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GENERAL ASSEMBLY THIRD COMMITTEE BACKGROUND GUIDE 2015

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NATIONAL MODEL UNITED NATIONS





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Dear Delegates,

We are pleased to welcome you to the 2015 National Model United Nations Conference in New York (NMUN•NY)! This year's General Assembly Third Committee staff is: Directors Kevin O'Donnell (Conference A) and Rafael Corral (Conference B), and Assistant Director Robert Cahill (Conference B). Kevin holds a B.A. in International Relations from San Francisco State University and continues to live and work in San Francisco. He looks forward to returning for his fourth year on staff at NMUN•NY. Rafael earned his B.A. in International Relations and Political Science with a minor in Human Rights from Universidad San Francisco de Quito in Ecuador. Currently, he works on social development issues as a Junior Professional Associate at the World Bank in Washington D.C. This is his fourth year on staff and his sixth year attending NMUN. Robert graduated in 2012 and triple majored in International Business, Marketing, and Management with minors in German and French. He started working for Microsoft after college, and now is an Account Manager for a national company based in Seattle, WA. This is Robert's third year as a staff member of NMUN.

The topics under discussion for the General Assembly Third Committee are:

- I. Development and the Rights of Indigenous Peoples
- II. The Right to Privacy in the Digital Age
- III. Eliminating Racial Discrimination, Xenophobia and Related Intolerances

The General Assembly Third Committee is one of six Main Committees of the UN General Assembly, which is a primary organ of the United Nations. The General Assembly Third Committee, also referred to as the Social, Humanitarian and Cultural Affairs Committee, is tasked with deliberating topics that relate to social and humanitarian affairs and human rights issues. The General Assembly Third Committee is the main facilitator of international human rights issues at the UN and provides a forum for all 193 Member States to discuss and cooperate through the creation of policy and norms. Because of their scope, General Assembly committees deal with a vast range of complex and difficult topics, but it is our hope that this experience will be an incredibly rewarding for all delegates.

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 so we highly encourage you to explore in-depth your assigned country's policies, as well as use the Annotated Bibliography and Bibliography to further your knowledge on these topics. In preparation for the conference, each delegation will submit a [position paper](#). Please take note of the [NMUN policies](#) 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.

The [NMUN Rules of Procedure](#) are available to download from the NMUN website. This document includes the long and short form of the rules, as well as an explanatory narrative and example script of the flow of procedure. It is thus an essential instrument in preparing for the conference, and a reference during committee.

If you have any questions concerning your preparation for the Committee or the Conference itself, feel free to contact the Under-Secretaries-General for the General Assembly Third Committee, Kristina Getty (Conference A) and Cara Wagner (Conference B). You can reach either USG by contacting them at: usg.ga@nmun.org.

We wish you all the best for your preparation for the Conference and look forward to seeing you at the conference!

Sincerely,

Conference A

Kevin O'Donnell, *Director*

Conference B

Rafael Corral, *Director*
Robert Cahill, *Assistant Director*



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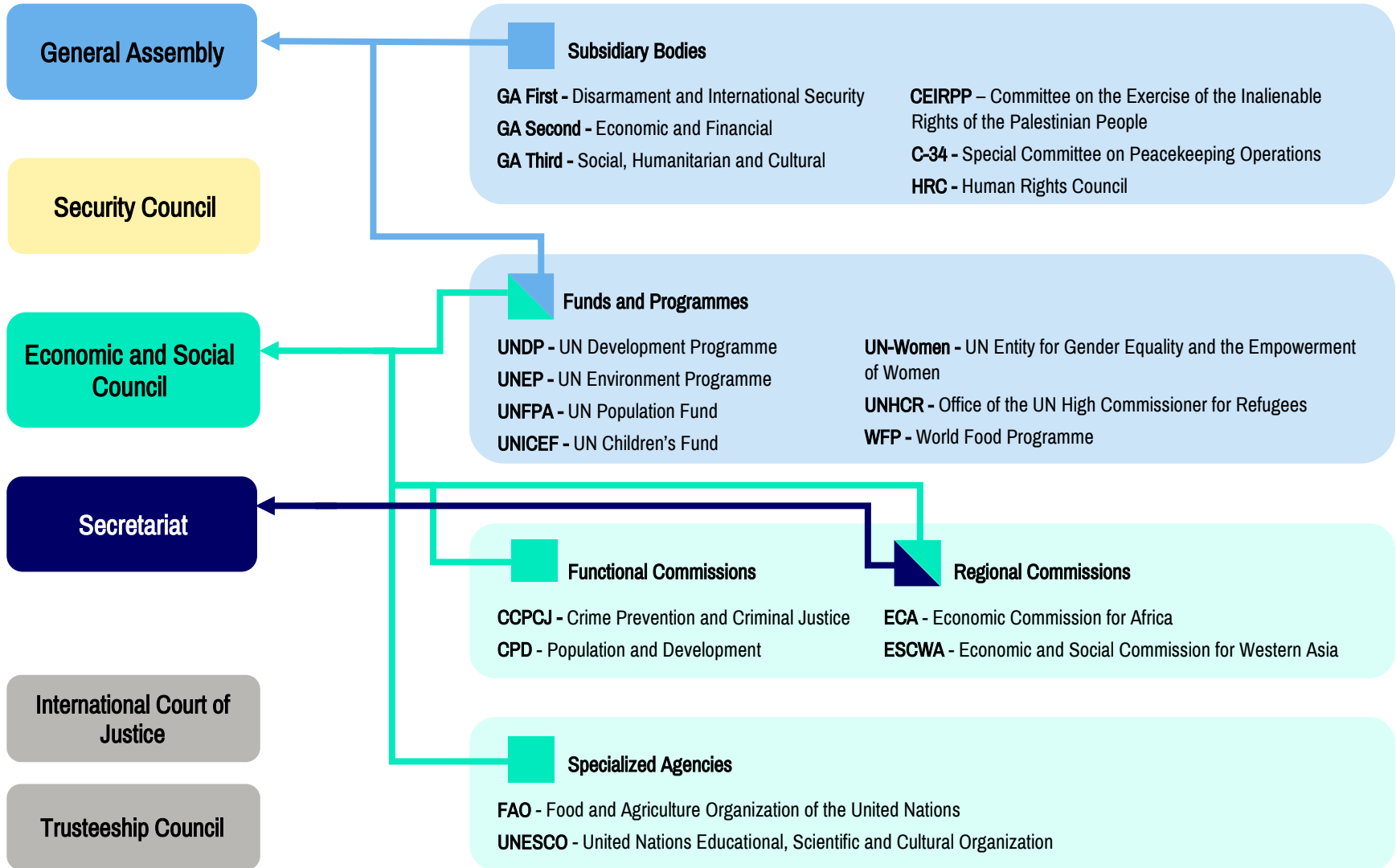


Abbreviations

AU	African Union
CERD	Committee on the Elimination of Racial Discrimination
ECHR	European Convention on Human Rights
ECOSOC	Economic and Social Council
FOC	Freedom Online Coalition
GA	General Assembly
GAEAD	General Assembly and Economic and Social Council Affairs Division
GDP	Gross domestic product
HRC	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICT	Information and communications technologies
IGF	Internet Governance Forum
IGO	Inter-governmental organization
ILO	International Labor Organization
IOM	International Organization for Migration
IP	Internet Protocol
MDG	Millennium Development Goals
NGO	Non-governmental organizations
OECD	Organization for Economic Cooperation and Development
OHCHR	United Nations Office of the High Commissioner for Human Rights
PGA	President of the General Assembly
SC	Security Council
SDG	Sustainable development goals
SG	Secretary-General
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNPFII	United Nations Permanent Forum on Indigenous Issues
UNV	United Nations Volunteer

United Nations System at NMUN·NY

This diagram illustrates the UN System simulated at NMUN·NY. It shows where each committee “sits” within the system, to help understand the reportage and relationships between the entities. Examine the diagram alongside the Committee Overview to gain a clear picture of the committee's position, purpose and powers within the UN System.



Committee Overview

Introduction

The United Nations (UN) General Assembly (GA) Third Committee discusses and offers solutions for social, cultural, and humanitarian matters.¹ Over time, the work of this committee has evolved to deal with mostly human rights issues, making it the world's largest and most prominent forum for international human rights norm creation.² This overview will introduce the committee through a brief history, an explanation of its mandate, an outline of its governance, structure, and membership, and a description of its power and functions. Current priorities of the committee as well as details of recent sessions held by the committee will then be examined, followed by a conclusion from which to draw direction for further research.

The **General Assembly Third Committee** (GA Third Committee) is one of the six Main Committees. A report is issued to the General Assembly Plenary for each item allocated to a Main Committee.

History

In the wake of the Second World War, the UN was created to prevent future conflicts, maintain international peace and security, and promote cooperation among states.³ The General Assembly, one of the six principal organs of the UN created under the *Charter of the United Nations* (1945), was created to act as the representative, deliberative arm of the organization.⁴ As the largest body of the UN, the GA could not feasibly be granted executive, decision-making powers in the organization.⁵ Nor did the original members wish to do so because these executive and administrative functions were to be carried out by the Security Council, Trusteeship Council, and Secretariat.⁶ The Charter grants the GA the power to create subsidiary bodies to assist it in carrying out its work.⁷ The large variance in the scope of its mandate led the GA to allocate its work among six committees that would allow each to focus on a specific theme.⁸

The Third Committee is charged with considering and discussing social, humanitarian, and cultural affairs.⁹ Since its inception, the Third Committee has been a venue for dialogue on many social matters, but today it is the primary international forum for all human rights issues.¹⁰ It was not always so prominent, however, as many Member States in the earlier decades of the UN regarded social issues as the least important for discussion.¹¹ The very low priority for human rights issues therefore resulted in assigning women as delegates to the Third Committee, the effect of which can still be seen in the modern era, as the body has practically double the proportion of female delegates than any other GA committee.¹² Another reason for the early UN's lack of enthusiasm for the Third Committee was the murky distinction between economic and social issues.¹³ By 1970 that pattern was finally changing, with the General Assembly Second Committee discussing mostly development agenda items, and the Third Committee discussing mostly human rights and humanitarian agenda items.¹⁴ Over the next two decades, the Third Committee began debating the definition of what constitutes a human right, as well as human rights situations in particular states.¹⁵ As a majority of Member States are developing states, they began singling out specific states to highlight their poor

¹ UN General Assembly, *Social, Humanitarian & Cultural: Third Committee*, 2014.

² UN Human Rights Council, *Institution-building of the United Nations Human Rights Council (A/HRC/RES/5/1)*, 2007; UN General Assembly, *Resolutions: 68th session*, 2014; UN Human Rights Council, *Review of the work and functioning of the Human Rights Council (A/HRC/RES/16/21)*, 2011; UN DESA, *The UN General Assembly's Third Committee – social, humanitarian and cultural issues*, 2013.

³ United Nations, Department of Public Information, *UN at a Glance*, 2014.

⁴ *Charter of the United Nations*, 1945; UN General Assembly, *About the General Assembly*, 2014.

⁵ Peterson, *The UN General Assembly*, 2006, p. 2.

⁶ *Ibid.*

⁷ *Charter of the United Nations*, 1945.

⁸ *Charter of the United Nations*, 1945; UN General Assembly, *Main Committees*, 2014.

⁹ UN General Assembly, *Social, Humanitarian & Cultural: Third Committee*, 2014.

¹⁰ UN DESA, *The UN General Assembly's Third Committee – social, humanitarian and cultural issues*, 2013.

¹¹ Peterson, *The UN General Assembly*, 2006, pp. 61-62.

¹² *Ibid.*, p. 62.

¹³ *Ibid.*, p. 61.

¹⁴ *Ibid.*, p. 62.

¹⁵ *Ibid.*, p. 62.

human rights records, mainly because they disagreed with those states' foreign policies.¹⁶ One of the first instances of such targeting was actually aimed at Chile in GA resolution 3219 (XXIX) of 1974, which condemned the government there for “constant flagrant violations of basic human rights and fundamental freedoms.”¹⁷ As many of these debated human rights have become normalized today, these topics of discussion (human rights and country-specific human rights situations) continue to serve as the backbone of the Third Committee's annual agenda.¹⁸

Mandate

The Third Committee derives its direction and work content from a variety of UN documents. Articles 10-17 of the Charter are the principal guidelines for the substance and scope of all GA committees.¹⁹ These articles state that the GA has the authority to “initiate studies and make recommendations,” as well as “receive and consider reports” from other organs of the UN, including the Security Council (SC).²⁰ More tangibly, the GA is responsible for allocating and approving the overall biennial budget and the peacekeeping budget of the UN, via the GA Fifth Committee.²¹

The *Universal Declaration of Human Rights* (UDHR) (1948) also contains legal human rights guidelines from which the Third Committee draws both its mandate and the focus of its work.²² In addition to the GA-specific articles of the Charter, Article 1 also speaks of “promoting and encouraging respect for human rights and for fundamental freedoms for all,” which has been said to be the foundation of the UDHR and the mandate of much of the Third Committee's work.²³ Both GA and SC resolutions cite the UDHR as a reason and basis for action.²⁴ Nearly every international human rights instrument since the UDHR's adoption in 1948 has elaborated on its principles, thereby enlarging the Third Committee's mandate by extension.²⁵ For example, the Third Committee used the UDHR as the groundwork to adopt additional and more specific international human rights instruments, chief among them the *International Covenant on Civil and Political Rights* (1966) and the *International Covenant on Economic, Social, and Cultural Rights* (1966).²⁶ These documents, along with the two optional protocols to the *International Covenant on Civil and Political Rights*, make up what is known as the International Bill of Human Rights.²⁷ In both covenants, Member States are reminded that the Charter calls for the promotion of human rights and that, under the UDHR, individuals are free to exercise political and civil freedoms and should be free from fear when enjoying such freedoms.²⁸ In addition to this commonality, Article 3 of both International Covenants states that men and women shall be equal in their enjoyment of rights and freedoms, and Article 5 of each lays out the protection of these rights and freedoms from being limited or withheld.²⁹ Both covenants differ from the UDHR in that they are legally binding multilateral treaties to those Member States that have either ratified or acceded to them.³⁰ In other words, the mandate of the Third Committee was first shaped by the Charter, and then strengthened and reinforced by the subsequent documents making up the International Bill of Human Rights.

Over time, the scope and content of work the Third Committee takes up has gradually been shifted and reinterpreted to become more oriented towards human rights, especially since the establishment of the Human Rights Council

¹⁶ Peterson, *The UN General Assembly*, 2006, p. 62.

¹⁷ UN General Assembly, *Protection and human rights in Chile (XXIX) (A/29/3219)*, 1974.

¹⁸ UN General Assembly, *Proposed strategic framework for the period 2014-2015, Part two: biennial programme plan, Programme 20*, 2012; UN General Assembly, *Resolutions: 68th session*, 2014; UN General Assembly, *Resolutions adopted by the General Assembly at its 8th session*, 1953.

¹⁹ *Charter of the United Nations*, 1945, Articles 10-17.

²⁰ *Ibid.*, Articles 13, 15.

²¹ *Ibid.*, Article 17.

²² *Charter of the United Nations*, 1945; UN DESA, *The UN General Assembly's Third Committee – social, humanitarian and cultural issues*, 2013.

²³ Office of the High Commissioner for Human Rights, *Fact Sheet No.2 (Rev.1), The International Bill of Human Rights*, 1996.

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ *Ibid.*; UN General Assembly, *International Covenant on Civil and Political Rights*, 1966; UN General Assembly, *International Covenant on Economic, Social, and Cultural Rights*, 1966.

²⁷ Office of the High Commissioner for Human Rights, *Fact Sheet No.2 (Rev.1), The International Bill of Human Rights*, 1996.

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ *Ibid.*

(HRC) in 2006.³¹ This is demonstrated by the fact that about half of the work taken up by the Third Committee is on one agenda item, “Promotion and protection of human rights,” and includes such topics as human trafficking, women’s empowerment, elimination of violence against women, protection of migrants, access to food and clean water, and torture, among others.³² As such, it is the responsibility of the Third Committee to deliberate and resolve issues among Member States involving human rights, social development, and humanitarian themes, stemming from both its explicit mandate in the Charter, and the enhanced scope formulated by additional human rights instruments and the creation of the HRC.³³

Governance, Structure and Membership

All main General Assembly committees begin their annual session in mid-September at the UN headquarters in New York City.³⁴ Each year, new GA sessions begin with the process of adopting the agenda, followed by the allocation of those items to each of the six GA committees according to theme and content.³⁵ Next, there is a portion called the General Debate, where a theme (chosen in advance by the President of the GA) is introduced and discussed, primarily through speeches by Heads of State and Government.³⁶ In contrast with some other main GA committees, there is no General Debate on topics at the beginning of Third Committee sessions.³⁷ Agenda items are debated as a body, one at a time.³⁸ Relevant reports of the Secretary-General (SG) are issued just before each corresponding agenda item is introduced, and there is also an allotted time for questions regarding clarification or analysis of items.³⁹ It is during these proceedings each year that Third Committee delegates interact directly with the UN High Commissioner for Human Rights (OHCHR) and the UN High Commissioner for Refugees (UNHCR) via briefings to understand and work through these issues.⁴⁰ The Third Committee begins its substantive work in early October and concludes its work before the last week of November, when the majority of draft resolutions are adopted by the body.⁴¹

The President of the GA (PGA) is the largely ceremonial head of the GA, elected each year by a simple majority to a one-year nonrenewable term.⁴² He or she cannot represent one of the five permanent members of the Security Council.⁴³ The PGA’s duties are to facilitate the GA Plenary sessions by directing discussions, managing the administrative side of meetings, and enforcing the GA Rules of Procedure.⁴⁴ The PGA does not preside over all six GA committees separately; rather, Chairs and Vice Chairs are the facilitators of the committees.⁴⁵ However, the PGA may be requested to weigh in on a certain topic for a committee, in which case they may appoint a Permanent Representative to organize such dialogue.⁴⁶ For example, if a GA resolution mandates the PGA to facilitate consultations on outcome documents or handle the logistics of high-level events, the PGA may assign one or several Permanent Representatives to accomplish these tasks in his or her place.⁴⁷ The PGA also performs executive duties such as meeting regularly with the Secretary-General, President of the Security Council, and the President of

³¹ UN Human Rights Council, *Institution-building of the United Nations Human Rights Council (A/HRC/RES/5/1)*, 2007; UN General Assembly, *Resolutions: 68th session*, 2014; UN Human Rights Council, *Review of the work and functioning of the Human Rights Council (A/HRC/RES/16/21)*, 2011.

