact of Small Arms and Light Weapons and the Threat to Security*. (n.d.). Retrieved on 17 June 2014 from: <http://www.lincei.it/rapporti/amaldi/papers/XV-Mogire.pdf>
- Stohl, R. and D. Tuttle. (2008). *The Small Arms Trade in Latin America: Report on the Americas*. North American Congress on Latin America (NACLA). Retrieved on 23 May 2014 from: http://www.fes-seguridadregional.org/images/stories/docs/4689-001_g.pdf
- Organization of American States. (1998). *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Materials*. Retrieved on 23 May 2014 from: <http://www.oas.org/juridico/english/treaties/a-63.html>
- Rodgers, D. Muggah, R. and C. Stevenson. (2009). *Gangs of Central America: Causes, Costs and Interventions*. Retrieved on 23 May 2014 from: <http://www.smallarmssurvey.org/fileadmin/docs/B-Occasional-papers/SAS-OP23-Gangs-Central-America.pdf>
- Small Arms Survey. (2003). *Small Arms Survey: Transfers*. Retrieved on 23 May 2014 from: <http://www.smallarmssurvey.org/weapons-and-markets/transfers.html>
- U.S. Government Accountability Office. (2009). *U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges*. Retrieved on 17 June 2014 from: <http://www.gao.gov/products/GAO-09-709>
- United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. (2001). *Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (A/CONF. 192/15)*. Retrieved on 23 May 2014 from: <http://www.poa-iss.org/PoA/pohtml.aspx>
- United Nations General Assembly. (2004, December 10). *Resolution A/RES/59/86*. Retrieved on 17 June 2014 from: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/59/86&Lang=E
- United Nations General Assembly. (2006, December 18). *Resolution A/RES/61/89*. Retrieved on 17 June 2014 from:

http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/61/89&Lang=E

United Nations General Assembly. (2006, January 11). *Resolution A/RES/60/81*. Retrieved on 17 June 2014 from: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/60/81

United Nations General Assembly. (2008, January 10). *Resolution A/RES/62/47*. Retrieved on 17 June 2014 from: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/62/47&Lang=E

United Nations General Assembly. (2012, July 23). *Resolution A/67/169*. Retrieved on 17 June 2014 from: http://www.unidir.org/files/Reports/Rep_2012_EN.pdf

United Nations General Assembly. (2013, December 11). *Resolution A/RES/68/60*. Retrieved on 17 June 2014 from: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/60

United Nations Institute on Disarmament Research. (n.d.). *Prohibiting Arms Transfer to Non-State Actors and the Arms Trade Treaty*. Retrieved on 17 June 2014 from: http://www.sipri.org/research/armaments/transfers/publications/other_publications/Prohibiting%20Arms%20Transfers.pdf

United Nations Non-Governmental Liaison Service. (n.d.). *United Nations takes action against the illicit trade in small arms and light weapons* [Web Site]. Retrieved on 23 May 2014 from: http://www.un-ngls.org/spip.php?page=article_s&id_article=4082

United Nations Office for Disarmament Affairs. (2012, September 25). *United Nations promotes women as forces of change in the combat against illicit transfer in small arms in Latin America and Caribbean* [Press Release]. Retrieved on 23 May 2014 from: <http://www.un.org/disarmament/update/20120925/>

United Nations Regional Centre for Peace, Disarmament and Development in Latin America and Caribbean. (2012). *Annual Report*. Retrieved on 23 May 2014 from: http://www.unlirc.org/force_download.aspx?file=arc_13_AnnualReport2012ENGLISH.pdf

United Nations, Security Council. (2011, April 5). *Small Arms, Report of the Secretary-General (S/2011/255)*. Retrieved on 23 May 2014 from: <http://www.poa-iss.org/poa/S-2011-255-smallarms-en.pdf>

United Nations. (2013). *Arms Trade Treaty*. Art. 6. Retrieved on 23 May 2014 from: https://unoda-web.s3.amazonaws.com/wp-content/uploads/2014/03/Ch_XXVI_08.pdf#page=221

Waltz, S. (2007). *US Policy on Small Arms Transfers: A Human Rights Perspective*. Retrieved on 17 June 2014 from: https://www.du.edu/korbel/hrhw/workingpapers/2007/43-waltz-2007_rev.pdf