³² Switzerland, Permanent Mission to the United Nations, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 65; UN General Assembly, *Resolutions: 68th session*, 2014.

³³ UN General Assembly, *Social, Humanitarian & Cultural: Third Committee*, 2014.

³⁴ Switzerland, Permanent Mission to the United Nations, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 62.

³⁵ *Ibid.*, pp. 38, 62.

³⁶ *Ibid.*, pp. 76-79.

³⁷ *Ibid.*, p. 65.

³⁸ *Ibid.*, p. 65.

³⁹ *Ibid.*, p. 65.

⁴⁰ *Ibid.*, 2011, p. 65.

⁴¹ Switzerland, Permanent Mission to the United Nations, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 65; UN Meetings Coverage and Press Releases, *Third Committee*, 2014.

⁴² Switzerland, Permanent Mission to the United Nations, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 16.

⁴³ *Ibid.*, 2011, p. 15.

⁴⁴ *Ibid.*, p. 16.

⁴⁵ *Ibid.*, pp. 15, 18.

⁴⁶ *Ibid.*, pp. 16-17.

⁴⁷ *Ibid.*, p. 56.

Economic and Social Council (ECOSOC), communicating with the press and the public, and even organizing high-level meetings for certain thematic issues.⁴⁸

All GA committees are supported by “secretariats,” or bodies that provide administrative, logistical, and substantive support to the committees. OHCHR serves as the primary substantive support wing of the Third Committee’s secretariat.⁴⁹ OHCHR serves as a focal point for human rights bodies, reports, and other publications, so it naturally connects the Third Committee to all relevant organs and resources when carrying out its work.⁵⁰ Aside from this, depending on the topic, various other UN entities may serve as substantive secretariats for the Third Committee, such as UN-Women, the United Nations Children’s Fund (UNICEF), the United Nations Volunteer Programme (UNV), and the UNHCR.⁵¹ The GA and ECOSOC Affairs Division (GAEAD) of the Department provide much of the logistical secretariat support for the Third Committee for General Assembly and Conference Management.⁵² This involves crucial tasks such as drafting the agenda and program of work, scheduling GA meetings, preparing scripts for the PGA, maintaining speakers’ lists, and updating the SG on developments in the GA.⁵³ Logistical support wings like GAEAD essentially function as the institutional memory of the body, providing the knowledge of how to effectively and smoothly run the Third Committee’s sessions.⁵⁴

Each of the 193 members of the UN is a de facto member of all six main GA committees.⁵⁵ Each member of the GA has one vote.⁵⁶ In addition to voting “yes” or “no” on substantive items (items having to do with the topic, rather than procedure), Member States may alternatively abstain from a vote.⁵⁷ These abstentions are not added towards the total when calculating majority votes.⁵⁸ Under Article 18 of the Charter, “important questions,” a certain classification of vote described below, are determined by a two-thirds majority of those members “present and voting,” while all other questions are decided by a simple majority.⁵⁹ Important questions are not considered by the Third Committee, as they include matters of international peace and security; elections of members to the Security Council, Trusteeship Council, and Economic and Social Council (ECOSOC); admission, suspension, or expulsion of members from the UN; and budgetary items, areas outside the mandate of the Third Committee.⁶⁰ Despite these voting rules, the current trend in all six main GA committees is to adopt as many resolutions as possible by acclamation (meaning without dissent).⁶¹ One reason for this can be attributed to the organic evolution of the body as a whole, its delegates having preserved a degree of institutional memory within the context of consensus-building in the Third Committee. In other words, each time new delegates were assigned to the Third Committee, they would simply carry on their predecessors’ work and ideals, rather than starting over and learning that process from the beginning. Another reason could be that the body collectively does not desire a divisive process like majority voting, and they respect the minority’s views as much as possible by attempting to gain consensus on issues.⁶² Due to this trend, the GA is now known as a consensus-building body, a process by which norms for international cooperation can be continuously set on various on issues.⁶³ The Third Committee, for example, adopts 70% of all its resolutions

⁴⁸ Switzerland, Permanent Mission to the United Nations, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, pp. 16-17.

⁴⁹ *Ibid.*, p. 65.

⁵⁰ UN Office of the High Commissioner for Human Rights, *Human Rights – New York: Mainstreaming human rights*, 2014; UN Office of the High Commissioner for Human Rights, *Publications*, 2014.

⁵¹ UN General Assembly, *Organization of work of the Third Committee: Note by the Secretariat (A/C.3/69/L.1/Add. 1)*, 2014.

⁵² Switzerland, Permanent Mission to the United Nations, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 65.

⁵³ *Ibid.*, p. 24.

⁵⁴ UN Department for General Assembly and Conference Management, *The General Assembly and ECOSOC Affairs Division*, 2011.

⁵⁵ New Zealand, Ministry of Foreign Affairs and Trade, *United Nations Handbook 2013-14*, 2013, p. 12.

⁵⁶ *Charter of the United Nations*, 1945, Article 18.

⁵⁷ Switzerland, Permanent Mission to the United Nations, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 54; UNA USA, *Model UN Glossary*, 2013.

⁵⁸ *Ibid.*, p. 54.

⁵⁹ *Charter of the United Nations*, 1945, Article 18.

⁶⁰ *Ibid.*

⁶¹ UN General Assembly, *Functions and Powers of the General Assembly*, 2014.

⁶² Chen, *Issues on Consensus and Quorum at International Conferences*, 2010, pp. 717-739.

⁶³ UN General Assembly, *Functions and Powers of the General Assembly*, 2014.

by acclamation, making it one example of how human rights promotion can be successfully advanced and acted upon via international forums like the UN GA.⁶⁴

The Third Committee has no subsidiary organs officially reporting to it, but because the “special procedures” of the HRC usually fall under the agenda item of “Promotion and protection of human rights,” the committee does in fact engage with the HRC through interactive dialogue and an extensive reporting process.⁶⁵ Special procedures of the HRC include independent experts, special rapporteurs, and working groups who compile reports and advise on subjects such as indigenous peoples, torture, and extra-judiciary, summary, and arbitrary executions, often in the context of a specific Member State.⁶⁶ For example, in October 2014 while considering the agenda item “Promotion and protection of the rights of children,” the Special Rapporteur on the sale of children, child prostitution and child pornography delivered a statement and moderated a dialogue with delegates of the Third Committee.⁶⁷ In 2013 alone, 49 Special Rapporteurs and independent experts delivered reports to the Third Committee via the special procedures of the HRC, and the sixty-ninth session of the Third Committee will receive communication from 52 in 2014.⁶⁸ The HRC works very closely with the Third Committee—so close that a Member State’s delegation to the Third Committee often doubles as the delegation to the HRC, as well.⁶⁹

As the GA’s budget is not broken down by each committee, the budget of the Third Committee is drawn from the larger budget of the GA itself.⁷⁰ This number changes every two years (with each new budget), as the size of the GA’s budget depends on the size of the overall UN budget.⁷¹ The UN budget is determined by a system called “scale of assessments,” in which each Member State is called on to contribute a percentage of the overall costs of the UN based almost solely on gross domestic product (GDP) as a fraction of global GDP.⁷² This scale of assessments and overall budget must then be approved by the GA Fifth Committee.⁷³ The PGA’s office has its own annual budget, totaling U.S. \$300,000 in 1998 terms, which is adjusted for inflation each year.⁷⁴

Functions and Powers

The GA has several roles and functions that are explicitly granted to it in the Charter as relate to its mandate.⁷⁵ These include approving the UN budget (mainly via the GA Fifth Committee, dealing with Administrative and Budgetary matters), electing nonpermanent members to the SC and justices to the International Court of Justice, appointing the SG upon the recommendation of the SC, considering reports from other UN bodies, and considering and making recommendations on the general principles of the maintenance of international peace and security (such as disarmament, via the GA First Committee).⁷⁶ Additionally, under Article 13, the GA initiates studies and makes nonbinding recommendations to support international cooperation and development, codify international law, promote human rights and fundamental freedoms, and, in the Third Committee’s case, encourage international collaboration in the social, humanitarian, and cultural fields.⁷⁷

All the work of the Third Committee is of a normative nature, as it does not actually carry out the operations of the tasks called for in its resolutions.⁷⁸ The job of operationalizing the Third Committee’s recommendations is mainly

⁶⁴ Switzerland, Permanent Mission to the United Nations, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 65.

⁶⁵ Ibid.

⁶⁶ Ibid.; UN DESA, *The UN General Assembly’s Third Committee – social, humanitarian and cultural issues*, 2013.

⁶⁷ Journal of the United Nations, *Programme of meetings and agenda: Wednesday, 15 October 2014*, 2014.

⁶⁸ UN General Assembly, *Social, Humanitarian & Cultural: Third Committee*, 2014; New Zealand Ministry of Foreign Affairs and Trade, *United Nations Handbook 2014-15*, 2014, p. 39.

⁶⁹ Switzerland, Permanent Mission to the United Nations, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 65.

⁷⁰ UN General Assembly, *Programme budget for the biennium 2014-2015 (A/68/6/Add.1)*, 2014.

⁷¹ Peterson, *The UN General Assembly*, 2006, p. 63.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Switzerland, Permanent Mission to the United Nations, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 90.

⁷⁵ UN General Assembly, *Functions and Powers of the General Assembly*, 2014.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid.

delegated to the various (usually human rights) agencies and offices of the Secretariat whose job it is to implement such norms and policies agreed upon by the body.⁷⁹ The Third Committee often requests studies to be undertaken by relevant UN bodies such as OHCHR, the UNHCR, UN-Women, and the United Nations Office on Drugs and Crime (UNODC).⁸⁰ UN-Women, for example, delivers the “Report of the Secretary-General on trafficking in women and girls” to the Third Committee, and UNODC similarly issues the “Report of the Secretary-General on international cooperation against the world drug problem,” prepared pursuant to the Third Committee’s resolutions 67/145 (2012) and 68/197 (2013), respectively.⁸¹ The Third Committee also occasionally calls for conferences to highlight certain issues, and it coordinates with other bodies to execute and, if recurring, maintain them.⁸² There are numerous such conferences, but one notable recurring example is the World Conference on Women, which originated from the Third Committee resolution 29/3276 (1974).⁸³ There have been a total of four World Conferences on Women, the last of which took place in Beijing in 1995.⁸⁴ Since then, there have been ongoing follow-up reviews every five years, with the next one, Beijing+20, set to be held in 2015.⁸⁵ Such activities aid the Third Committee in the monitoring of key issues and the promotion of viable solutions and relevant information.

Current Priorities

Most of the work of the Third Committee for the current session, as in previous sessions, has centered on human rights questions, including reports of the special procedures of the HRC.⁸⁶ The Third Committee is discussing human rights issues including, but not limited to: advancement of women, protection of children, indigenous peoples, refugees, and promotion of fundamental freedoms.⁸⁷ The committee will also address social development topics such as youth, family, persons with disabilities, and criminal justice.⁸⁸ Examples of current priorities of the 69th session, which fall into these issues and themes, were outlined in various comments to the Third Committee in October 2014.⁸⁹ Greater emphasis on youth-, elderly-, and disability-inclusive policies was called for, in order to contribute to the overall goal of a people-centered post-2015 development agenda.⁹⁰ These priorities have been set by a document called the Proposed Strategic Framework, which is adopted every two years in order to shape the general themes and topics of work to be accomplished by the UN.⁹¹ The Strategic Framework currently in effect was adopted at the 67th session and is split into 28 programs of work.⁹² The Third Committee’s work will mainly involve Programme 20: Human Rights, although elements of the programs covering international drug control, crime, gender equality, empowerment of women, refugees, and humanitarian assistance will also be in the committee’s purview.⁹³ The volume and scope of the Third Committee’s agenda items has been increasing since its relatively recent refocus on human rights, especially as Member States continue to find potential human rights implications in such a wide variety of areas.

⁷⁹ UN Office of the High Commissioner for Human Rights, *Human Rights – New York: Mainstreaming human rights*, 2014; Switzerland, Permanent Mission to the United Nations, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 65.

⁸⁰ UN General Assembly, *Organization of work of the Third Committee: Note by the Secretariat (A/C.3/69/L.1/Add. 1)*, 2014.

⁸¹ *Ibid.*; UN General Assembly, *International cooperation against the world drug problem: Report of the Secretary-General (A/69/111)*, 2014; UN General Assembly, *Trafficking in women and girls: Report of the Secretary-General (A/69/224)*, 2014.

⁸² UN General Assembly, *Resolutions: 29th session*, 1974.

⁸³ UN General Assembly, *Conference of the International Women’s Year (XXIX) (A/RES/29/3276)*, 1974.

⁸⁴ UN-Women, *World Conferences on Women*.

⁸⁵ *Ibid.*

⁸⁶ UN General Assembly, *Social, Humanitarian & Cultural: Third Committee*, 2014.

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*

⁸⁹ UN Meetings Coverage and Press Releases, *Development Must Centre on People, Realization of Social Rights, Third Committee Told at Opening of Session*, 2014.

⁹⁰ *Ibid.*

⁹¹ UN General Assembly, *Proposed strategic framework for the period 2014-2015, Part one: plan outline 20 (A/67/6)*, 2012.

⁹² *Ibid.*

⁹³ UN General Assembly, *Proposed strategic framework for the period 2014-2015, Part one: plan outline 20 (A/67/6)*, 2012; UN General Assembly, *Proposed strategic framework for the period 2014-2015, Part two: biennial programme plan, Programme 20: Human rights (A/67/6)*, 2012; UN General Assembly, *Resolutions: 68th session*, 2014.

Recent Sessions

In recent years, the Third Committee has approved around 60 or 70 draft resolutions per session; at the 68th session, the committee approved 72.⁹⁴ At that session, the committee's adopted resolutions covered the areas of social development promotion, preservation of self-determination, and the elimination of racism and discrimination.⁹⁵ Additionally, multiple resolutions each were adopted on the topics of women's advancement, children's rights, and the status of refugees.⁹⁶ In the area of women's rights, the Third Committee adopted resolutions that called for added protections against, and criminal justice mechanisms aimed at gender-related killing, as well as the inclusion, encouragement, and empowerment of women in rural areas at all levels of society.⁹⁷ Children's rights were outlined in two major comprehensive resolutions, with one dealing with the rights of children, and the other dealing specifically with the rights of girls.⁹⁸ The status of refugees was addressed in three main resolutions which called for increased protections of, and assistance for, internally displaced persons, increased effectiveness in assistance to African refugees, and general compliance with, and support of, the UNHCR.⁹⁹

Apart from thematic resolutions, the Third Committee also debated a number of country-specific human rights situations.¹⁰⁰ Four such resolutions were adopted in the 68th session: GA resolutions 68/182, 68/183, and 68/184 of 18 December 2013, and 68/242 of 27 December 2013, which respectively reported on, and recommended solutions for the human rights situations in the Syrian Arab Republic, Democratic People's Republic of Korea, Islamic Republic of Iran, and Myanmar.¹⁰¹ Resolution 68/182, having a humanitarian theme, condemns the atrocities being committed in the Syrian Arab Republic and demands an end to the bloodshed, as opposed to the other three country-specific resolutions, which focus on the protection of fundamental freedoms and human rights.¹⁰²

The 69th session of the GA opened on 16 September 2014, this year preceded by two conferences with a significant connection to the work of the Third Committee: the World Conference on Indigenous Peoples and the Climate Summit.¹⁰³ The Third Committee adopted a familiar agenda consisting of 11 substantive items at the beginning of their sixty-ninth session, over half of which are under one item: "Promotion and protection of human rights."¹⁰⁴ Sam Kahamba Kutesa, Minister of Foreign Affairs of Uganda, was elected unanimously to be PGA for the sixty-ninth session of the GA.¹⁰⁵ The twenty-seventh session of the HRC was concluded in late September 2014, resulting in 32 adopted resolutions and four presidential statements, all of which will be summarized in a report to the Third Committee.¹⁰⁶ One extremely prominent theme exhibited by the entire spectrum of speakers has been the post-2015

⁹⁴ UN General Assembly, *Social, Humanitarian & Cultural: Third Committee*, 2014; UN General Assembly, *Resolutions: 68th session*, 2014; Switzerland, Permanent Mission to the United Nations, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 65.

⁹⁵ UN General Assembly, *Resolutions: 68th session*, 2014.

⁹⁶ *Ibid.*

⁹⁷ UN General Assembly, *Improvement of the situation of women in rural areas (A/RES/68/139)*, 2013; UN General Assembly, *Taking action against gender-related killing of women and girls (A/RES/68/191)*, 2013.

⁹⁸ UN General Assembly, *Rights of the child (A/RES/68/147)*, 2013; UN General Assembly, *The girl child (A/RES/68/146)*, 2013.

⁹⁹ UN General Assembly, *Assistance to refugees, returnees and displaced persons in Africa (A/RES/68/143)*, 2013; UN General Assembly, *Office of the United Nations High Commissioner for Refugees (A/RES/68/141)*, 2013; UN General Assembly, *Protection of and assistance to internally displaced persons (A/RES/68/180)*, 2013.

¹⁰⁰ UN General Assembly, *Resolutions: 68th session*, 2014.

¹⁰¹ UN General Assembly, *Situation of human rights in the Syrian Arab Republic (A/RES/68/182)*, 2013; UN General Assembly, *Situation of human rights in the Democratic People's Republic of Korea (A/RES/68/183)*, 2013; UN General Assembly, *Situation of human rights in the Islamic Republic of Iran (A/RES/68/184)*, 2013; UN General Assembly, *Situation of human rights in Myanmar (A/RES/68/242)*, 2013.

¹⁰² UN General Assembly, *Situation of human rights in the Syrian Arab Republic (A/RES/68/182)*, 2013; UN General Assembly, *Situation of human rights in the Democratic People's Republic of Korea (A/RES/68/183)*, 2013; UN General Assembly, *Situation of human rights in the Islamic Republic of Iran (A/RES/68/184)*, 2013; UN General Assembly, *Situation of human rights in Myanmar (A/RES/68/242)*, 2013.

¹⁰³ PeaceWomen, *General Debate of the 69th Session of the General Assembly - Reference to Gender Language*, 2014.

¹⁰⁴ UN General Assembly, *Allocation of agenda items for the sixty-ninth session of the General Assembly (A/69/252)*, 2014.

¹⁰⁵ UN News Centre, *General Assembly elects Ugandan Foreign Minister as President of 69th session*, 2014.

¹⁰⁶ UN Office of the High Commissioner for Human Rights, *Human Rights Council concludes twenty-seventh session after adopting 32 resolutions and four presidential statements*, 2014; UN General Assembly, *Allocation of agenda items for the sixty-ninth session of the General Assembly (A/69/252)*, 2014.



development agenda, in anticipation of the progress towards achieving the Millennium Development Goals by the end of next year.¹⁰⁷

Conclusion

The Third Committee is the main facilitator of international human rights issues at the UN and provides a forum for Member States to discuss and cooperate through the creation of policy and norms. Delegates should seek to emulate this by studying the language of the documents that make up the International Bill of Human Rights, watching speeches made by Member States' permanent representatives to the Third Committee and the HRC, and educating themselves on the issues discussed by the committee, focusing on their peaceful resolution.

¹⁰⁷ PeaceWomen, *General Debate of the 69th Session of the General Assembly - Reference to Gender Language*, 2014.

Annotated Bibliography

Charter of the United Nations. (1945). Retrieved 16 July 2014 from: <http://www.un.org/en/documents/charter/>
The Charter is the fundamental document that every delegate should read to understand what ideas and terminology are used at the UN. Article 17 in particular is significant as it relates to the General Assembly's primary function and powers. The Charter is the foundation of the organization itself, and is therefore an extremely valuable source for delegates.

Switzerland, Permanent Mission to the United Nations. (2011). *The PGA Handbook: A practical guide to the United Nations General Assembly*. Retrieved 17 August 2014 from:
http://www.unitar.org/ny/sites/unitar.org/ny/files/UN_PGA_Handbook.pdf

The PGA Handbook is an essential read for delegates who will be a part of a General Assembly committee. The entirety of the Handbook is relevant and delegates are encouraged to study it carefully. Of particular interest is Page 65, which offers a superbly useful breakdown of the basic info for Third Committee, including details of proceedings and voting information.

United Nations, General Assembly. (1948). *Universal Declaration of Human Rights*. Retrieved 16 July 2014 from:
<http://www.un.org/en/documents/udhr/>

The Universal Declaration of Human Rights (UDHR) is the cornerstone of international human rights, and, along with the Charter, is one of the most important documents that delegates should study when preparing to emulate the Third Committee. Delegates should seek to truly understand these principles as opposed to memorization, as they are the fabric of how human rights are viewed today. Special attention should be paid to the principles of equality and inalienability of these rights, as well as the strong desire that Member States express for the UDHR to be enshrined as the global standard for human rights. This is one of the prime examples of how the UN sets international human rights standards for the world to follow, as laid out in the last paragraph of the Preamble to the UDHR.

United Nations, General Assembly. (2014). *Functions and Powers of the General Assembly* [Website]. Retrieved 17 July 2014 from: <http://www.un.org/en/ga/about/background.shtml>

This is a basic overview of what kind of work the General Assembly actually performs, and how it is permitted to do such work under the Charter. The page is very easy to understand and has links on the side that can take delegates to other pages with valuable information on the General Assembly, such as the Subsidiary Organs, Rules of Procedure, and Observers. All the functions of the General Assembly are clearly laid out in bullet points, and delegates should study these points carefully.

United Nations, Office of the High Commissioner for Human Rights. (1996). *Fact Sheet No.2 (Rev.1), The International Bill of Human Rights* [Website]. Retrieved 17 August 2014 from:
<http://www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf>

This fact sheet demonstrates in detail the history and influence of the International Bill of Human Rights. Helpful context and detailed explanation is also provided, which will aid tremendously in delegates' overall comprehension of these documents' meaning. Delegates are advised to read this document after having read through the UDHR and International Covenants in order to clarify the principles and ideas laid out.

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I. Development and the Rights of Indigenous Peoples

“Affirming that Indigenous Peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such.”¹⁰⁸

Introduction

While Indigenous Peoples make up only 5% of the world population, they account for 15% of the poor and 33% of the world’s extreme rural poor.¹⁰⁹ Despite global unprecedented progress in poverty reduction and economic development during the last few decades, Indigenous Peoples remain, to this day, consistently and disproportionately represented among the poorest of the poor and the most vulnerable.¹¹⁰ This injustice responds to deep-rooted historical discrimination from the dominant groups in their respective societies, including forced assimilation, expulsion, relocation, and even extermination.¹¹¹ Due to this underlying discrimination, international development efforts have had limited success in reaching these populations.¹¹² The international community and the United Nations (UN), however, have increasingly recognized the historical injustices Indigenous Peoples have endured, as well as the unique contributions they bring to the common heritage of mankind, and have recognized their rights to be respected as culturally distinct from their dominant societies.¹¹³ In this regard, the UN has also acknowledged that if development efforts are to be successful with Indigenous Peoples, they must be driven by a culturally sensitive and human rights-based approach.¹¹⁴ Such an approach must ensure the full and effective participation of Indigenous Peoples through their representative institutions in the development and implementation of programs or policies that may affect them or their environments, including their land, territories, and resources.¹¹⁵

At present, there is no internationally recognized definition of Indigenous Peoples. The approach within the UN system, rather, has been to provide guidelines for the identification of Indigenous Peoples to which particular instruments or policies should apply.¹¹⁶ In this regard, the International Labor Organization (ILO)’s *Indigenous and Tribal Peoples Convention* (1989) applies to peoples “who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.”¹¹⁷ The Convention also regards self identification as an important criterion for identification.¹¹⁸ Importantly, the preparatory work of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) (2005) shows that a definition of the term was not possible at the time, and not necessary for the adoption of UNDRIP.¹¹⁹ Rather, UNDRIP includes the right of Indigenous Peoples to “determine their own identity or membership in accordance with their customs and traditions,” and to “determine the structures and to select the membership of their institutions in accordance with their own procedures.”¹²⁰ In practical terms, however, distinct and specific guidelines for the identification of Indigenous Peoples exist in the context of development programs and policies.¹²¹ The World Bank, for instance, has a set of identification criteria used for screening the presence of Indigenous Peoples in the area of influence of their investment projects. In this regard, World Bank Operational Policy 4.10 on Indigenous Peoples is applied when, in the project area, there is the presence of a:

¹⁰⁸ UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, 2007.

¹⁰⁹ United Nations Development Programme, *Sustaining Human Progress: Reducing Vulnerabilities and Building Resilience, Human Development Report*, 2014, p. 3.

¹¹⁰ UN Department of Economic and Social Affairs, *State of the World’s Indigenous Peoples (ST/ESA/328)*, p. 2.

¹¹¹ *Ibid.*

¹¹² *Ibid.*

¹¹³ UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, 2007.

¹¹⁴ UN Department of Economic and Social Affairs, *State of the World’s Indigenous Peoples (ST/ESA/328)*, p. 2.

¹¹⁵ *Ibid.*

¹¹⁶ UN Permanent Forum on Indigenous Issues, *Who are Indigenous Peoples*.

¹¹⁷ International Labor Organization, *C169 – Indigenous and Tribal Peoples Convention*, 1989, art. 1.

¹¹⁸ International Labor Organization, *Convention No. 169*.

¹¹⁹ UN Economic and Social Council, *Report of the Working Group on Indigenous Populations on its Fifteenth Session (E/CN.4/Sub.2/1997/14)*, 1997, para. 129.

¹²⁰ UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, 2007, art. 33.

¹²¹ World Bank, *Operational Policy 4.10 – Indigenous Peoples*, 2005.

“...distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (a) self identification as members of a distinct indigenous cultural group and recognition of this identity by others; (b) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (c) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (d) an indigenous language, often different from the official language of the country or region.”¹²²

It is important to note that the World Bank policy also covers those groups that have lost collective attachment to their lands or territories due to forced displacement or absorption into urban areas.¹²³ World Bank policy also notes that in different states Indigenous Peoples may be referred to as ‘indigenous ethnic minorities’, ‘aboriginals’, ‘hill tribes’, ‘minority nationalities’, ‘scheduled tribes,’ or ‘tribal groups.’¹²⁴

In fact, there are several regional differences in the approach towards the rights of Indigenous Peoples. In Africa and Asia the uncertainty about criteria for identification has caused problems in addressing Indigenous Peoples rights.¹²⁵ In these regions, the term is not necessarily related to outside colonization. In Africa for instance, there is the argument that, if the literal meaning of the word is to be used, people with African origin can be considered indigenous to Africa.¹²⁶ There is a similar problem in Asia, where a number of states deny the applicability of the concept of Indigenous Peoples as distinct groups, arguing that their whole population is indigenous.¹²⁷ It is also common in Asia for governments to have identification policies that regard Indigenous Peoples as “primitive” or “backwards”, and which are part of policies that have the purpose of assimilating them into the dominant society.¹²⁸ In Latin America, states generally recognize the presence of Indigenous Peoples, but they are often excluded from national development policies and participatory processes.¹²⁹

International and Regional Framework

The first international legal document on the subject of the rights of Indigenous Peoples was the ILO’s *Indigenous and Tribal Populations Convention (No. 107)* (1957).¹³⁰ This document followed an assimilationist approach, which assumed that indigenous populations were transitional societies destined to disappear into mainstream society with modernization.¹³¹ Convention 107 was considered obsolete and detrimental to indigenous rights, and *Convention 169* replaced it in 1989.¹³² In particular, recognizing that Indigenous Peoples are likely to be discriminated against, Convention 169 places a strong emphasis on non-discrimination and the right to full enjoyment of human rights and fundamental freedoms from within their own and distinctive culture.¹³³ It further recognizes that Indigenous Peoples have distinct “ways of life customs, traditions, institutions, customary laws, forms of land use and forms of social organization” which are different from those of the dominant society.¹³⁴ In this regard, it also contains a right to be consulted and engaged in free, prior, and informed participation in the development of policies and programs that affect them, and their right to decide on their own priorities for development.¹³⁵ Currently, although only 22 states have ratified the Convention, it has gained global recognition by opening the topic to international dialogue and influencing legal decisions and the adoption of legislation and policies at the national level.¹³⁶

The general principles of *Convention 169* are also present in the UNDRIP, adopted by the UN General Assembly (GA) in 2007 with 144 votes in favor, 4 votes against, and 11 abstentions, reflecting a strong international

¹²² World Bank, *Operational Policy 4.10 – Indigenous Peoples*, 2005, Para. 4.

¹²³ *Ibid*, para. 5.

¹²⁴ *Ibid*, para. 3.

¹²⁵ UN Department of Economic and Social Affairs, *Resource Kit on Indigenous Peoples’ Issues*, 2008, p. 26.

¹²⁶ *Ibid*.

¹²⁷ UN Human Rights Council, *Report of the Special Rapporteur on the rights of Indigenous Peoples, James Anaya*, 2008, p. 5.

¹²⁸ *Ibid*.

¹²⁹ International Work Group for Indigenous Affairs, *Indigenous Peoples in Latin America – a general overview*.

¹³⁰ International Labor Organization, *Convention No. 107*.

¹³¹ *Ibid*.

¹³² *Ibid*; International Labor Organization, *Convention No. 169*.

¹³³ International Labor Organization, *Convention No. 169*.

¹³⁴ *Ibid*.

¹³⁵ International Labor Organization, *C169 – Indigenous and Tribal Peoples Convention*, 1989, art. 7.

¹³⁶ International Labor Organization, *Convention No. 169*.

consensus.¹³⁷ UNDRIP explicitly recognizes that Indigenous Peoples have “suffered from historic injustices as a result of, [among other things], their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests.”¹³⁸ Consequently, UNDRIP has a strong focus on collective rights, including the right to live as distinct peoples, maintaining their distinct institutions, and the right “not to be subjected to forceful assimilation or destruction of their culture.”¹³⁹ It also has a strong focus on the right not to be “forcibly removed from their lands or territories” explicitly stating that relocation of Indigenous Peoples can only take place with their free, prior, and informed consent, with just and fair compensation, and, when possible, with the option of return.¹⁴⁰ The concept of free, prior, and informed consent is also applied to the confiscation, use, occupation, or damage of their lands, to their cultural, intellectual, religious and spiritual property, to legislative or administrative measures that may affect them, and to any project affecting their lands, territories, or resources.¹⁴¹ Both *Convention 169* and UNDRIP contain a right to be consulted and to participate in the development of policies and programs that affect them, and their right to decide on their own priorities for development.¹⁴² UNDRIP thus gives states the task of preventing and mitigating any affectation of these rights.¹⁴³

Role of the International System

The UN system had already begun efforts to protect indigenous rights before *Convention 169* and UNDRIP were adopted.¹⁴⁴ The Working Group on Indigenous Populations, established by the UN Economic and Social Council (ECOSOC) in 1982, was the first UN body created specifically to address indigenous issues.¹⁴⁵ Now replaced by other UN bodies, its mandate was to review developments related to the human rights of Indigenous Peoples and the evolution of the international standards for the protection of those rights.¹⁴⁶ Importantly, this working group prepared a first draft of UNDRIP.¹⁴⁷

In 1994, the GA launched the First International Decade of the World’s Indigenous Peoples (1995-2005) with the purpose of increasing awareness and commitment to the implementation of projects for the protection and promotion of indigenous customs, values, and practices.¹⁴⁸ The main outcomes of this decade were the establishment of the Permanent Forum on Indigenous Issues (UNPFII) and the appointment of a Special Rapporteur on the Rights of Indigenous Peoples.¹⁴⁹ As a subsidiary body of the ECOSOC, the UNPFII discusses indigenous issues within the Council’s mandate.¹⁵⁰ Importantly, as 8 of its 16 independent expert members are nominated directly by civil society indigenous organizations, the UNPFII is a source of expert advice and an avenue of civil society participation on indigenous issues for the UN system.¹⁵¹ Furthermore, the Commission on Human Rights created the office of the Special Rapporteur on the Rights of Indigenous Peoples in 2001. The Special Rapporteur has the mandate of promoting good practices to implement international standards on the rights of Indigenous Peoples, preparing country reports on the human rights situations of Indigenous Peoples in particular Member States, liaising with governments to address cases of rights violations, and conducting thematic studies on topics related to the promotion and protection of indigenous rights.¹⁵² The Special Rapporteur currently reports to the Human Rights Council (HRC).¹⁵³

¹³⁷ UN Permanent Forum on Indigenous Issues, *History of Indigenous Peoples and the International System*.

¹³⁸ UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, 2007.

¹³⁹ *Ibid.* arts. 7 and 8.

¹⁴⁰ *Ibid.* art. 10.

¹⁴¹ *Ibid.* arts. 11, 19, 28, 32.

¹⁴² *Ibid.*

¹⁴³ UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, 2007, arts. 11, 19, 28, 32; International Labor Organization, *C169 – Indigenous and Tribal Peoples Convention*, 1989.

¹⁴⁴ UN Permanent Forum on Indigenous Issues, *History of Indigenous Peoples and the International System*.

¹⁴⁵ *Ibid.*

¹⁴⁶ UN Office of the High Commissioner for Human Rights, *Mandate of the Working Group on Indigenous Populations*.

¹⁴⁷ UN Permanent Forum on Indigenous Issues, *History of Indigenous Peoples and the International System*.

¹⁴⁸ *Ibid.*

¹⁴⁹ UN General Assembly, *Second International Decade of the World’s Indigenous People (A/RES/59/174)*, 2004.

¹⁵⁰ UN Permanent Forum on Indigenous Issues, *Structure Within ECOSOC*.

¹⁵¹ *Ibid.*

¹⁵² UN Office of the High Commissioner for Human Rights, *Special Rapporteur on the rights of Indigenous Peoples*.

¹⁵³ *Ibid.*

Following the recognition that Indigenous Peoples continued to live in the most precarious economic and social situations, in 2004 the GA launched the Second International Decade of the World's Indigenous People (2005-2015).¹⁵⁴ The goal of the Second Decade is to further strengthen “international cooperation for the solution of problems faced by indigenous people in such areas as culture, education, health, human rights, the environment, and social and economic development, by means of action-oriented programs and specific projects, increased technical assistance and relevant standard-setting activities.”¹⁵⁵ In this context, the HRC established an Expert Mechanism on the Rights of Indigenous Peoples in 2007 to provide the Council with research and thematic advice regarding the rights of Indigenous Peoples.¹⁵⁶ For instance, it has completed, among other things, studies on Indigenous Peoples and the right to education, and Indigenous Peoples and the right to participate in decision-making.¹⁵⁷ Also in 2007, the GA adopted UNDRIP, and in 2010, decided to organize for the first time, a high-level plenary meeting to be known as the World Conference on Indigenous Peoples, which was held in September of 2014.¹⁵⁸ As expert bodies, the UNPFII, the Special Rapporteur, and the Expert Mechanism on the Rights of Indigenous Peoples all provide valuable insight and recommendations related to the promotion and protection of indigenous rights to policymaking bodies in the whole UN system, including the GA.¹⁵⁹ The UNPFII, for example, has conducted a series of surveys among indigenous individuals as a preliminary way to assess the priority areas in terms of development.¹⁶⁰ The responses were the following: national and international recognition; recognition of collective rights; enactment of intercultural and culturally sensitive policies; prioritization of the special needs of indigenous women, children and persons with disabilities; recognition of culture as a pillar of sustainable development; and the establishment of partnerships for development issues concerning Indigenous Peoples.¹⁶¹

The Second International Decade on the World's Indigenous Peoples has also made advances in guaranteeing the right of Indigenous Peoples to participate in all stages of policy and program development in areas and subjects that may affect them.¹⁶² This gives the UN a mandate to involve Indigenous Peoples in all stages of the development process.¹⁶³ One way this has been done thus far is through the United Nations Voluntary Fund for Indigenous Populations, with which the GA Third Committee has supported the participation of indigenous organizations and communities in sessions of the HRC and other human rights treaty bodies.¹⁶⁴

The First World Conference on Indigenous Peoples, which took place in September 2014, yielded important commitments aimed at enhancing the realization of indigenous rights and the implementation of UNDRIP.¹⁶⁵ Its outcome document reaffirms the states' obligation towards consultation and cooperation with indigenous representative institutions geared towards the obtainment of their free, prior, and informed consent before adopting or implementing any measures that may affect them.¹⁶⁶ Furthermore, it requests the UN Secretary-General to develop “a system-wide action plan” to be led by “an existing senior official” of the UN system to “ensure a coherent approach to achieving the ends of the Declaration.”¹⁶⁷ Similarly, it calls on the HRC to enhance the Expert Mechanism to better promote respect for UNDRIP, in particular by assisting Member States in monitoring, evaluating, and improving its implementation.¹⁶⁸ The outcome document further calls for the enhancement of the participation of indigenous peoples' representatives and institutions at the UN.¹⁶⁹ Finally, it explicitly commits the Secretary-General to include information on indigenous peoples in his report on the achievement of the Millennium Development Goals (MDGs), and Member States to give full consideration to all indigenous rights in the elaboration

¹⁵⁴ UN General Assembly, *Second International Decade of the World's Indigenous People (A/Res/59/174)*, 2004, Para. 2.