World Bank. (2011). *Crime and Violence in Central America: A Development Challenge*. Retrieved on 17 June 2014 from: http://siteresources.worldbank.org/INTLAC/Resources/FINAL_VOLUME_I_ENGLISH_CrimeAndViolence.pdf

II. Legal Status and Protection of the Rights of Lesbian, Gay, Bisexual and Transgender (LGBT) People

Amnesty International. (2008, December 18). *UN: General Assembly statement affirms rights for all* [Public Statement]. Retrieved 5 June 2014: <http://www.amnesty.org/es/library/asset/IOR40/024/2008/en/269de167-d107-11dd-984e-fdc7ffcd27a6/ior400242008en.pdf>

Barwick, M. (2013). *LGBT People, the Religions & Human Rights in Europe*. Human Rights without Frontiers International. Retrieved 5 June 2014 from: <http://www.hrwf.net/images/reports/2014/2013lgbtreligion.pdf>

The Council for Global Equality & Human Rights First. (2012, December). *How to Protect LGBTI Persons around the World from Violence: Blueprint for the Next Administration*. Retrieved 5 June 2014 from: http://www.humanrightsfirst.org/wp-content/uploads/pdf/LGBTI_blueprint.pdf

Choike. (n.d.). *Sexual Diversity and the Law* [Web Site]. Retrieved 5 June 2014 from: http://www.choike.org/nuevo_eng/informes/854.html

Freedom House. (n.d.). *LGBTI Rights* [Web Site]. Retrieved 7 June 2014 from: <http://www.freedomhouse.org/issues/lgbti-rights#.U5OAU17Pe98>

ILGA Europe. (n.d.). *International Human Rights References to Sexual and Reproductive Health and Rights (regarding LGBT populations and HIV/AIDS and STIs): The UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health – resolution E/CN.4/2004/49* [Web Site]. Retrieved 5 June 2014

from: <http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0CDYQFjAC&url=http%3A%2F%2Fwww.ilga-europe.org%2Fcontent%2Fdownload%2F9946%2F58609%2Ffile%2F48-51.pdf&ei=J0KRU87pLdenyASUglGgAg&usq=AFQjCNHRYbPIVLxSW87Kcp22HkY6BVcT7g&sig2=MF6R6RZRH6btgmdrivQoiQ&bvm=bv.68445247.d.aWw>

International Gay & Lesbian Human Rights Commission. (2012, November 21). *Governments Condemn Extrajudicial Executions in Seminal UN Vote* [Press Release]. Retrieved 5 June 2014 from: <http://iglhr.org/content/governments-condemn-extrajudicial-executions-seminal-un-vote>

International Lesbian Gay Bisexual Trans and Intersex Association. (2013, May). *ILGA's State-Sponsored Homophobia Report 2013: Happiness and anger* [Press Release]. Retrieved 6 June 2014 from: <http://ilga.org/ilga/en/article/o5VIRM41Oq>

Long, S. (n.d.). *Making the Mountain Move: An Activist's Guide to How International Human Rights Mechanisms Can Work for You* [Web Site]. International Gay and Lesbian Human Rights Commission. Retrieved 6 June 2014 from: http://www.hrea.org/erc/Library/display_doc.php?url=http%3A%2F%2Fwww.hrea.org%2Ferc%2FLibrary%2Fmonitoring%2Funguide.html&external=N

MacFarquhar, N. (2008, December 18). *In a First, Gay Rights are Pressed at the U.N.* [Web Site]. Retrieved 6 June 2014 from: http://www.nytimes.com/2008/12/19/world/19nations.html?_r=0

Paoli, L. & J. Zhu. (2013, May). *State-Sponsored Homophobia: A World Survey of Laws: Criminalisation, protection and recognition of same-sex love*. International Lesbian Gay Bisexual Trans and Intersex Association. Retrieved 5 June 2014 from: http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2013.pdf

Southern Poverty Law Center. (2013, July). *A Timelines: LGBT Rights and International Organizations* [Web Site]. Retrieved 5 June 2014 from: <http://www.splcenter.org/get%20informed/publications/Dangerous%20Liaisons/A%20Timeline%3A%20LGBT%20Rights%20and%20International%20Organizations>