¹⁵⁵ *Ibid.*

¹⁵⁶ UN Office of the High Commissioner for Human Rights, *The Expert mechanism on the Rights of Indigenous Peoples*.

¹⁵⁷ *Ibid.*

¹⁵⁸ UN General Assembly, *Indigenous Issues (A/RES/65/198)*, 2011.

¹⁵⁹ UN Permanent Forum on Indigenous Issues, *History of Indigenous Peoples and the International System*.

¹⁶⁰ UN Permanent Forum on Indigenous Issues, *Indigenous Peoples and the Post-2015 Development Agenda*.

¹⁶¹ *Ibid.*

¹⁶² United Nations Development Group, *Guidelines on Indigenous Peoples' Issues*, 2009, p. 15.

¹⁶³ *Ibid.*

¹⁶⁴ UN General Assembly, *Rights of Indigenous Peoples (A/C.3/68/L.30/Rev.3)*, 2013.

¹⁶⁵ UN General Assembly, *Outcome Document of the World Conference on Indigenous Peoples (A/RES/69/2)*, 2014.

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid.*

¹⁶⁸ *Ibid.*

¹⁶⁹ *Ibid.*

of the post-2015 development agenda.¹⁷⁰ The Secretary-General will report on the advances on all of these issues at the 70th session of the GA in 2015.¹⁷¹

In recent decades, the GA Third has been deeply involved in the formulation and supervision of the initiatives regarding Indigenous Peoples, many of them having originated as Third Committee resolutions before being adopted by the GA Plenary.¹⁷² Looking to the future, much of the work of the Third Committee under agenda item 65, “rights of indigenous peoples,” will involve the follow-up and implementation of the World Conference on Indigenous Peoples’ outcome document.¹⁷³

A Human Rights-Based Approach to the Post-2015 Development Agenda

According to the Office of the United Nations High Commissioner for Human Rights, a human rights-based approach to development seeks to “analyze inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress.”¹⁷⁴ A rights-based approach to development is anchored in both a moral obligation and an instrumental rationale that recognizes that it allows for better outcomes in sustainable human development.¹⁷⁵ For example, a rights-based approach to development promotes the sustainability of development policies by empowering their beneficiaries to participate in policy formulation and execution.¹⁷⁶

In terms of Indigenous Peoples’ rights, UNPFII has cautioned that the MDGs have not fully addressed the issues of human rights and inequality in development.¹⁷⁷ In particular, Indigenous Peoples are often absent from efforts to achieve the MDGs and they are disregarded from progress reports and poverty reduction strategy papers.¹⁷⁸ In fact, UNPFII has warned that some development efforts have negatively affected the rights of indigenous communities across the globe.¹⁷⁹ Moreover, indigenous representatives from civil society have made statements in the context of UNPFII sessions on the urgent need of redefining the approaches towards development and the need for Indigenous Peoples to provide their own definitions of poverty and development, as well as their full and effective participation in the creation of development policies and programs.¹⁸⁰ Indeed, data gathered by the World Bank on progress towards the achievement of the MDGs shows that Indigenous Peoples throughout the world are not being reached by development efforts.¹⁸¹ Even in countries that have achieved considerable economic growth and poverty reduction Indigenous Peoples are poorer than the non-indigenous populations.¹⁸² In particular, in Asia, Africa, and Latin America, Indigenous Peoples have consistently worse human development indicators than the non-indigenous populations.¹⁸³

The negotiations on the sustainable development goals (SDGs) and the broader conversation surrounding the post-2015 development agenda, thus, constitute a unique opportunity to address these issues and integrate Indigenous Peoples into the global development agenda.¹⁸⁴ In fact, the outcome document to the Rio+20 Conference, entitled *The Future We Want* (2012), stresses the importance of the participation of Indigenous Peoples in sustainable development as well as the importance of UNDRIP in the implementation of sustainable development strategies at any level.¹⁸⁵ As the place where many of the negotiations around the post-2015 development agenda take part, the

¹⁷⁰ UN General Assembly, *Outcome Document of the World Conference on Indigenous Peoples (A/RES/69/2)*, 2014.

¹⁷¹ *Ibid.*

¹⁷² UN General Assembly, *Indigenous Issues (A/RES/65/198)*, 2011.

¹⁷³ UN General Assembly, *Allocation of Agenda items to the Third Committee (A/C.3/69/1)*, 2014.

¹⁷⁴ UN Office of the High Commissioner for Human Rights, *Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation*, 2009, p. 15.

¹⁷⁵ *Ibid.*, p. 16.

¹⁷⁶ *Ibid.*

¹⁷⁷ UN Permanent Forum on Indigenous Issues, *Indigenous Peoples and the Post-2015 Development Agenda*.

¹⁷⁸ UN Permanent Forum on Indigenous Issues, *Report on the Fourth Session (16-27 May 2005) (E/2005/43)*, para. 5.

¹⁷⁹ *Ibid.*, Par 6.

¹⁸⁰ UN Permanent Forum on Indigenous Issues, *MDGs and UNPFII*.

¹⁸¹ Patrinos & Hall, *Indigenous Peoples, Poverty and Development*, 2010, p. 386.

¹⁸² *Ibid.*

¹⁸³ *Ibid.*, p. 344.

¹⁸⁴ UN Permanent Forum on Indigenous Issues, *MDGs and UNPFII*.

¹⁸⁵ UN General Assembly, *The Future we want (A/RES/66/288)*, 2012.

Third Committee is uniquely placed in the UN System to integrate indigenous issues into the post-2015 development agenda.¹⁸⁶

Collective Rights

A rights-based approach for the post-2015 development agenda that would effectively reach Indigenous Peoples must ensure a fundamental concept of development that takes into account culture and identity.¹⁸⁷ The preservation of the specific collective rights of Indigenous Peoples as human groups distinct from their dominant societies is essential to ensure their continued existence and avoid their forced assimilation.¹⁸⁸ Such rights include “recognition of their distinctive histories, languages, identities, and cultures but also of their collective right to the lands, territories, and natural resources they have traditionally occupied and used, as well as the rights to their collectively held traditional knowledge.”¹⁸⁹ It is important to note that the respect for collective rights is meant to complement, rather than negatively affect, the fulfillment of the individual rights protected by the various international human rights instruments.¹⁹⁰ Fundamentally, all this involves a culturally sensitive approach to programming at all levels, which would include an effective participation by Indigenous Peoples, including women, both directly and through their representatives, during all stages of programming cycles and planning processes. It would also include proactively and consciously ensuring that these programming and planning activities respect, promote, and strengthen their rights.¹⁹¹

Priorities for Action

Lands, territories, and resources

The importance of lands, territories, and resources for Indigenous Peoples should not be underestimated. A collective attachment to ancestral lands and territories is a defining characteristic of Indigenous Peoples across the globe and has been recognized as such in the international context.¹⁹² Beyond the lands they occupy, Indigenous Peoples have rights over a broader territory that encompasses their total environments, including natural resources, rivers, lakes, and coasts.¹⁹³ Territories have a great influence on the identities, livelihoods, and knowledge of Indigenous Peoples.¹⁹⁴ Their land practices and livelihoods are deeply rooted in ancestral beliefs and knowledge systems that often go undocumented by official state institutions.¹⁹⁵ Likewise, their customary governance systems and institutions are often unrecognized by the state.¹⁹⁶ Moreover, indigenous communities often exist within nation states that have historically lacked respect for their special relationship and the customary and ancestral ownership of their lands and resources.¹⁹⁷ This has caused them to experience a continuous loss of control over their lands, territories, and resources.¹⁹⁸ It is only through securing these rights that Indigenous Peoples can effectively determine their own priorities for development.¹⁹⁹ Specific procedures that can allow this recognition include identification of indigenous lands and territories, respect for the cultural procedures for the transmission of land rights, and adequate resources in national legal systems for resolving land claims.²⁰⁰

Full and effective participation, consultation, and free, prior, and informed consent

Full and effective participation is key to the respect for Indigenous Peoples’ rights and entails all steps in the development process, from identification of priorities and design, to implementation, evaluation and benefit sharing.²⁰¹ Participation should be seen as the main avenue to providing equality for Indigenous Peoples, who should

¹⁸⁶ UN General Assembly, *Allocation of Agenda items to the Third Committee (A/C.3/69/1)*, 2014.

¹⁸⁷ Patrinos & Hall, *Indigenous Peoples, Poverty and Development*, 2010, p. 337.

¹⁸⁸ United Nations Development Group, *Guidelines on Indigenous Peoples’ Issues*, 2009, p. 10.

¹⁸⁹ *Ibid.*

¹⁹⁰ *Ibid.*, p. 15.

¹⁹¹ *Ibid.*, p. 26.

¹⁹² International Land Coalition, *Indigenous Peoples’ Rights to Lands Territories and Resources*, 2013, p. 13.

¹⁹³ *Ibid.*, p. 17.

¹⁹⁴ *Ibid.*, p. 14.

¹⁹⁵ *Ibid.*, p. 13.

¹⁹⁶ *Ibid.*

¹⁹⁷ *Ibid.*, p. 14.

¹⁹⁸ *Ibid.*, p. 15.

¹⁹⁹ *Ibid.*, p. 17.

²⁰⁰ *Ibid.*, p. 13.

²⁰¹ UN Department of Economic and Social Affairs, *Resource Kit on Indigenous Peoples’ Issues*, 2008, p. 17.

be able to take part and be given concrete ownership of development projects that affect them.²⁰² Participation mechanisms at the national level can be established for this purpose.²⁰³ A challenge at the national level, however, is to ensure that the representative institutions of Indigenous Peoples, which should be freely elected through traditional mechanisms, are identified and that they have the sufficient capacity to be able to participate.²⁰⁴ One necessary, although weak, form of participation is consultation.²⁰⁵ Both UNDRIP and *Convention 169* are very clear in requiring states to consult with Indigenous Peoples regarding measures that may directly affect them; they must do so in good faith and with the objective of achieving agreement and consent to any proposed measure.²⁰⁶ It is important to note that consultation might not lead to consent.²⁰⁷

A stronger form of participation is the concept of free, prior, and informed consent, which is linked to the lands, territories, and resources of Indigenous Peoples.²⁰⁸ It supposes that before adopting any legislative or administrative measure that may affect Indigenous Peoples, or implementing any project that may affect their right to land, territory and resources, states must first obtain the free, prior, and informed consent of the Indigenous Peoples concerned through their own representative institutions.²⁰⁹ The concept can be dissected by considering the term as three distinct definitions. Free “implies that there is no coercion, intimidation or manipulation;” prior means that consent is sought in advance of the authorization or commencement of activities; informed means that the information provided covers a wide range of aspects regarding the nature of the project.”²¹⁰ Challenges related to free, prior, and informed consent include low levels of adaptation in national legislations, as well as difficulty in determining who specifically has the right to consent in situations where indigenous lands and territories are not well defined, and verifying when consent has taken place.²¹¹

Conclusion

Although Indigenous Peoples remain disproportionately represented among the poor and vulnerable, the UN has made advances in the recognition of their rights as culturally distinct societies. International instruments such as *Convention 169* and the UNDRIP have set the basis for increased efforts by the international community to empower indigenous peoples through their full and effective participation in all aspects of development. The organization of a high-level meeting of the UN GA to address indigenous rights is testimony to this progress. Nevertheless, the fact that Indigenous Peoples remain among the poorest and most marginalized peoples means that there is still much effort to be made. The principles contained in *Convention 169* and UNDRIP have not yet been universally implemented, and problems related to the recognition of Indigenous Peoples, low cultural adaptation of development programs to their needs, and limited participation or exclusion from the national and international context abound. In light of this, the international community and UN Member States must recognize that if the post-2015 development agenda is to effectively reach the poorest and most vulnerable, it must engage Indigenous Peoples through a human rights-based approach at every step of the process.

Further Research

Some guidance questions when pursuing further research include: How can the GA Third most effectively follow-up on the decisions made by the World Conference on Indigenous Peoples carried out in September 2014? How can the UN system streamline cultural sensitivity and participation in all its activities? How can the post-2015 development agenda be tailored towards a more rights-based approach, especially for the purpose of more effectively reaching Indigenous Peoples? How can the UN Declaration on the Rights of Indigenous Peoples be more effectively implemented at the national level? What are some opportunities for international collaboration in regards to the rights of Indigenous Peoples? How can the GA promote the participation of Indigenous Peoples at all levels within the UN system?

²⁰² UN Department of Economic and Social Affairs, *Resource Kit on Indigenous Peoples' Issues*, 2008, p. 17.

²⁰³ *Ibid.*

²⁰⁴ *Ibid.*

²⁰⁵ *Ibid.*

²⁰⁶ *Ibid.*, p. 16.

²⁰⁷ *Ibid.*, p. 17.

²⁰⁸ *Ibid.*

²⁰⁹ UN Office of the High Commissioner for Human Rights, *Free, Prior, and Informed Consent of Indigenous Peoples*, 2003.

²¹⁰ *Ibid.*

²¹¹ *Ibid.*

Annotated Bibliography

Global Indigenous Preparatory Conference for the United Nations High-Level Plenary Meeting of the General Assembly. (2013). *Alta Outcome Document*. Retrieved 15 September 2014 from: <http://wcip2014.org/wp-content/uploads/2013/06/Adopted-Alta-outcome-document-with-logo-ENG.pdf>

The Alta Preparatory Conference brought together Indigenous Peoples representatives from all regions of the world to exchange views and proposals and to provide recommendations to the World Conference on Indigenous Peoples, held in September 2014 in New York. The Alta Outcome Document reflects the concerted views of Indigenous Peoples across the globe with regard to pressing issues in the international context. Such issues include their rights over lands, territories, resources, oceans and waters, the actions the UN system and Member States must carry out to implement the rights of Indigenous Peoples, and the priorities of Indigenous Peoples for development in relation to free, prior, and informed consent. This is a useful source for delegates because it comes directly from Indigenous Peoples across the globe, as opposed to United Nations resolutions, which are adopted by Member States. An interesting exercise would be to compare this document with the Outcome Document of the World Conference on Indigenous Peoples, which is ultimately adopted by the Member States of the United Nations.

International Labour Organization. (1989). *C169 – Indigenous and Tribal Peoples Convention*. Retrieved 14 July 2014 from: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169

This ILO technical convention is the most important legally binding document outlining the rights of Indigenous Peoples. It is an important cornerstone in the recognition of indigenous rights as it touches upon issues of cultural adaptation of development efforts, respect for ancestral lands and resources and effective participation. Although only 22 countries have ratified it, most of them in Latin America and the Caribbean, it is relevant for the discussion of the topic anywhere as it is often cited by indigenous organizations across the globe in support of the rights of Indigenous Peoples.

International Land Coalition. (2013). *Indigenous Peoples' rights to lands, territories, and resources*. Retrieved 18 July 2014 from: http://www.landcoalition.org/sites/default/files/publication/1517/IndigenousPeoplesSynthesis_0.pdf

This publication by the International Land Coalition is a very useful source for delegates to understand the underlying issues related to Indigenous Peoples and their land, territories and resources. It makes a comprehensive overview of international legal and institutional framework for Indigenous Peoples rights and an assessment of regional perspectives on Indigenous Peoples and land. It also presents several key thematic issues concerning Indigenous Peoples' land rights, including women's rights, community conserved areas, and climate change. Finally, it outlines trends challenges and opportunities in regard to the topic.

Patrinós, H. & G. Hall. (2010). *Indigenous Peoples, Poverty and Development*. Retrieved 18 July 2014 from: <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTEDUCATION/0,,contentMDK:22791758~pagePK:148956~piPK:216618~theSitePK:282386,00.html>

This report demonstrates that Indigenous Peoples have not been reached by development efforts as their poverty rates and human development indicators generally remain below the average of their countries, and further they have not seen an improvement over time. The authors use disaggregated data to show that the situation of Indigenous Peoples is commonly invisible to countrywide assessments of poverty and development, as these are usually carried out using general averages that might not reflect the real situation in which Indigenous Peoples live. The study includes evidence from various developing countries in Africa, Asia, and Latin America.

Stakeholder Forum. (n.d.). *Sustainable Development 2015 Advocacy Toolkit Mini-Site: Part 1: The Post-2015 Development Agenda* [Website]. Retrieved 14 September 2014 from: <http://www.sustainabledevelopment2015.org/AdvocacyToolkit/index.php/post-2015-what-it-is-and-how-you-engage>

This Website gives a very clear and thorough overview of the post-2015 development agenda by presenting, in graphic form, the process towards the creation of a new global sustainable development framework to replace the MDGs. The site contains documents related both to the

review of the MDGs and to the development of the SDGs, including official UN documents such as resolutions and reports of the Secretary-General, and civil society submissions and statements from throughout the process. Although it is primarily a tool meant to help people develop advocacy strategies, delegates will find the information on the site very useful to understand the process for the creation of the post-2015 development agenda. Although not directly related to Indigenous Peoples, the information in this site will help delegates identify where in the process the GA Third can act to include Indigenous Peoples' issues in the post-2015 development agenda.