UN News Centre. (2011, December 15). *UN issues first report on human rights of gay and lesbian people* [Press Release]. Retrieved 5 June 2014 from: <http://www.un.org/apps/news/story.asp?NewsID=40743#.U5E8UI7Pe98>

UN News Centre. (2013, April 15). *Religion and culture cannot justify discrimination against gays and lesbians, Ban warns*. Retrieved 5 June 2014 from: <http://www.un.org/apps/news/story.asp?NewsID=44660#.U5FAHI7Pe98>

UN News Centre. (2013, May 17). *Countries must repeal laws that discriminate against LGBT individuals – UN officials* [Press Release]. Retrieved 6 June 2014 from: http://www.un.org/apps/news/story.asp?NewsID=44931#.U5E_6F7Pe98

United Nations, Committee Against Torture. (2008, January 24). *Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment: General Comment No. 2 (CAT/C/GC/2)* [General Comment]. Retrieved 5 June 2014 from: http://www.refworld.org/publisher.CAT_GENERAL..47ac78ce2.0.html

United Nations, Free & Equal. (n.d.). *International Human Rights Law and Sexual Orientation & Gender Identity* [Fact Sheet]. Retrieved 5 June 2014 from https://unfe-uploads-production.s3.amazonaws.com/unfe-6-UN_Fact_Sheets_v6_-_International_Human_Rights_Law_and_Sexual_Orientation_Gender_Identity.pdf

United Nations, Free and Equal. (n.d.). *UN Free & Equal* [Web Site]. Retrieved 5 June 2014 from: <https://www.unfe.org>

United Nations, General Assembly. (n.d.). *General Assembly of the United Nations* [Web Site]. Retrieved 7 June 2014 from: <http://www.un.org/en/ga/about/background.shtml>

United Nations, General Assembly, sixty-seventh session. (2012, November 9). *Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms* (A/C.3/67/L.36). Retrieved 5 June 2014 from: http://iglhrc.org/sites/default/files/text_resolution.pdf

United Nations, General Assembly, sixty-third session. (2008, December 18). "Joint Statement from the Permanent Representatives of Argentina, Brazil, Croatia, France, Gabon, Japan, the Netherlands and Norway to the United Nations addressed to the President of the General Assembly" (A/63/635). In *Sexual Orientation and Gender Identity in Human Rights Law: References to Jurisprudence and Doctrine of the United Nations Human Rights System* [Pages 147 - 148]. Retrieved 8 June 2014 from: <http://www.refworld.org/pdfid/4c627bd82.pdf>

United Nations, General Assembly, Human Rights Council, nineteenth session. (2011, November 17). *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity* (A/HRC/19/41). Retrieved 7 June 2014 from: http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.41_en.pdf

United Nations, General Assembly, Human Rights Council, twenty-sixth session. (2014, April 29). *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, Addendum, Mission to Montenegro* (A/HRC/26/30/Add.1). Retrieved 7 June 2014 from: <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Pages/ListReports.aspx>

United Nations, High Commissioner for Refugees. (2008, November 21). *UNHCR Guidance Note on Refugee Claims Relation to Sexual Orientation and Gender Identity* [Guidance Note]. Retrieved 5 June 2014 from: http://www.justice.gov/eoir/vll/benchbook/resources/UNHCR_Guidelines_Sexual_Orientation.pdf

United Nations Human Rights Office of the High Commissioner. (2012). *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law*. Retrieved 5 June 2014 from: <http://www.ohchr.org/Documents/Publications/BornFreeAndEqualLowRes.pdf>

The Yogyakarta Principles. (n.d.). *The Yogyakarta Principles: The Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity* [Web Site]. Retrieved 6 June 2014 from: <http://www.yogyakartaprinciples.org>

Rules of Procedure United Nations General Assembly Plenary (GA Plen)

Introduction

1. These rules shall be the only rules which apply to the United Nations General Assembly Plenary (GA Plen) (hereinafter referred to as “the Plenary”) and shall be considered adopted by the Plenary prior to its first meeting.
2. For purposes of these rules, the Plenary Director and the Assistant Director are designates and agents of the Secretary-General and Deputy Secretary-General, and are collectively referred to as the “Secretariat.”
3. Interpretation of the rules shall be reserved exclusively to the Deputy Secretary-General or her or his designate. Such interpretation shall be in accordance with the philosophy and principles of the National Model United Nations and in furtherance of the educational mission of that organization.
4. For the purposes of these rules, “President” shall refer to the chairperson or acting chairperson of the Plenary, which can be any Member of the Secretariat or their designate.

I. SESSIONS

Rule 1 - Dates of convening and adjournment

The Plenary shall meet every year in regular session, commencing and closing on the dates designated by the Secretary-General.

Rule 2 - Place of sessions

The Plenary shall meet at a location designated by the Secretary-General.

II. AGENDA

Rule 3 - Provisional agenda

The provisional agenda shall be drawn up by the Deputy Secretary-General and communicated to the Members of the Plenary at least sixty days before the opening of the session.

Rule 4 - Adoption of the agenda

The agenda provided by the Deputy Secretary-General shall be considered adopted as of the beginning of the session. The order of the agenda items shall be determined by a majority vote of those present and voting.

The vote described in this rule is a procedural vote and, as such, observers are permitted to cast a vote. For purposes of this rule, those present and voting means those Member States and observers, in attendance at the meeting during which this motion comes to a vote. Should the Plenary not reach a decision by conclusion of the first session's meeting, the agenda will be automatically set in the order in which it was first communicated.

Rule 5 - Revision of the agenda

During a session, the Plenary may revise the agenda by adding, deleting, deferring or amending items. Only important and urgent items shall be added to the agenda during a session. Debate on the inclusion of an item in the agenda shall be limited to three speakers in favor of, and three against, the inclusion. Additional items of an important and urgent character, proposed for inclusion in the agenda less than thirty days before the opening of a session, may be placed on the agenda if the Plenary so decides by a two-thirds majority of the members present and voting. No additional item may, unless the Plenary decides otherwise by a two-thirds majority of the members present and voting, be considered until a commission has reported on the question concerned.

For purposes of this rule, the determination of an item of an important and urgent character is

subject to the discretion of the Deputy Secretary-General, or his or her designate, and any such determination is final. If an item is determined to be of such a character, then it requires a two-thirds vote of the Plenary to be placed on the agenda. The votes described in this rule are substantive votes, and, as such, observers are not permitted to cast a vote. For purposes of this rule, the members present and voting means members (not including observers) in attendance at the session during which this motion comes to vote.

Rule 6 - Explanatory memorandum

Any item proposed for inclusion in the agenda shall be accompanied by an explanatory memorandum and, if possible, by basic documents.

III. SECRETARIAT

Rule 7 - Duties of the Secretary-General

1. The Secretary-General or her/his designate shall act in this capacity in all meetings of the Plenary.
2. The Secretary-General, in cooperation with the Deputy Secretary-General, shall provide and direct the staff required by the Plenary and be responsible for all the arrangements that may be necessary for its meetings.

Rule 8 - Duties of the Secretariat

The Secretariat shall receive, print, and distribute documents, reports, and resolutions of the Plenary, and shall distribute documents of the Plenary to the Members, and generally perform all other work which the Plenary may require.

Rule 9 - Statements by the Secretariat

The Secretary-General, or her/his representative, may make oral as well as written statements to the Plenary concerning any question under consideration.

Rule 10 - Selection of the President

The Secretary-General or her/his designate shall serve as President and, *inter alia*, chair the Plenary for the duration of the session, unless otherwise decided by the Secretary-General.

Rule 11 - Replacement of the President

If the President is unable to perform her/his functions, a new President shall be appointed for the unexpired term at the discretion of the Secretary-General.

IV. LANGUAGE

Rule 12 - Official and working language

English shall be the official and working language of the Plenary.

Rule 13 - Interpretation (oral) or translation (written)

Any representative wishing to address any body or submit a document in a language other than English shall provide interpretation or translation into English.

This rule does not affect the total speaking time allotted to those representatives wishing to address the body in a language other than English. As such, both the speech and the interpretation must be within the set time limit.

V. CONDUCT OF BUSINESS

Rule 14 – Quorum

The President may declare a meeting open and permit debate to proceed when representatives of at least one third of the members of the Plenary are present. The presence of representatives of a majority of the members of the Plenary shall be required for any decision to be taken.

For purposes of this rule, members of the Plenary means the total number of members (not including observers) in attendance at the first night's meeting.