United Nations Development Group. (2009). *Guidelines on Indigenous Peoples' Issues*. Retrieved 6 August 2014 from: http://www.un.org/esa/socdev/unpfii/documents/UNDG_guidelines_EN.pdf

This publication by the United Nations Development Group provides a very useful overview of the issues related to the rights of indigenous peoples in the international context. In this regard, it presents an overview of the international norms and standards applicable to indigenous issues, as well as the implications for mainstreaming Indigenous Peoples issues. In this context, it explores how to apply a culturally sensitive approach to development programming, including through country analyses, as well as through the use of strategic planning and monitoring and evaluation techniques. The document also contains a very practical table that lists various issues and provides basic information, as well as guiding principles for each one. The document will be very useful for delegates to understand the many issues that affect indigenous peoples in the context of development.

United Nations, General Assembly, Sixty-first session. (2007). *United Nations Declaration on the Rights of Indigenous Peoples (A/61/L.67 and Add.1)*. Retrieved 17 July 2014 from: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

The United Nations Declaration on the Rights of Indigenous Peoples is an essential source for delegates as it is the main document of reference for this topic. It reflects the rights of the Indigenous Peoples in regards to their territories, natural resources, the preservation of their cultural heritage, and their participation in decision-making in matters that could affect their rights. This document, although not legally binding, is the basis for the work of the General Assembly on the topic, and its implementation is the main item of discussion at the World Conference on Indigenous issues in New York held in September 2014.

United Nations, General Assembly, Sixty-seventh session. (2012). *Evaluation of the Progress Made in the Achievement of the Goal and Objectives of the Second International Decade of the World's Indigenous People: Report of the Secretary-General (A/67/273)*. Retrieved 18 July 2014 from: <http://undocs.org/A/67/273>

This report of the Secretary-General is a compilation of reports submitted to the UN and to the Permanent Forum of Indigenous Issues by Member States, relevant United Nations agencies and mechanisms and organizations representing Indigenous Peoples. It outlines the impact of the Second Decade on the achievement of the Millennium Development Goals and concludes that the rights of Indigenous Peoples should be prioritized in the post-2015 development agenda. In particular, the report highlights the great gaps that exist between policies and practice in regards to the rights to lands, territories, and resources.

United Nations, General Assembly, Sixty-ninth session. (2014). *Outcome Document of the World Conference on Indigenous Peoples (A/RES/69/2)* [Resolution]. Retrieved 8 October 2014 from: <http://undocs.org/A/RES/69/2>

Called by the General Assembly in 2010, the First World Conference on Indigenous Peoples took place in September of 2014 at a high-level meeting of its 69th session. Its outcome document, adopted unanimously, is a milestone in addressing Indigenous Peoples' rights at the international level, and should be regarded as a main source for research on this topic. The document addresses the main issues related to Indigenous Peoples, including free, prior, and informed consent, and the right to full and effective participation, among many others. The Outcome document is action-oriented as it instructs the Human Rights Council to make changes to the Expert Mechanism to facilitate assistance to states in the implementation of UNDRIP. It also instructs the Secretary-General to develop a system-wide plan for the fulfillment of indigenous rights and appointing a senior UN official to coordinate it. Finally, it encourages Member States

to give due consideration to indigenous issues when negotiating the post-2015 development agenda.

United Nations, Office of the High Commissioner for Human Rights. (2006). *Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation*. Retrieved 6 August 2014 from: <http://www.ohchr.org/Documents/Publications/FAQen.pdf>

This publication by the Office of the High Commissioner for Human Rights is a useful tool for delegates to understand the definition of a human rights-based approach and the value that it adds to development. The document also explores the linkages between development and human rights, in particular, the relationship between human rights and poverty reduction, good governance, and economic growth. It also discusses the implications of a human rights-based approach for development programming. While it does not treat indigenous issues directly, it contains discussions related to collective rights that can be applied in the context of Indigenous Peoples issues.

World Bank. (2005). *Operational Policy 4.10 – Indigenous Peoples*. Retrieved 14 July 2014 from: <http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0,,contentMDK:20553653~menuPK:4564185~pagePK:64709096~piPK:64709108~theSitePK:502184,00.html>

World Bank Operational Policy 4.10 applies to all investment projects financed by the Bank. The policy is triggered when there are Indigenous Peoples present in a project area. Its purpose is to ensure that the Bank's development efforts fully respect the rights and cultures of Indigenous Peoples. It contains a series of requirements that borrower states need to fulfill, including the preparation of a proper Social Assessment and process of consultation to ensure broad community support for any project that could affect or benefit Indigenous Peoples. It also requires the preparation of Indigenous Peoples Plans or Indigenous Peoples planning Frameworks to ensure proper actions to preserve these rights. This source allows delegates to see how the rights of Indigenous Peoples are addressed in real-world development efforts. Delegates should analyze this source from a critical point of view.

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II. The Right to Privacy in the Digital Age

“Combined and collective action by everybody can end serious violations of human rights... That experience inspires me to go on and address the issue of Internet [privacy], which right now is extremely troubling because the revelations of surveillance have implications for human rights... People are really afraid that all their personal details are being used in violation of traditional national protections.”²¹²

Introduction

With an astounding 2.9 billion users or approximately 40.4% of today’s entire global population, the Internet has become a primary medium for sharing information, news, political debate, and activism in both the private and public sectors.²¹³ The Internet has provided a platform for those who seek to exercise their human right of freedom to information, granting them global access to ideas and materials via real-time communications.²¹⁴ However, though there are clear advantages to the Internet, technology is increasingly being used by national governments and private corporations in ways that infringe on the privacy of citizens all around the world, disregarding and restricting the fundamental right to privacy.²¹⁵ Due to the increasing societal reliance on the Internet in our daily lives, there has been a continuous recognition and there is a growing need for the formation of privacy guidelines and enforceable international law to govern the use of technology.²¹⁶

The importance, as well as the complexity, of establishing a cohesive international standard has become apparent through recent constitutional and legal violations, such as mass surveillance programs and data collection activities, which have failed to recognize individual privacy rights.²¹⁷ To put it another way, there has been widespread failure to respect the human right to security of privacy and protection “online” in the same capacity that is afforded “offline.”²¹⁸ While international law holds Member States accountable for enforcing the protection of human rights online, corporations in the private sector must also play a supporting role by upholding these same protections.²¹⁹ Internet usage is just one example of media protected by the human right to privacy, as defined in Article 12 of the *Universal Declaration of Human Rights* (UDHR) (1948).²²⁰ Violation of the human right to privacy, especially when committed by means of data collection and mass scale surveillance, also infringes on a crucial component of the right to freedom of expression, and has thus prompted Member States to present the topic for discussion in the United Nations (UN) General Assembly Third Committee (Third Committee).²²¹ In 2013, this resulted in the first Internet-related resolution being adopted by the General Assembly, resolution 68/167 (2014) on “The right to privacy in the digital age.”²²²

The Third Committee discusses all matters of social, humanitarian, and cultural affairs, and as such deals with human rights issues, such as the right to privacy.²²³ In order to address the challenges that remain on this topic, it is important to examine some key definitions and topics including the principle of privacy as a human right, the effectiveness of international and national frameworks currently in place, and the techniques that must be

²¹² Siddique, *Internet privacy as important as human rights, says UN's Navi Pillay*, 2013.

²¹³ Internet Live Stats, *Internet Users*, 2014.

²¹⁴ Rosen, *Four ways your privacy is being invaded*, 2012.

²¹⁵ UN Human Rights Council, *The Right to Privacy in the Digital Age: Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/27/37)*, 2014; UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948.

²¹⁶ Rotenberg, *Preserving Privacy in the Information Society*.

²¹⁷ UN Human Rights Council, *The Right to Privacy in the Digital Age: Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/27/37)*, 2014.

²¹⁸ Embassy of Brazil in London, *UN passes internet privacy resolution introduced by Brazil and Germany*, 2013.

²¹⁹ UN Human Rights Council, *The Right to Privacy in the Digital Age: Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/27/37)*, 2014.

²²⁰ *Ibid.*; UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948.

²²¹ UN Human Rights Council, *The Right to Privacy in the Digital Age: Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/27/37)*, 2014; UN General Assembly, *The right to privacy in the digital age (A/RES/68/167)*, 2013.

²²² UN General Assembly, *The right to privacy in the digital age (A/RES/68/167)*, 2013.

²²³ UN General Assembly, *Social, Humanitarian & Cultural: Third Committee*, 2014; Access. “Digital rights and the UN”: recent and upcoming UN resolutions, 2014.

implemented to ensure a transparent balance between government data collection for the purposes of security versus unconstitutional surveillance.

International and Regional Framework

The right to digital privacy in the information age is predicated on respect for privacy enshrined in key international human rights documents and frameworks; however, as a newer concept, it lacks clear universal definition and codification. The UDHR, which defines the international standards for fundamental human rights, was adopted by the General Assembly (GA) in 1948; Article 12 focuses on the right to privacy and explicitly states, “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.”²²⁴ Article 17 of the *International Covenant on Civil and Political Rights* (ICCPR) (1966) also incorporates the same terminology.²²⁵ However, Article 2 (1) of this treaty also specifies that this is the responsibility of each respective Member State, further complicating the debate surrounding increased international privacy protections.²²⁶ The right to privacy is found in many other, specific international contexts, as well, including the *Convention on the Rights of Persons with Disabilities* (CRPD) (2006) and the *Convention on the Rights of the Child* (CRC) (1989), which contain language that guarantees privacy as a fundamental human right for disabled persons and children, respectively.²²⁷

The importance of privacy rights has also been recognized as a human right on a regional level, as is evident by various frameworks. Article 8 of the 1950 *Convention for the Protection of Human Rights and Fundamental Freedoms* (also known as the European Convention on Human Rights, or ECHR) “guarantees the right to respect for private life, family life, home and correspondence.”²²⁸ The European Court of Human Rights has been extremely active in the enforcement of privacy rights.²²⁹ The European Court of Human Rights utilizes a “three-part test” to render its decisions on cases of privacy breaches and is dependent on Article 8 of the ECHR.²³⁰ Some of the Court’s current cases and rulings regarding the right to privacy also relate to government surveillance of citizens and the legality of this activity, mirroring the debate at the international level.²³¹ Likewise, Article 17 of the *Arab Charter on Human Rights*, adopted in 1994, and Article 11 of the *American Convention on Human Rights* include language comparable to that of the ECHR.²³² Of note, the African Union (AU) does not currently have explicit privacy laws in place; however, in August 2014, leaders of the AU approved the *African Union Convention on Cyber Security and Personal Data Protection*.²³³ While indeed a milestone for the region since it includes the right to privacy, it will likely be many years to come before it can be implemented and enforced.²³⁴

Though the UDHR and ECHR reflect general principles about the right to privacy, there are also additional specific frameworks around more “digital” aspects of the right to privacy that are more developed than the AU’s recently proposed convention. In fact, concern about the human right to privacy initially escalated in the 1970s when information technology was being introduced on a large-scale throughout the world.²³⁵ In particular, Sweden, the United States of America, Germany, and France were some of the first Member States to propose legislation relating to data protection.²³⁶ The outcome of these national legislations led to the Convention for the Protection of

²²⁴ UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948, Preamble

²²⁵ UN General Assembly, *International Covenant on Civil and Political Rights*, 1966.

²²⁶ *Ibid.*; Nyst, *Interference-Based Jurisdiction Over Violations of the Right to Privacy*, 2013.

²²⁷ UNICEF, *Using the human rights framework to promote the rights of children with disabilities: Discussion Paper*, 2009.

²²⁸ Council of Europe, *Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocols No. 11 and No. 14*, 2010.

²²⁹ European Convention on Human Rights, *Art. 8 ECHR: Introduction*, 2014; Privacy International, *Report: Legal assessment of Communications Data Retention - A violation of the European Convention of Human Rights; Chapter: The right of privacy in the European Convention on Human Rights*, 2012.

²³⁰ European Convention on Human Rights, *Art. 8 ECHR: Introduction*, 2014.

²³¹ Privacy International, *Report: Legal assessment of Communications Data Retention - A violation of the European Convention of Human Rights; Chapter: The right of privacy in the European Convention on Human Rights*, 2012.

²³² League of Arab States, *Arab Charter on Human Rights, 1994; Organization of American States. American Convention on Human Rights "Pact of San Jose, Costa Rica" (B-32)*, 1969.

²³³ Access Policy Team, *African Union adopts framework on cyber security and data protection*, 2014.

²³⁴ *Ibid.*

²³⁵ Privacy International, *Data Protection*, 2014.

²³⁶ *Ibid.*

Individuals with Regard to the Automatic Processing of Personal Data (1981), which resulted from the Council of Europe and the Organization for Economic Cooperation and Development's (OECD) Guidelines Governing the Protection of Privacy and Transborder Data Flows of Personal Data (1980).²³⁷ These data protection laws defined personal data as “any information relating to an identified or identifiable individual.”²³⁸ Additionally, these laws stipulate that personal data be procured legally, handled securely, and then disposed of properly upon completion of its purpose.²³⁹ In follow-up, the OECD marked the 30th anniversary of its Guidelines by hosting a conference called “Current Developments in Privacy Frameworks: Towards Global Interoperability” in 2011, which examined the development and effects of privacy guidelines, and considered their impact in the current global environment.²⁴⁰

These discussions have led to further refinement of the specific right to privacy “online.” In June 2014, the Third Committee requested that the Office of the United Nations High Commissioner for Human Rights (OHCHR) produced a report addressing “domestic and extraterritorial surveillance and/or the interception of digital communications and the collection of personal data, including on a mass scale,” entitled *The Right to Privacy in the Digital Age*.²⁴¹ This report helped to highlight the current human rights framework and posed concerns regarding its sufficiency in protecting and upholding individual privacy liberties, due to a lack of international compliance and transparency.²⁴² In this way, the report will inform future debates about international frameworks on the right to privacy in the digital age and challenge the international community to evaluate the role of different actors in relation to upholding the right.

Role of the International System

The Third Committee has adopted five resolutions regarding human rights online as of June 2014.²⁴³ Spearheaded by Brazil and Germany in 2013 and adopted by the Third Committee later that year, GA resolution 68/167 (2014) on “The right to privacy in the digital age” focuses on data collection and mass surveillance.²⁴⁴ This major initiative affirmed that illegal surveillance and illegal data collection violated peoples’ right to privacy and freedom of expression.²⁴⁵

As a committee whose work focuses on human rights, the Third Committee routinely addresses the issue of privacy.²⁴⁶ Beyond the Third Committee, two other committees of the GA have covered the issue of the right to privacy, such as the First Committee’s adoption of resolution 68/243 (2014) on “Developments in the field of information telecommunications in the context of international security,” which, for the first time, included language advocating for the respect of human rights in the field of information technology.²⁴⁷ Likewise, the Second Committee adopted resolution 68/198 (2014) on “Information and communications technologies for development,” which mentioned “online rights” and actually referenced the Third Committee’s resolution “The right to privacy in the digital age.”²⁴⁸

The Third Committee also interacts with other UN institutions and actors dedicated to protecting human rights.²⁴⁹ For example, the OHCHR regularly issues reports, including one from June 2014, which shares the title of the

²³⁷ Hunton & Williams LLP, *Tag Archives: Council of Europe*, 2011.

²³⁸ Council of Europe, *Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (consolidated version)*, 1981.

²³⁹ Privacy International, *Data Protection*, 2014.

²⁴⁰ OECD, *Current Developments in Privacy Frameworks: Towards Global Interoperability; Agenda*, 2011.

²⁴¹ UN Human Rights Council, *The Right to Privacy in the Digital Age: Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/27/37)*, 2014.

²⁴² *Ibid.*

²⁴³ Brown, “*Digital rights and the UN*”: *recent and upcoming UN resolutions*, 2014.

²⁴⁴ *Ibid.*

²⁴⁵ *Ibid.*

²⁴⁶ *Ibid.*

²⁴⁷ UN General Assembly, *Developments in the field of information and telecommunications in the context of international security (A/RES/68/243)*, 2013.

²⁴⁸ Brown, “*Digital rights and the UN*”: *recent and upcoming UN resolutions*, 2014; UN General Assembly, *Information and communications technologies for development (A/RES/68/198)*, 2013.

²⁴⁹ UN General Assembly, *The right to privacy in the digital age (A/RES/68/167)*, 2013.

landmark Third Committee resolution “The right to privacy in the digital age.”²⁵⁰ This report stresses that violations of the right to privacy also constitute restrictions on the freedoms of expression and opinion, which are increasingly presented digitally.²⁵¹ The report also pointed to evidence related to the use of data and drone strikes that show potential humanitarian violations as a result of digital surveillance and privacy breaches, and concluded that these findings warranted further exploration.²⁵² To that end, as ordered by this resolution, OHCHR must submit another report to the GA at its sixty-ninth session.²⁵³ Other UN agencies have similarly begun to address the trending issue of privacy in telecommunications. For example, the Human Rights Council (HRC) authored a resolution adopted by consensus in July 2012 on the promotion, protection, and enjoyment of human rights on the Internet, which “affirms that the same rights that people have offline must also be protected online.”²⁵⁴

Non-state actors such as intergovernmental organizations (IGOs) and non-governmental organizations (NGOs) have recently been large advocates in the fight for the right to privacy. A key player committed to ensuring freedoms online is the Freedom Online Coalition (FOC).²⁵⁵ The FOC is best known for dealing with mass surveillance breaches and has been touted as a leader among civil society groups in advocating for Internet freedom.²⁵⁶ Similarly, Privacy International, founded in the UK in 1990, prides itself as being the first organization to operate beyond the national level on privacy issues.²⁵⁷ They confront issues such as data protection, rule of law, surveillance technology in the global trade, and capacity building in the developing world.²⁵⁸ Another initiative, Internet Freedom Fellows, is a program that links human rights activists with civil society, private sector, and government leaders to discuss the importance of human rights in the 21st century with respect to the Internet.²⁵⁹

Like NGOs and IGOs, members of civil society can have a profound effect on the governance of privacy rights through activism and awareness campaigns. They also dedicate significant time and effort into urging and advising policymakers to uphold human rights principles. One example of this was the joint statement displayed by civil society leaders to the Internet Governance Forum (IGF).²⁶⁰ In 2013, activists attended the Eighth IGF in Indonesia and delivered a powerful statement calling for transparency, accountability, and consistency.²⁶¹ In 2013, a group of civil society organizations followed suit and in response to the HRC’s report on state surveillance, launched a set of 13 principles that call for conduct that ensures “safeguards against illegitimate access and right to effective remedy, transparency, public oversight, due process and competent judicial authority.”²⁶² The hope is that the HRC will consider the 13 principles along with their existing standards but the collaboration is yet to be seen.

All of these diverse actors frequently interact through many different events and conferences held on the issue of digital privacy. In particular, as a response to the 2003 World Summit on the Information Society (WSIS), UN Secretary-General Kofi Annan in 2006 endorsed the idea of the aforementioned multi-faceted Internet Governance Forum; the IGF was subsequently created thereafter and composed of government officials, private sector participants, civil society members, and those from the academic community.²⁶³ IGF’s main focus is to address the security, privacy, and openness of the Internet.²⁶⁴ As part of its upcoming Ninth Annual IGF Meeting in Istanbul

²⁵⁰ UN Human Rights Council, *The Right to Privacy in the Digital Age: Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/27/37)*, 2014; UN General Assembly, *The right to privacy in the digital age (A/RES/68/167)*, 2013.

²⁵¹ UN Human Rights Council, *The Right to Privacy in the Digital Age: Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/27/37)*, 2014.

²⁵² *Ibid.*

²⁵³ *Ibid.*

²⁵⁴ UN Human Rights Council, *The promotion, protection and enjoyment of human rights on the Internet (A/HRC/RES/20/8)*, 2012.

²⁵⁵ Human Rights Watch, *Joint Letter from Civil Society Organizations to Foreign Ministers of Freedom Online Coalition Member States*, 2014.

²⁵⁶ *Ibid.*

²⁵⁷ Privacy International, *Who We Are*, 2014.

²⁵⁸ *Ibid.*

²⁵⁹ Internet Freedom Fellows, *Home*, 2014.

²⁶⁰ Freedom House, *Joint Statement of Civil Society Delegates to the 2013 Internet Governance Forum*, 2013.

²⁶¹ *Ibid.*

²⁶² Necessary and Proportionate, *International Principles on the Application of Human Rights to Communications Surveillance*, 2014.

²⁶³ Internet Governance Forum, *List of Participants (Provisional)*, 2014.

²⁶⁴ Internet Governance Forum, *About the Internet Governance Forum*, 2014.

Turkey, IGF will confront the issues of Enhancing Digital Trust, Internet and Human Rights, and Content Creation, Dissemination and Use.²⁶⁵ Through its Internet Rights & Principles Coalition, which is “an open network of individuals and organizations based at the UN IGF,” the IGF established a charter called “10 Internet Rights and Principles.”²⁶⁶ Privacy and data protection is listed as one of the ten principles and the charter proclaims “everyone has the right to privacy online. This includes freedom from surveillance, the right to use encryption, and the right to online anonymity. Everyone also has the right to data protection, including control over personal data collection, retention, processing, disposal and disclosure.”²⁶⁷ The IGF is an important contributor to issues involving human rights and Internet governance, but it also truly encompasses the dynamic of the UN, as it has a diverse coalition of participants.

Understanding Privacy Violations

A 2011 report by the UN Human Rights Council’s (HRC) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, addressed the “inadequate protection of the right to privacy and data protection,” as well as the “number of States introducing laws or modifying existing laws to increase their power to monitor Internet users’ activities and content of communication without providing sufficient guarantees against abuse,” which ultimately effects their ability to freely express themselves without anonymity.”²⁶⁸ In his report, La Rue acknowledged “that the right to privacy can be subject to restrictions or limitations under certain exceptional circumstances. This may include State surveillance measures for the purposes of administration of criminal justice, prevention of crime or combatting terrorism.”²⁶⁹ Nonetheless, the criteria set to distinguish an abuse of power from a special circumstance that summons active surveillance is a re-occurring obstacle for policy makers wishing to create concrete laws.²⁷⁰

The illegal surveillance and erosion of restrictions on government access to private technological activity creates an extreme distrust for current models of privacy protection.²⁷¹ This impacts both how citizens perceive of and trust their government when it comes to data protection as well as how Member States interact with other Member States when there are disagreements or differences in laws between states.²⁷² Exceptions to the rules around the collection of data that are done covertly for the purposes of criminal justice and national security are not clearly defined and the unclear interpretations of the law create legal loopholes for those seeking information.²⁷³ One major loophole is deciphering who the laws apply to when considering the concept of territory and jurisdiction.²⁷⁴ Depending interpretation of the obligations set forth by the ICCPR, extraterritorial and cross-border surveillance may be out of a Member State’s jurisdiction.²⁷⁵ The HRC believes that the ICCPR can have extraterritorial application, as it believes that “a State party must respect and ensure the rights laid down in the Covenant to anyone within the power of effective control of that State Party, even if not situated within the territory of the State Party.”²⁷⁶

²⁶⁵ Internet Governance Forum, *Main Themes and Sub Themes*, 2014.

²⁶⁶ Internet Rights & Principles Coalition, *Home*, 2013; Internet Rights & Principles Coalition, *10 Internet Rights & Principles*, 2014.

²⁶⁷ Internet Rights & Principles Coalition, *10 Internet Rights & Principles*, 2014.

²⁶⁸ UN Human Rights Council, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue (A/HRC/17/27)*, 2011.

²⁶⁹ *Ibid.*

²⁷⁰ *Ibid.*

²⁷¹ Schwartz, *Differing Privacy Regimes: A Mini-Poll on Mutual EU-U.S. Distrust*, 2014.

²⁷² European Digital Rights, *An Introduction to Data Protection*, 2013.

²⁷³ *Ibid.*, p. 21.

²⁷⁴ European Digital Rights, *An Introduction to Data Protection*, 2013.

²⁷⁵ *Ibid.*

²⁷⁶ UN Human Rights Committee, *General Comment No. 31 [80]: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant (CCPR/C/21/Rev.1/Add. 1326)*, 2004.

Types of Protections Needed

Data collection and mass surveillance are the two major violations of privacy pointed to in both UN and civil society reports.²⁷⁷ Increased protections have been called for in regards to each, mostly involving clearer, stronger legislation at the national level.²⁷⁸

Data Protection

Safeguarding the fundamental human right to privacy is increasingly difficult as information and communications technologies (ICTs) are becoming more accessible.²⁷⁹ However, by this same reasoning and due to rapidly changing technological capabilities, the right to deny access to personal data must be afforded.²⁸⁰ Personal data is simply “any piece of information or a set of information that can personally identify an individual or single them out as an individual.”²⁸¹ For example, information such as an Internet Protocol (IP) address used to identify individual computers or health records can be considered personal data.²⁸²

At the forefront of this issue is the European Union, who has created a set of explicit directives to enforce privacy laws and clarify those that are ambiguous.²⁸³ The European Union Data Privacy Directive and European Data Privacy Law offer a blueprint for data privacy laws to those Member States that are a part of the regional bloc.²⁸⁴ It is important to keep in mind the scope of the directive: “for most purposes, it does not itself dictate rights of European individuals or companies. But it does serve as a framework for discussing data protection laws across Europe.”²⁸⁵ Within these directives are systems that help to guarantee personal protection and privacy. For example, Internet users leave footprints that help trace online activity and so therefore one method that ensures a user’s online privacy is “anonymisation,” which means “removing or obscuring information from these electronic traces that would allow direct or indirect identification of a person.”²⁸⁶ Another safeguard to protect against personal data gathering is purpose limitation or “the principle that a data controller can only collect and use personal data for a specific purpose.”²⁸⁷ Purpose limitation does not necessarily provide total privacy but it does help limit your personal data from being used in whatever way preferred.²⁸⁸ Also, permission or consent to process personal information can help protect users.²⁸⁹ Users must explicitly agree, be “properly informed” about the data being processed, and offer consent by their own will.²⁹⁰ These are only a few of the many methods afforded by the European Union’s Privacy Law, but reform and development are needed in many areas where Internet access is guaranteed.²⁹¹

Monitoring and Surveillance of Communications

Beyond collecting data, as alluded to above, what constitutes a legitimate monitoring activity and the limit of surveillance is one of the more controversial aspects of privacy rights efforts.²⁹² Although many Member States have agreements that prevent interception of oral and digital communications without judicial approval, government agencies throughout the world continue to push for the expansion of surveillance capabilities via investigations that are either targeted or mass communications.²⁹³ Surveillance systems have prevented acts of terrorism and allowed

²⁷⁷ UN Human Rights Council, *The Right to Privacy in the Digital Age: Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/27/37)*, 2013; Brown, “Digital rights and the UN”: recent and upcoming UN resolutions, 2014.

²⁷⁸ UN Human Rights Council, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue (A/HRC/23/40)*, 2013.

²⁷⁹ *Ibid.*

²⁸⁰ *Ibid.*

²⁸¹ European Digital Rights, *An Introduction to Data Protection*, 2013.

²⁸² *Ibid.*

²⁸³ White & Case, *International Data Protection and Privacy Law*, 2009, p. 3.

²⁸⁴ *Ibid.*

²⁸⁵ *Ibid.*, p. 4.

²⁸⁶ European Digital Rights, *An Introduction to Data Protection*, 2013.

²⁸⁷ *Ibid.*

²⁸⁸ *Ibid.*

²⁸⁹ *Ibid.*

²⁹⁰ *Ibid.*

²⁹¹ *Ibid.*

²⁹² White & Case, *International Data Protection and Privacy Law*, 2009;

²⁹³ Rosen, *Four ways your privacy is being invaded*, 2012.

for preparedness when faced with serious threats; however, this cannot be done without the consent and assistance of major telecommunications carriers.²⁹⁴ This calls into question the balance of rights between rights to privacy and rights to security.

In his report, Special Rapporteur Frank La Rue acknowledged the power of modern surveillance technologies, methods which range from “real-time interception capabilities which allow States to listen to and record phone calls,” to accessing emails, Websites visited, and mass media.²⁹⁵ Private sector involvement by third party service providers such as telephone carriers or Internet suppliers has granted access to Member States at a very high rate.²⁹⁶ For example, in a period of just three years, governmental requests to Google for access to their communications data have nearly doubled, totaling over 21,000 in the latter part of 2012.²⁹⁷ It is the responsibility of the Member State to ensure that corporations in the private sector are upholding human rights standards, but interests are conflicted when the Member State obligates complicity from these same subjects.²⁹⁸

Opportunities for Action

There remain a number of practical challenges regarding the right to privacy in the technological era. The obvious obstacle is how to respect national sovereignty and security measures within the boundaries of a legal framework that successfully reaffirms the fundamental human rights of an individual. More specifically, Member States must define explicit and valid purposes for privacy breaches. To determine this, governments must adopt clear and precise legislation that continues to protect the right to privacy.²⁹⁹ As described in the Report of the Special Rapporteur:

“Legislation must stipulate that State surveillance of communications must only occur under the most exceptional circumstances and exclusively under the supervision of an independent judicial authority. Safeguards must be articulated in law relation to the nature, scope and duration of the possible measures, the grounds required for ordering them, the authorities competent to authorize, carry out and supervise them, and the kind of remedy provided by national law.”³⁰⁰

Because technology is continuously advancing, Member States should review their legislation to ensure that it does not become outdated or irrelevant.³⁰¹ To increase transparency and public awareness, Member States should be cautious in approaching third party corporations for assistance with mass surveillance and data sharing.³⁰² Since the role of the private sector is crucial, international frameworks should incorporate language that addresses human rights privacy standards and the direct effect that corporations have.³⁰³

Conclusion

The UDHR, ICCPR, and other international documents, have emphasized the importance of fundamental human rights. The Third Committee is uniquely focused on addressing issues related to these rights. Although circumstances like technological advancement have redefined what an individual’s right to privacy means, Member States have always been responsible for supporting this liberty.³⁰⁴ National and international laws have yet to evolve

²⁹⁴ Rosen, *Four ways your privacy is being invaded*, 2012.

²⁹⁵ UN Human Rights Council, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue (A/HRC/23/40)*, 2013.

²⁹⁶ *Ibid.*

²⁹⁷ *Ibid.*

²⁹⁸ UN General Assembly, *International Covenant on Civil and Political Rights*, 1966; Nyst, *Interference-Based Jurisdiction Over Violations of the Right to Privacy*, 2013; UN Human Rights Council, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue (A/HRC/23/40)*, 2013.

²⁹⁹ UN Human Rights Council, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue (A/HRC/23/40)*, 2013.

³⁰⁰ *Ibid.*

³⁰¹ *Ibid.*

³⁰² *Ibid.*

³⁰³ *Ibid.*

³⁰⁴ UN General Assembly, *International Covenant on Civil and Political Rights*, 1966; Nyst, *Interference-Based Jurisdiction Over Violations of the Right to Privacy*, 2013.

with new technology and as a result, large-scale violations have occurred.³⁰⁵ In particular, the processing and collection of personal data for security purposes has led to surveillance that might be deemed illegal. Because of this lack of transparency, measures are needed to maintain citizen faith in national government and trust in private businesses. Ensuring security and protecting privacy in the digital age is a difficult balancing act that requires the cooperation of civil society, the private sector, and government. How best to achieve such a balance is evolving and largely dependent on legal decisions that allow policymakers to implement effective safeguards.

Further Research

Delegates should begin research by considering the larger issues of the international community should address matters wherein the need for security and even the right to security conflicts with the right to privacy. Delegates should then become knowledgeable not only about what the right to privacy means on the international and national levels, but also how their Member States' citizens have individually been affected thus far by the breaching of these rights. What, if any, actions have already been taken by Member States to combat these infringements of the right to privacy? Analysis of current government activity will help determine whether or not it can somehow be managed in a way that does not sacrifice or hinder national security efforts. When there are clear violations of rights and, in particular, online privacy, delegates should consider the ways in which civil society members and groups are pushing for increased transparency on surveillance and even the ability to address privacy violations online such as through the "right to be forgotten", which refers to nascent policies that call for data to be removed from online searches. Moreover, considering the role of civil society, delegates should consider the ways in which the Third Committee engages with civil society and how both can work together to support strengthening international frameworks and policy changes by individual Member States that favor greater protection of the right to privacy in the digital age. Finally, looking towards this issue internationally, delegates should be aware of third party doctrine and rationale behind laws that have allowed their participation in data sharing affairs. Research into these areas will prove the most beneficial in conference preparation.

³⁰⁵ Nyst, *Interference-Based Jurisdiction Over Violations of the Right to Privacy*, 2013; Human Rights Watch, Joint Letter from Civil Society Organizations to Foreign Ministers of Freedom Online Coalition Member States, 2014.

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Brown, D. (11 June 2014). "Digital rights and the UN": recent and upcoming UN resolutions [Blog]. *Access*. Retrieved 18 July 2014 from: <https://www.accessnow.org/blog/2014/06/11/Digital-rights-and-the-UN-recent-and-upcoming-UN-resolutions>

Access is an international human rights organization that works to protect and expand the digital rights of Internet users. They follow all international Internet-related legislation, and thus serve as an excellent source when studying this topic in the context of the UN. This blog post in particular provides a very useful narrative of the resolutions in the HRC and Third Committee. Delegates are encouraged to thoroughly examine this post, as well as the other posts and materials available on their Website to be fully up-to-date on this issue.

European Digital Rights. (2013). *An Introduction to Data Protection*. Retrieved 19 July 2014 from: http://www.edri.org/files/paper06_datap.pdf

This booklet, the creation of which was partially funded by the European Union's Fundamental Rights and Citizenship Programme, explains very simply the issues that fall under data protection. The language is easy to understand and presented in a useful and engaging way. While this booklet was created with the scope of the European Union in mind, it is nonetheless applicable to the vast majority of citizens of all Member States. This is a great source for delegates to consult when attempting to comprehend the reasoning for the debate around this topic.

Internet Governance Forum. (2014). *About the Internet Governance Forum* [Website]. Retrieved 25 October 2014 from: <http://www.intgovforum.org/cms/aboutigf>

The Internet Governance Forum (IGF) was created in 2006 as a network event for all stakeholders involved in the discussion regarding the usage of the Internet. The goal of the annual IGF is to provide the opportunity for open, inclusive dialogue across all fields and levels on public policy issues relating to the Internet. Being a UN-led initiative, delegates should keep up-to-date with the news surrounding the most recent IGF, which took place in September 2014. Preparations for the 2015 IGF are already under way, and delegates should stay current on these plans, as well, in order to anticipate future themes in the field of Internet governance.

Internet Rights & Principles Dynamic Coalition. (2014). *10 Internet Rights & Principles* [Website]. Retrieved 19 July 2014 from: http://internetrightsandprinciples.org/site/wp-content/uploads/2014/06/IRPC_10RightsandPrinciples_28May2014-11.pdf

The Internet Rights & Principles Dynamic Coalition is a network of governments, intergovernmental organizations, civil society, academics, and members of the "technical society" collaborating to uphold Internet human rights and promote these standards in governance worldwide. It is based out of the UN-led Internet Governance Forums, and has been active in its mission since 2009. These ten rights and principles are a well-presented and consolidated agenda for upholding rights on the Internet, and are essential for delegates to read and gain insight from civil society's views on the subject. Delegates would also find browsing the rest of their Website to be useful, as there are many links to their collaborators and network in this field.

Necessary and Proportionate. (2014). *International Principles on the Application of Human Rights to Communications Surveillance* [Website]. Retrieved 19 July 2014 from: <https://en.necessaryandproportionate.org/text>

Necessary and Proportionate is a Website built by the Electronic Frontier Foundation for the sole purpose of posting the International Principles on the Application of Human Rights to Communications Surveillance. These principles are the product of a large-scale, two-year collaboration between civil society organizations that wrote them in order to advocate for national governments' adherence to international law in the context of the digital age. The principles were finalized in May 2014 and represent the most comprehensive and tangible set of proposals that civil society has to offer. These principles have effectively proven their relevance to this international issue, as evidenced by their mention in OHCHR's June 2014 report to the HRC on "The right to privacy in the digital age" (A/HRC/27.37).