Rule 15 - General powers of the President

In addition to exercising the powers conferred upon him or her elsewhere by these rules, the President shall declare the opening and closing of each meeting of the Plenary, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President, subject to these rules, shall have complete control of the proceedings of the Plenary and over the maintenance of order at its meetings. He or she shall rule on points of order. He or she may propose to the Plenary the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times the representative of each member may speak on an item, the adjournment or closure of the debate, and the suspension or adjournment of a meeting.

Included in these enumerated powers is the President's power to assign speaking times for all speeches incidental to motions and amendment. Further, the President is to use her/his discretion, upon the advice and at the consent of the Secretariat, to determine whether to entertain a particular motion based on the philosophy and principles of the NMUN. Such discretion should be used on a limited basis and only under circumstances where it is necessary to advance the educational mission of the Conference and is limited to entertaining motions.

Rule 16 – Authority of the Plenary

The President, in the exercise of her or his functions, remains under the authority of the Plenary.

Rule 17 – Voting rights on procedural matters

Unless otherwise stated, all votes pertaining to the conduct of business shall require a majority of the members present and voting in order to pass.

For purposes of this rule, the members present and voting mean those members (including observers) in attendance at the meeting during which this rule is applied. Note that observers may vote on all procedural votes; they may, however, not vote on substantive matters (see Chapter VI). There is no possibility to abstain on procedural votes.

Rule 18 - Points of order

During the discussion of any matter, a representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the members present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion.

Such points of order should not under any circumstances interrupt the speech of a fellow representative. They should be used exclusively to correct an error in procedure. Any questions on order arising during a speech made by a representative should be raised at the conclusion of the speech, or can be addressed by the President, sua sponte, during the speech. For purposes of this rule, the members present and voting mean those members (including observers) in attendance at the meeting during which this motion comes to vote.

Rule 19 - Speeches

No representative may address the Plenary without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

In line with the philosophy and principles of the NMUN, in furtherance of its educational mission, and for the purpose of facilitating debate, the Secretariat will set a time limit for all speeches which may be amended by the President at his/her discretion. Consequently, motions to alter the speaker's time will not be entertained by the President.

Rule 20 - Closing of list of speakers

Members may only be on the list of speakers once but may be added again after having spoken. During the course of a debate, the President may announce the list of speakers and, with the consent of the Plenary, declare the list closed. When there are no more speakers, the President shall declare the debate closed. Such closure shall have the same effect as closure by decision of the Plenary.

The decision to announce the list of speakers is within the discretion of the President and should not be the subject of a motion by the Plenary. A motion to close the speakers list is within the purview of the Plenary and the President should not act on her/his own motion.

Rule 21 - Right of reply

If a remark impugns the integrity of a representative's State, the President may permit that representative to exercise her/his right of reply following the conclusion of the controversial speech, and shall determine an appropriate time limit for the reply. No ruling on this question shall be subject to appeal.

For purposes of this rule, a remark that impugns the integrity of a representative's State is one directed at the governing authority of that State and/or one that puts into question that State's sovereignty or a portion thereof. All interventions in the exercise of the right of reply shall be addressed in writing to the Secretariat and shall not be raised as a point of order or motion. The reply shall be read to the Plenary by the representative only upon approval of the Secretariat, and in no case after voting has concluded on all matters relating to the agenda topic, during the discussion of which, the right arose.

Rule 22 - Suspension of the meeting

During the discussion of any matter, a representative may move the suspension of the meeting, specifying a time for reconvening. Such motions shall not be debated but shall be put to a vote immediately, requiring the support of a majority of the members present and voting to pass.

Rule 23 - Adjournment of the meeting

During the discussion of any matter, a representative may move to the adjournment of the meeting. Such motions shall not be debated but shall be put to the vote immediately, requiring the support of a majority of the members present and voting to pass. After adjournment, the Plenary shall reconvene at its next regularly scheduled meeting time.

As this motion, if successful, would end the meeting until the Plenary's next regularly scheduled session the following year, and in accordance with the philosophy and principles of the NMUN and in furtherance of its educational mission, the President will not entertain such a motion until the end of the last meeting of the Plenary.

Rule 24 - Adjournment of debate

During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. Two representatives may speak in favor of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers

under this rule.