Privacy International. (2014). *Data Protection* [Website]. Retrieved 18 July 2014 from:

<https://www.privacyinternational.org/resources/privacy-101/data-protection>

Privacy International works to preserve and enforce the right to privacy, and was the first organization to ever do so on an international level. They conduct independent investigations and support the enforcement of privacy laws, which often result in detailed reports and monitoring that delegates will undoubtedly find useful in their research of privacy laws and data rights. This page is a great starting point for delegates to learn why this issue is important at the most basic level. Delegates should be intimately familiar with the contents of this page, and are also highly encouraged to peruse their elaborate Surveillance Industry Index.

United Nations, General Assembly. (1966). *International Covenant on Civil and Political Rights*. Retrieved 18 July 2014 from: <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

This covenant is an essential document used to help define the protections afforded by the right to privacy and access of information. This multilateral treaty is known as one of several fundamental human rights agreements and, along with its two optional protocols, makes up part of the International Bill of Human Rights. Articles 17-19 deal explicitly with the rights to privacy, freedom of expression, and opinion “without interference.” Delegates should read these articles in particular to examine the limitations of the language used to better understand the need for more comprehensive and expansive international measures on digital privacy rights.

United Nations, General Assembly, Sixty-eighth session. (2013). *The right to privacy in the digital age (A/RES/68/167)* [Resolution]. Adopted on the report of the Third Committee (A/68/456/Add.2). Retrieved 17 July 2014 from: http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/68/167

This is the most prominent of three Internet-related resolutions passed in the 68th session that originated from Third Committee reports. This resolution lends great importance to the human right to privacy in the digital age and requests that the United Nations High Commissioner for Human Rights (OHCHR) submit a report detailing the protection and promotion of the right to privacy. As a result, in June 2014, the OHCHR compiled a detailed report that complied with this request. This resolution is the Third Committee’s latest documentation regarding privacy and is valuable partially because it refers to the newer idea that rights must apply both “offline” and “online.”

United Nations, Human Rights Council. (2013). *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue (A/HRC/23/40)*. Retrieved 17 July 2014 from:

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.40_EN.pdf

This is the most recent report to the Human Rights Council by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, published in April 2013. The focus of the report is on “the implications of States’ surveillance of communications on the exercise of the human rights to privacy and to freedom of opinion and expression,” which coincidentally came shortly before the revealing of government mass surveillance programs by Edward Snowden in June 2013. This report is important because it further strengthened the international legal rationale for digital privacy by citing laws and values that are based in existing international human rights agreements. Delegates should especially pay attention to the section on international human rights framework, as well as the conclusions and recommendations.

United Nations, Human Rights Council. (2014). *The Right to Privacy in the Digital Age: Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/27/37)*. Retrieved 17 July 2014 from:

http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A.HRC.27.37_en.pdf

This is the most recent report submitted by the United Nations High Commissioner for Human Rights, and as such is the UN’s most comprehensive and relevant report on this subject. The report is important because it details the protections and promotion of the right to privacy, particularly within the realm of personal data collection and communications and surveillance. The 16-page report details the practical challenges to the protection of the right to privacy in the digital age and outlines current international covenants that help to ensure all persons are

protected. Delegates should study this report carefully and be extremely familiar with its contents to prepare for drafting another resolution on this topic in committee.

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III. Eliminating Racial Discrimination, Xenophobia and Related Intolerances

*“I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons will live together in harmony with equal opportunities. It is an ideal which I hope to live for, and to see realized. But my Lord, if needs be, it is an ideal for which I am prepared to die.”*³⁰⁶

Introduction

The United Nations (UN) has addressed the issue of racial discrimination since its inception, stating in the *Charter of the United Nations* (1945) the realization of human rights and fundamental freedoms are without distinction as to race. Subsequently, the *Universal Declaration of Human Rights* (1948), reinforced these principles, declaring that all human beings are born free and equal in dignity and rights.³⁰⁷ Article 1 of the *UN Declaration on the Elimination of All Forms of Racial Discrimination* (1963) reaffirms this, stating “discrimination between human beings on the ground of race, color, or ethnic origin is an offence to human dignity and shall be condemned ... and [is] a fact capable of disturbing peace and security among nations.”³⁰⁸ The Declaration further targeted racism as ideology, asserting that “any doctrine of racial differentiation or superiority is scientifically false, morally condemnable, socially unjust and dangerous... Thus, there is no justification for racism in theory or practice.”³⁰⁹ This conceptual framework is important as it grounds the work of the international community on this topic.

Early efforts within the UN system focused largely on ending discrimination in Non-Self-Governing and Trust Territories, where segregation, discrimination and racial intolerance were often institutionalized by colonial powers.³¹⁰ The UN General Assembly “repeatedly supported the legitimacy of the struggle of oppressed populations,” identifying discrimination as a result of colonialism in the *Declaration on the Granting of Independence to Colonial Countries and People* adopted in 1960.³¹¹

South Africa’s “system of legalized racial discrimination,” referred to as apartheid, is an example of an issue that the UN took early action on.³¹² Events such as what occurred in Sharpeville, South Africa, where, on 21 March 1960, police opened fire and killed 69 people at a peaceful demonstration, were pivotal in prompting UN action and generating momentum for concerted efforts to address racial discrimination at the international level.³¹³ This momentum prompted the GA to declare 21 March as the “International Day for the Elimination of Racial Discrimination,” and eventually to adopt the *United Nations Declaration on the Elimination of All Forms of Racial Discrimination* (1963), which was the start of a “concerted campaign to tackle racism in all its manifestations.”³¹⁴

The *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD) (1965) defines racial discrimination as:

“distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”³¹⁵

³⁰⁶ Miller, *Remembering ‘the day Nelson Mandela became Nelson Mandela’*, 2014.

³⁰⁷ UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948; OHCHR, *Dimensions of Racism*, 2003.

³⁰⁸ World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, *Durban Declaration and Programme of Action*, 2001.

³⁰⁹ OHCHR, *Dimensions of Racism*, 2003, p. 24.

³¹⁰ *Ibid.*

³¹¹ OHCHR, *Fact Sheet 1: Why a World Conference Now?*, 2001; UN General Assembly, *Declaration on the Granting of Independence to Colonial Countries and Peoples (A/RES/1514(XV))*, 1960.

³¹² OHCHR, *Fact Sheet 1: Why a World Conference Now?*, 2001.

³¹³ *Ibid.*; UN DPI, *The United Nations: Partner in the Struggle against Apartheid*.

³¹⁴ UN General Assembly, *International Day for the Elimination of Racial Discrimination March 21*; UN General Assembly, *United Nations Declaration on the Elimination of All Forms of Racial Discrimination (A/RES/1904 (XVIII))*, 1963.

³¹⁵ UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination (A/Res/2106 (XX))*, 1965.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) describe xenophobia as a broad concept that is manifested when an individual or individuals have an “intense dislike or hatred against people that are perceived as outsiders, strangers or foreigners to a group, community or nation, based on their presumed or real descent, national, ethnic or social origin, race, color, religion, gender, sexual orientation or other grounds.”³¹⁶ Acts that are termed “xenophobic,” are “intentional as the goal is to humiliate, denigrate and/or hurt the person(s) and the “associated” group of people,” through “direct discrimination, hostility or violence and incitement of hatred.”³¹⁷

Today, racial and ethnic discrimination occur on a daily basis, delaying advancement for millions of individuals around the world.³¹⁸ The Office of the UN High Commissioner for Human Rights reported that more than 55% of violent conflicts from 2007-2009 had violations of minority rights or tensions between communities.³¹⁹ Intolerance takes various forms even beyond racial discrimination and xenophobia, from denying individuals the basic values of equality, to fuelling ethnic hatred.³²⁰ Related intolerance of racial discrimination and xenophobia, thus, may refer to any form of prejudice associated with the racial or ethnic background of an individual.³²¹ Secretary-General Ban Ki-moon has called upon leaders around the globe to oppose ideas based on racism or hatred and groups or individuals who promote racism, racial discrimination, xenophobia and related intolerance.³²² Racism and xenophobia undermine peace, security, justice, and social progress; thus it is an important topic on the agenda of GA Third.³²³

International and Regional Framework

Over many decades, a series of key documents promoting the elimination of racial discrimination have been adopted.³²⁴ Each of these documents is committed to the elimination of discrimination regardless of color, culture, background and all other characteristics that may differentiate individuals.³²⁵ These are the ICERD and the *Durban Declaration and Programme of Action* (2001), the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa.³²⁶

Guided by the fundamental goal of a global society free of racial discrimination, the GA adopted ICERD in 1965.³²⁷ Although it has been in force since 1969, it is yet to achieve universality.³²⁸ Drawing from the principles of the 1963 *Declaration of Elimination of All Forms Racial Discrimination*, ICERD defines racial discrimination in its various forms, highlights the obligations of the States Parties, and establishes a Committee on the Elimination of Racial Discrimination (CERD).³²⁹ ICERD is a legally binding instrument.³³⁰ Notably, it states that any doctrine of racial differentiation is false, that racial discrimination violates human rights, and that it harms not only those who are its objects but also those who practice it.³³¹ The human rights highlighted in ICERD include but are not limited to: the right to nationality, the right to marriage and choice of spouse, the right to inherit, the right of freedom of expression, and the right to economic, social, and cultural rights.³³² Under ICERD, Member States are not to practice racial discrimination or defend discrimination, they are to repeal laws that establish racial discrimination, stop racial

³¹⁶ OHCHR, *Xenophobia*, 2013.

³¹⁷ *Ibid.*

³¹⁸ OHCHR, *Statement by the High Commissioner for Human Rights for 2012*, 2012; OHCHR, *Dimensions of Racism*, 2003.

³¹⁹ OHCHR, *Statement by the High Commissioner for Human Rights for 2012*, 2012.

³²⁰ UN General Assembly, *International Day for the Elimination of Racial Discrimination*.

³²¹ Australian Human Rights Commission, *Combating Racism in Australia*, 2014.

³²² UN General Assembly, *Message of the Secretary-General for 2012*, 2012.

³²³ *Ibid.*

³²⁴ UN General Assembly, *Documents*.

³²⁵ *Ibid.*

³²⁶ UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination (A/Res/2106 (XX))*, 1965; World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, *Durban Declaration and Programme of Action*, 2001.

³²⁷ UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination (A/Res/2106 (XX))*, 1965.

³²⁸ *Ibid.*

³²⁹ *Ibid.*

³³⁰ PDHRE, *Convention on the Elimination of All Forms of Racial Discrimination*, 2014.

³³¹ *Ibid.*

³³² UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination (A/Res/2106 (XX))*, 1965.

discrimination by individuals, and encourage multiracial organizations and movements.³³³ As the main purpose is to ensure and guarantee every individual the full and enjoyment of human rights, under ICERD, Member States must ensure adequate improvement and protection of certain racial groups.³³⁴ This also includes the vast changes and challenges that occur in the cultural, social, and economic environments.³³⁵

The *Durban Declaration and Programme of Action* (2001), further promotes equality and combats racism.³³⁶ Specifically, it highlights the right to education, enhancing international cooperation, fair wages, gender equality, and health care as common standards that all should have.³³⁷ As Mutuma Ruteere, the Special Rapporteur on Contemporary Forms of Racial Discrimination, Xenophobia, and Related Intolerances has noted, there is a clear link between poverty and racism, as lack of education, adequate housing, and health care exacerbate racial stereotypes by perpetuating racial prejudices and preconception of specific individuals.³³⁸ The 68th session of the GA Third reaffirmed in resolution 68/150 of 2013 the importance of education and health care as well as the need to improve on such systems for eliminating racial discrimination.³³⁹ Further, the GA Third has called upon Member States to devote finances to education and health care in order to alter attitudes and correct concepts of racial stereotypes.³⁴⁰

The Durban Declaration further defines the victims of racism, the sources, causes, and forms of racism, measures of prevention, education, and the protection aimed to eradicate racism.³⁴¹ Also to note, the Declaration includes policies to achieve complete equality, including international collaboration, the role of the UN, and various other international bodies within the UN such as the Human Rights Council (HRC) and the Economic and Social Council.³⁴² To operationalize the Declaration and to explain the practices needed for real-world and feasible implementation, the *Programme of Action* was developed.³⁴³ The *Programme of Action* contains a total of 219 recommendations directed at UN Member States, non-government organizations, the private sector, and other international organizations.³⁴⁴ It identifies certain groups as particular targets of racism, adopts programs encouraging individuals and institutions to take a stand against racism, and addresses issues of international displacement.³⁴⁵ Further, the program encourages states to: form partnerships between national governments and civil society, develop policies pertaining to gender perspectives, adopt national programs to eradicate poverty and reduce social exclusion, and ensure the political and legal systems reflect multicultural diversity.³⁴⁶ The program reaffirms the values of equality as a basic human right, therefore, allowing Member States to be held accountable for their actions.³⁴⁷ Further, the program asks for universal ratification of ICERD, and its effective implementation by Member States.³⁴⁸

With the aforementioned legal foundation, Member States can understand what the goal and objectives of the UN are in terms of eliminating these discriminations and intolerances. The Durban Declaration and *Programme of Action* set up a clear stage of what needs to be done in order to overcome discrimination.³⁴⁹ However, the international system cannot work effectively on eliminating racial discrimination, xenophobia, and related

³³³ PDHRE, *Convention on the Elimination of All Forms of Racial Discrimination*, 2014.

³³⁴ UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination (A/Res/2106 (XX))*, 1965.

³³⁵ *Ibid.*

³³⁶ World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, *Durban Declaration and Programme of Action*, 2001.

³³⁷ *Ibid.*

³³⁸ UN General Assembly, *Support International Decade for People of African Descent*, 2013.

³³⁹ UN General Assembly, *Combating glorification of Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerances (A/RES/68/150)*, 2013.

³⁴⁰ *Ibid.*

³⁴¹ New Zealand Human Rights Commission, *Summary of the Durban Declaration and Programme of Action to Combat Racism, Racial Discrimination, Xenophobia, and Related Intolerance*, 2002.

³⁴² *Ibid.*

³⁴³ *Ibid.*

³⁴⁴ *Ibid.*

³⁴⁵ *Ibid.*

³⁴⁶ New Zealand Human Rights Commission, *Summary of the Durban Declaration and Programme of Action to Combat Racism, Racial Discrimination, Xenophobia, and Related Intolerance*, 2002.

³⁴⁷ UN DPI, *The Durban Declaration and Programme of Action*, 2009.

³⁴⁸ *Ibid.*

³⁴⁹ *Ibid.*

intolerances until ICERD is achieved universally.³⁵⁰ Member States may not be able to progress efficiently to combat the issues if the ideas are not universally recognized or accepted.³⁵¹

Role of the International System

The issue of racial discrimination falls within the purview of GA Third, specifically, of agenda item 66: Elimination of Racism, Racial Discrimination, Xenophobia and Related Intolerance.³⁵² During its 68th session the GA adopted resolution 68/151 of 14 February 2014.³⁵³ This resolution notes worldwide ratification of ICERD has not yet been reached; it also highlights the development of a trust fund for the *Programme for the Decade for Action to Combat Racism and Racial Discrimination*.³⁵⁴ The session further highlighted past work that remains of vital importance today including the increasing criminalization of irregular migration, effects on migrants facing racism, and equality for people of African descent.³⁵⁵ Specifically, in 2013, more than 60 ministerial speakers attended discussions about migration and development, to further strengthen the connection of individuals wishing to live abroad and further development in 2015.³⁵⁶

In its 67th session the GA Third adopted resolution 67/156, which calls upon Member States to submit periodic reports to CERD in a timely manner, and asks every Member State to fulfill its financial obligation, both of which are hindrances that CERD constantly faces.³⁵⁷ Member States are highly encouraged to submit a report periodically, but it is common that many of the reports are not received, which has proven to be an area that needs improvement on the part of the international community. In fact, 33% of the international community fails to submit a report.³⁵⁸ CERD monitors the implementation of the *Convention on the Elimination of All Forms of Racial Discrimination*.³⁵⁹ All States Parties must submit regular reports to CERD on its status and their implementation of such rights.³⁶⁰ In a typical session, CERD considers the reports from numerous Member States, reviews the Member State reports that are overdue, and provides general recommendations for the international on eliminating racial discrimination.³⁶¹ For example, Rwanda highlighted the positive aspects of several laws aimed to prevent discrimination, the concerns and worries of specific ethnic groups, and the tragic 1994 genocide.³⁶² Rwanda also recognized the regrets of not recognizing certain indigenous people present in the country, such as the Batwa.³⁶³ As such, through this recommendation, the situation of racial discrimination both in contemporary forms and history were brought to the attention of CERD and the international community.³⁶⁴ The GA Third then reviews the implementation of the Convention in Member States with the recommendations of CERD in mind.³⁶⁵

The 67th session also passed Resolution 67/155 emphasizing that the basic responsibility to effectively combat racial discrimination, xenophobia, and related intolerance lies within Members States rather than international organizations, and that Member States have the primary obligation to ensure full and effective implementation of all

³⁵⁰ UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination (A/Res/2106 (XX))*, 1965.

³⁵¹ *Ibid.*

³⁵² UN General Assembly Third Committee, *Social Humanitarian and Cultural*, 2014.

³⁵³ UN General Assembly, *Global Efforts for the Total Elimination of Racism, Racial Discrimination, Xenophobia, and Related Intolerance and the Comprehensive Implementation of and Follow-up to the Durban Declaration and Programme of Action (A/RES/68/151)*, 2014.

³⁵⁴ *Ibid.*

³⁵⁵ *Ibid.*

³⁵⁶ UN General Assembly, *Crucial Importance of Strengthening Link between Migrants, Post 2015 Development*, 2013.

³⁵⁷ UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination (A/Res/2106 (XX))*, 1965.

³⁵⁸ UN CERD, *Report of the Committee on the Elimination of Racial Discrimination (A/66/18)*, 2011.

³⁵⁹ OHCHR, *Committee on the Elimination of Racial Discrimination*, 2014.

³⁶⁰ *Ibid.*

³⁶¹ UN CERD, *Report of the Committee on the Elimination of Racial Discrimination (A/66/18)*, 2011.