Rule 25 - Closure of debate

A representative may at any time move the closure of debate on the item under discussion, whether or not any other representative has signified her/his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall be put to the vote immediately. Closure of debate shall require a two-thirds majority of the members present and voting. If the Plenary favors the closure of debate, the Plenary shall immediately move to vote on all proposals introduced under that agenda item.

Rule 26 - Order of motions

Subject to rule 18, the motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

- a) To suspend the meeting;
- b) To adjourn the meeting;
- c) To adjourn the debate on the item under discussion;
- d) To close the debate on the item under discussion.

Rule 27 - Proposals and amendments

Proposals and amendments shall normally be submitted in writing to the Secretariat. Any proposal or amendment that relates to the substance of any matter under discussion shall require the signature of twenty percent of the members of the Plenary [sponsors]. The Secretariat may, at its discretion, approve the proposal or amendment for circulation among the delegations. As a general rule, no proposal shall be put to the vote at any meeting of the Plenary unless copies of it have been circulated to all delegations. The President may, however, permit the discussion and consideration of amendments or of motions as to procedure, even though such amendments and motions have not been circulated. If the sponsors agree to the adoption of a proposed amendment, the proposal shall be modified accordingly and no vote shall be taken on the proposed amendment. A document modified in this manner shall be considered as the proposal pending before the Plenary for all purposes, including subsequent amendments.

For purposes of this rule, all proposals shall be in the form of working papers prior to their approval by the Secretariat. Working papers will not be copied, or in any other way distributed, to the Plenary by the Secretariat. The distribution of such working papers is solely the responsibility of the sponsors of the working papers. Along these lines, and in furtherance of the philosophy and principles of the NMUN and for the purpose of advancing its educational mission, representatives should not directly refer to the substance of a working paper that has not yet been accepted as a draft resolution during formal speeches. After approval of a working paper, the proposal becomes a draft resolution and will be copied by the Secretariat for distribution to the Plenary. These draft resolutions are the collective property of the Plenary and, as such, the names of the original sponsors will be removed. The copying and distribution of amendments is at the discretion of the Secretariat, but the substance of all such amendments will be made available to all representatives in some form.

Rule 28 - Withdrawal of motions

A motion may be withdrawn by its proposer at any time before voting has commenced, provided that the motion has not been amended. A motion thus withdrawn may be reintroduced by any member.

Rule 29 - Reconsideration of a topic

When a topic has been adjourned, it may not be reconsidered at the same session unless the Plenary, by a two-thirds majority of those present and voting, so decides. Reconsideration can only be moved by a representative who voted on the prevailing side of the original motion to adjourn. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be put to the vote immediately.

VI. VOTING

Rule 30 - Voting rights

Each member of the Plenary shall have one vote.

This rule applies to substantive voting on amendments, draft resolutions, and portions of draft resolutions divided out by motion. As such, all references to member(s) do not include observers, who are not permitted to cast votes on substantive matters.

Rule 31 - Request for a vote

A proposal or motion before the Plenary for decision shall be voted upon if any member so requests. Where no member requests a vote, the Plenary may adopt proposals or motions without a vote.

For purposes of this rule, proposal means any draft resolution, an amendment thereto, or a portion of a draft resolution divided out by motion. Just prior to a vote on a particular proposal or motion, the President may ask if there are any objections to passing the proposal or motion by acclamation, or a member may move to accept the proposal or motion by acclamation. If there are no objections to the proposal or motion, then it is adopted without a vote.

Rule 32 - Majority required

1. Unless specified otherwise in these rules, decisions of the Plenary shall be made by a majority of the members present and voting.
2. For the purpose of tabulation, the phrase “members present and voting” means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

All members declaring their representative States as “present and voting” during the attendance roll call for the meeting during which the substantive voting occurs, must cast an affirmative or negative vote, and cannot abstain on substantive votes.

Rule 33 - Method of voting

1. The Plenary shall normally vote by a show of placards, except that a representative may request a roll call, which shall be taken in the English alphabetical order of the names of the members, beginning with the member whose name is randomly selected by the President. The name of each member shall be called in any roll call, and one of its representatives shall reply “yes,” “no,” “abstention,” or “pass.”

Only those members who designate themselves as present or present and voting during the attendance roll call, or in some other manner communicate their attendance to the President and/or Secretariat, are permitted to vote and, as such, no others will be called during a roll-call vote. Any representatives replying pass must, on the second time through, respond with either a yes or no vote. A pass cannot be followed by a second pass for the same proposal or amendment, nor can it be followed by an abstention on that same proposal or amendment.

Rule 34 - Explanations of vote

Representatives may make brief statements consisting solely of explanation of their votes after the voting has been completed. The representatives of a member sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended, and the member has voted against the proposal or motion.

All explanations of vote must be submitted to the President in writing before debate on the topic is

closed, except where the representative is of a member sponsoring the proposal, as described in the second clause, in which case the explanation of vote must be submitted to the President in writing immediately after voting on the topic ends.

Rule 35 - Conduct during voting

After the President has announced the commencement of voting, no representatives shall interrupt the voting except on a point of order in connection with the actual process of voting.

For purposes of this rule, there shall be no communication amongst delegates, and if any delegate leaves the committee room during voting procedure, they will not be allowed back into the room until the Plenary has convened voting procedure.

Rule 36 - Division of proposals and amendments

Immediately before a proposal or amendment comes to a vote, a representative may move that parts of a proposal or of an amendment should be voted on separately. If there are calls for multiple divisions, those shall be voted upon in an order to be set by the President where the most radical division will be voted upon first. If objection is made to the motion for division, the request for division shall be voted upon, requiring the support of a majority of those present and voting to pass. Permission to speak on the motion for division shall be given only to two speakers in favor and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are approved shall then be put to a vote. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

For purposes of this rule, most radical division means the division that will remove the greatest substance from the draft resolution, but not necessarily the one that will remove the most words or clauses. The determination of which division is most radical is subject to the discretion of the Secretariat, and any such determination is final.

Rule 37 - Amendments

An amendment is a proposal that does no more than add to, delete from, or revise part of another proposal.

An amendment can add, amend, or delete operative clauses, but cannot in any manner add, amend, delete, or otherwise affect preambulatory clauses.

Rule 38 - Voting on amendments

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the amendment furthest removed in substance from the original proposal shall be voted on first and then the amendment next furthest removed there from, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted on.

For purposes of this rule, furthest removed in substance means the amendment that will have the most significant impact on the draft resolution. The determination of which amendment is furthest removed in substance is subject to the discretion of the Secretariat, and any such determination is final.

Rule 39 - Order of voting on proposals

If two or more proposals, other than amendments, relate to the same question, they shall, unless the Plenary decides otherwise, be voted on in the order in which they were submitted.

Rule 40 - The President shall not vote

The President shall not vote but may designate another member of her/his delegation to vote in her/his place.

VII. PARTICIPATION OF NON-MEMBERS OF THE PLENARY

Rule 41 - Participation of non-Member States

The Plenary shall invite any State it wishes to hear to participate in its deliberations on any matter of particular concern to that State. A sub-committee or sessional body of the Plenary shall invite any State that is not one of its own members to participate in its deliberations on any matter of particular concern to that State. A State thus invited shall not have the right to vote, but may submit proposals which may be put to the vote on request of any member of the body concerned.

If the Plenary considers that the presence of a Member invited according to this rule is no longer necessary, it may withdraw the invitation. Delegates invited to the Plenary according to this rule should also keep in mind their role and obligations in the committee that they were originally assigned to. For educational purposes of the NMUN Conference, the Secretariat may thus ask a delegate to return to his or her committee when his or her presence in the Plenary is no longer required.

Rule 42 - Participation of national liberation movements

The Plenary may invite any national liberation movement recognized by the General Assembly to participate, without the right to vote, in its deliberations on any matter of particular concern to that movement.

Rule 43 - Participation of and consultation with specialized agencies

In accordance with the agreements concluded between the United Nations and the specialized agencies, the specialized agencies shall be entitled: a) To be represented at meetings of the Plenary and its subsidiary organs; b) To participate, without the right to vote, through their representatives, in deliberations with respect to items of concern to them and to submit proposals regarding such items, which may be put to the vote at the request of any member of the Plenary or of the subsidiary organ concerned.

Rule 44 - Participation of non-governmental organizations and intergovernmental organizations

Representatives of non-governmental organizations/intergovernmental organizations designated on an ad hoc or a continuing basis by the Plenary on the recommendation of the Secretariat, may participate, with the procedural right to vote, but not the substantive right to vote, in the deliberations of the Plenary on questions within the scope of the activities of the organizations.