³⁶² *Ibid.*

³⁶³ *Ibid.*

³⁶⁴ *Ibid.*

³⁶⁵ *Ibid.*

commitments and recommendations outlined in the *Durban Declaration and Programme of Action*.³⁶⁶ In fulfilling their obligations, states may use the assistance of the Special Rapporteur on Racial Discrimination, whose mandate is to examine, monitor, advise, and report on the human rights issues including incidents of contemporary forms of racism, denial of individuals' belongings, and the phenomenon of xenophobia.³⁶⁷ The Special Rapporteur may do this through visits to Member States, deliver press releases, and holding conferences, seminars, and meetings to address the thematic issues.³⁶⁸ Along with providing advice on technical cooperation at the state level, the Special Rapporteur engages with the international community through such promotional activities.³⁶⁹ The Special Rapporteur reports annually to the HRC and to the GA.³⁷⁰ As such, the GA reviews recommendations made by the Special Rapporteur and advises the international community on next steps to eradicate racism and xenophobia.³⁷¹ Since 2006, several new thematic mandates have been established in response to these recommendations, such as: cultural rights, freedom of peaceful assembly and association, and the situation of human rights in Central African Republic.³⁷²

Migration

On 19 October 2010, the GA Third discussed the promotion and the means to encourage human rights of migrants in the face of racial discrimination.³⁷³ As a result of their often under recognized status, migrants are a highly vulnerable population in their host countries, particularly migrant children.³⁷⁴ The Secretary-General asked Member States to integrate the rights and participation of migrants and migrant children into all relevant legislation and administrative regulations.³⁷⁵ However, regardless of status, judging migrants exposes them to potential racial and xenophobic acts.³⁷⁶ The Secretary-General also asked Member States to adopt comprehensive national plans to strengthen the protection of migrants, and achieve policy agreements at the national, regional, and international levels regarding their racial discrimination and xenophobia.³⁷⁷ The Special Rapporteur on Human Rights of Migrants in 2008 brought to the attention of the HRC that "...insufficient progress had been made in mainstreaming human rights into migration governance...yet, migration can be an essential component of development and prosperity in countries of destination, transit and origin in all regions of the world."³⁷⁸

Italy has faced and is currently facing heavy racial discrimination with their high volume of migrants in the work force.³⁷⁹ Italy's demographic is one of the fastest changing in Europe, with an estimation of a foreign work force of 9%.³⁸⁰ On 7 January 2010, violence exploded after two African immigrants were shot by white men, and by the end of the week, the government evacuated 1,000 immigrants to neighboring cities for their protection.³⁸¹ In opposition to the many immigrant African workers, Gianluca Buonanno, a Member of the Italian Parliament stated "[a]t the end of the day, maybe in this country in order to achieve anything we need to be a bit darker."³⁸² However, the spokesman of the International Organization for Migration (IOM) noted "[i]f all the migrants just stopped working now, the Italian economic system would collapse."³⁸³ Italy serves as an example of a Member State struggling to adapt to the growing interconnection of the world and porous borders, with the result being high levels of racial

³⁶⁶ UN General Assembly, *Global Efforts for the Total Elimination of Racism, Racial Discrimination, Xenophobia, and Related Intolerance and the Comprehensive Implementation of and Follow-up to the Durban Declaration and Programme of Action (A/RES/68/151)*, 2014.

³⁶⁷ OHCHR, *Overview of the Mandate*, 2014.

³⁶⁸ OHCHR, *Special Procedures of the Human Rights Council*, 2014.

³⁶⁹ *Ibid.*

³⁷⁰ *Ibid.*

³⁷¹ *Ibid.*

³⁷² *Ibid.*

³⁷³ UN DPI, *Past Trends Towards Increasing 'Criminalization' of Irregular Migration Continue*, 2010.

³⁷⁴ *Ibid.*

³⁷⁵ *Ibid.*

³⁷⁶ *Ibid.*

³⁷⁷ *Ibid.*

³⁷⁸ *Ibid.*

³⁷⁹ Withnal, *Italian PM Gianluca Buonanno 'blacks up' to Deliver Racist Anti-Immigration Rant in Parliament Chamber*, 2014.

³⁸⁰ Farris, *In Italy, Racial Tensions Explode into Violence*, 2010.

³⁸¹ *Ibid.*

³⁸² Withnal, *Italian PM Gianluca Buonanno 'blacks up' to Deliver Racist Anti-Immigration Rant in Parliament Chamber*, 2014.

³⁸³ Farris, *In Italy, Racial Tensions Explode into Violence*, 2010.

discrimination and xenophobic policies.³⁸⁴ If racial discrimination is not well-known in the public, then racism is not recognized as such and is perpetuated.³⁸⁵ Furthermore, certain laws within Member States appear to rule out racism offenses where the perpetrator may have mixed motives.³⁸⁶ The international community may be able to assist national governments, especially those that which serve as destination or transit countries for migrants, by recognizing racial discrimination and providing strategies and lessons learned of mixed motives in their criminal laws regarding racial offenses, such as in Belgium and the United Kingdom.³⁸⁷

Equality for People of African Descent – International Decade for People of African Descent

On 18 December 2009, the GA declared 2011 as the International Year for People of African Descent.³⁸⁸ The Chair of the Working Group of Experts on People of African Descent, Verence Shepherd said “[p]eople of African descent have for centuries been victims of racism, racial discrimination, enslavement and denial of their rights.”³⁸⁹ Mirjana Najchevska, a member of the Working Group, has noted that millions of people of African descent have been victims of historical segregation and discrimination through unequal access to education throughout history.³⁹⁰ Najchevska has particularly asked states to guarantee equal opportunities and achievements in education.³⁹¹ Through multicultural education and dialogue, Member States could favor the elimination of socio-cultural ideas inherited from the periods of slavery endured by individuals of African descent.³⁹² Subsequently, on 4 November 2013, the GA Third heard from UN experts, including Sheperd, who supported a call for an International Decade for People of African Decent while discussing the issues of racism, racial discrimination, xenophobia, and related intolerances.³⁹³ Consequently, GA resolution 68/237 of 2014 proclaimed 2015-2024 as the International Decade for People of African Descent, and asked to create a program for the implementation of the International Decade and allocate funding for the operation and activities under it.³⁹⁴ Its observance by the UN will bring together actors across the international community with the goals of promoting equality, greater economic and social development, and social justice for people of African descent.³⁹⁵ Some of its activities include developing studies and reports, encouraging the media to represent diversity, and inviting UN Education, Science, and Cultural Organization to support teaching materials and tools for training and activities relating to rights of individuals of African descent.³⁹⁶ With this Decade now a reality, it remains a high priority for the GA Third.³⁹⁷

Case Study: Singapore

Although Singapore has a history of racial tension, successful government policies directed towards instituting multi-racialism and meritocracy have significantly quelled tensions and improved racial relations over the last few decades.³⁹⁸ Singapore admits, however, that issues of racism and related intolerances may still exist even though massive strides have been made.³⁹⁹

Over the last 60 years, the December 1950 Maria Hertogh and September 1964 Prophet Muhammad Birthday riots have served as examples of the significant racial tensions within Singapore.⁴⁰⁰ The Mariah Hertogh riot was sparked

³⁸⁴ Human Rights Watch, *Everyday Intolerance Racist and Xenophobic Violence in Italy*, 2011.

³⁸⁵ Human Rights Watch, *Everyday Intolerance Racist and Xenophobic Violence in Italy*, 2011.

³⁸⁶ *Ibid.*

³⁸⁷ *Ibid.*

³⁸⁸ UN Educational, Scientific, and Cultural Organization, *2011, International Year for People of African Descent*, 2011.

³⁸⁹ UN General Assembly, *Support International Decade for People of African Descent*, 2013.

³⁹⁰ UN High Commissioner for Human Rights, *UN Expert Group Calls for the Recognition of People with African Decent*, 2013.

³⁹¹ *Ibid.*

³⁹² *Ibid.*

³⁹³ UN General Assembly, *Support International Decade for People of African Descent*, 2013.

³⁹⁴ UN General Assembly, *Proclamation of the International Decade for People of African Descent (A/RES/68/237)*, 2014.

³⁹⁵ UN General Assembly, *Support International Decade for People of African Descent*, 2013.

³⁹⁶ UN Human Rights Council, *Report of the Working Group of Experts on People of African Descent on its Eleventh Session (A/HRC/21/60/Add.2)*, 2012.

³⁹⁷ UN General Assembly, *Proclamation of the International Decade for People of African Descent (A/RES/68/237)*, 2014.

³⁹⁸ Tan, Z’ming, & Chia, *Civil Society Submission to the United Nations Special Rapporteur on Racism, Racial Discrimination, Xenophobia, and Related Intolerance*, 2010.

³⁹⁹ *Ibid.*

⁴⁰⁰ *Ibid.*

by a controversial custody battle between an adoptive family and a little girl's biological Eurasian parents.⁴⁰¹ Crowds rioted because people believed the courts and legal system was against Muslims.⁴⁰² In the Prophet Muhammad's Birthday, roughly 20,000 individuals gathered to celebrate Prophet Muhammad's birthday, but the celebration ended with injuries and fatalities as a Malay organization launched a racial campaign against Chinese individuals.⁴⁰³ In total these riots left 54 people dead and 729 injured.⁴⁰⁴

With high unemployment, widespread poverty, low levels of education, and house shortages for minorities and migrants the government tackled the challenges with the idea of "multi-racialism" beginning in the 1970s.⁴⁰⁵ Multi-racialism means representing a culturally diverse society.⁴⁰⁶ The promotion of multi-racialism is to a way to give a fair and equal opportunity for every individual without giving privileges to one or the other.⁴⁰⁷ Some of the minority racial groups are the Malays, Indians, and Eurasians.⁴⁰⁸ In 2006 and 2007, the government found that Singaporean Chinese are least accepting towards being in a place full of Indians, with 75% approval compared to 79% for Malays and 86% for various other nationalities.⁴⁰⁹ Further, for religious beliefs, 76% approve the thought of Hindus compared to 99% for Buddhists or Taoists and 82% Muslim.⁴¹⁰ The concept of multi-racialism in Singapore is implemented in the forms of official governmental representation, media, and national holidays.⁴¹¹ By establishing multi-racialism as a state ideology, Singapore's idea of a divided nation was no longer an issue.⁴¹²

Besides multi-racialism, in Singapore meritocracy is promoted as a fundamental law where each of the main races are given fair and equal opportunity without any race being perceived to be more privileged than the other.⁴¹³ The Rule of Law in Singapore states within the foundation of the nation, "[e]qual opportunity for all, regardless of economic background or social status, race, language, or religion. Meritocracy."⁴¹⁴ Mr. Zhongren, the Singaporean delegate to the 68th GA Third session, stated "[t]he ability of a Singaporean to advance in life is not based on arbitrary criterion such as race, religion, family, class or gender, but based solely on merit, resulting from hard work and achievement."⁴¹⁵ Meritocracy permits Singapore to have the best individuals in leadership positions, and it minimizes any form of negative discrimination against any class of persons.⁴¹⁶ Therefore, between multi-racialism and meritocracy, the ideas transformed the national policies of Singapore towards eliminating racial discrimination, xenophobia, and related intolerances over 40 years.⁴¹⁷ As proof of its growing success, the amount of students who are in meritocratic education in Singapore that progressed to a publically funded secondary institution grew from 88% in 2003 to 95% in 2012.⁴¹⁸

Conclusion

The UN continues to substantially advance the elimination of racial discrimination, xenophobia, and related intolerances as each Member State changes. ICERD, CERD, and other entities as well as the Durban Declaration

⁴⁰¹ National Library Board Singapore, *Mariah Hertogh Riots*, 2014.

⁴⁰² National Library Board Singapore, *Mariah Hertogh Riots*, 2014.

⁴⁰³ Chong, *The Patient Labours of Peace – Othman Wok*, 2012.

⁴⁰⁴ National Library Board Singapore, *Mariah Hertogh Riots*, 2014.

⁴⁰⁵ Tan, Z'ming, & Chia, *Civil Society Submission to the United Nations Special Rapporteur on Racism, Racial Discrimination, Xenophobia, and Related Intolerance*, 2010.

⁴⁰⁶ Velayutham, *Everyday Racism in Singapore*, 2007.

⁴⁰⁷ *Ibid.*

⁴⁰⁸ *Ibid.*

⁴⁰⁹ Tan, Z'ming, & Chia, *Civil Society Submission to the United Nations Special Rapporteur on Racism, Racial Discrimination, Xenophobia, and Related Intolerance*, 2010.

⁴¹⁰ *Ibid.*

⁴¹¹ Velayutham, *Everyday Racism in Singapore*, 2007.

⁴¹² *Ibid.*

⁴¹³ Tan, Z'ming, & Chia, *Civil Society Submission to the United Nations Special Rapporteur on Racism, Racial Discrimination, Xenophobia, and Related Intolerance*, 2010.

⁴¹⁴ Shanmugam, *The Rule of Law in Singapore*, 2012.

⁴¹⁵ Singapore, *Statement by Mr. Ang Zhongren, Delegate to the 65th Session of the United Nations General Assembly on Agenda Item 28, on the Advancement of Women, Third Committee, Tuesday 12 October 2010*, 2010.

⁴¹⁶ *Ibid.*

⁴¹⁷ Tan, Z'ming, & Chia, *Civil Society Submission to the United Nations Special Rapporteur on Racism, Racial Discrimination, Xenophobia, and Related Intolerance*, 2010.

⁴¹⁸ Singapore, *10-Year Trend of Educational Performance 2003-2012*, 2013.

and Programme of Action have built a solid groundwork for Member States to eliminate the actions of and beliefs in intolerance. As states continue to advance and globalization spreads, Member States will be faced with increased challenges while their communities become ever more interconnected and interdependent. This integration will bring greater flows of migrants among other issues, and will force states to address their rights and the resulting issues of racial discrimination that may occur. Moving ahead, the international community must to consider the human rights of migrant workers, bring awareness and unique activities to protect and grow equality for individuals of African descent, and create unique ideas to abolish any form of discrimination. Further, each Member State needs to fulfill their obligations by submitting reports on time reporting bodies such as CERD, and universally adopt ICERD. As Secretary-General Ban Ki-moon reminded the Third Committee, racism among ethnic and racial groups is a threat and a grave violation of human rights.⁴¹⁹ The focus and questions of eliminating racial discrimination is a social development and as a result the GA Third's involvement is required.

Further Research

With these issues in mind, delegates should consider the following questions: How can the international community combat racism while also respecting national sovereignty and individual freedoms? What can the GA Third do to encourage universality of ICERD? How can Member States ensure they submit regular reports to CERD on the realization of these rights? How might Member States ensure laws be put in place to eliminate discrimination without violating human rights? How can the GA Third better assist destination and transit countries that experience high levels of immigration, especially migrant workers? Overall, what steps can be taken by GA Third to encourage the universal elimination of racial discrimination and xenophobia?

⁴¹⁹ United Nations General Assembly, *Message of the Secretary-General*, 2013.

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New Zealand Human Rights Commission. (2002). *Summary of the Durban Declaration and Programme of Action to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance*. Retrieved 16 August 2014 from: <https://www.humanrights.gov.au/durban-review-conference-summary-durban-declaration-and-programme-action-combat-racism-racial>

This report gives a general summary and overview of what the Durban Declaration and Programme of Action state. The summary breaks it down by document and various key points such as the victims of racism, measures to prevent, educate and protect, and various provisions. Also, this document dissects the documents further to explain how certain individuals are more prone to racism, legal action, and the various human rights violations. While the research material presented only provides a broad view, it is a starting point for delegates to find additional information to advance their own innovative ideas.

Tar, T., H. Z'ming, & R. Chia. (2010). *Civil Society Submission to the United Nations Special Rapporteur on Racism, Racial Discrimination, Xenophobia and Related Intolerance*. Retrieved 18 July 2014 from: http://www.academia.edu/2905889/Civil_Society_Submission_to_the_UN_Special_Rapporteur_on_Racism_Racial_Discrimination_Xenophobia_and_Related_Intolerance_24_April_2010

This report submitted to the Special Rapporteur highlights what obstacles faced and strides made by Singapore. This report by a civil society organization demonstrates what has been done to eliminate discrimination, while understanding that there is still more work to be done in a uniquely challenged country. Singapore has used a creative approach to solve racism by balancing multi-racialism and meritocracy. The report provides examples of the legal work done, and it breaks down the various discriminations that occur within Singapore. An important aim of this report is to provide an understanding of a developing country's obstacles, the rights of individuals, and to further understand the work that needs to be done in order to fight racism and xenophobia from a single country perspective.

United Nations, Department of Public Information. (2010, October 22). *Past Trends Towards Increasing 'Criminalization' of Irregular Migration Continues* [Press Release]. Retrieved 15 August 2014 from: <http://www.un.org/News/Press/docs/2010/gashe3986.doc.htm>

This press release from the UN General Assembly discusses the promotion and the means to promote human rights of migrants as they are battling racial discrimination. As one of the key challenges facing the international community today relates to racial discrimination of migrants, the document highlights numerous rights for migrants, the rights of migrant children into all relevant legislation, strengthening the protection of migrant workers, and some of challenges faced by documented and undocumented migrants in gaining access to adequate housing.

United Nations, General Assembly. (1965). *International Convention on the Elimination of All Forms of Racial Discrimination (A/RES/2106 (XX))*. Retrieved 12 August 2014 from: [http://undocs.org/A/RES/2106\(XX\)](http://undocs.org/A/RES/2106(XX))

ICERD is a treaty that provides an in-depth understanding and focus of work of the Committee on Elimination of Racial Discrimination. The convention provides what is condemned in the international society based on racial discrimination, and what the responsibilities are of each Member State to overcome racial discrimination. Further it addresses the certain guarantees and rights to everyone without distinction on race, color, national, or ethnic origin.

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. (2001). *Durban Declaration and Programme of Action*. Retrieved 17 July 2014 from: <http://www.un.org/WCAR/durban.pdf>

The Durban Declaration and Programme of Action are the outcome documents of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. This document recognizes the need to combat racial discrimination, xenophobia, and related intolerances by all Member States and specifically addresses the victims, sources and forms of racism, measures of prevention. Further, the Declaration includes approaches to UN accomplish full equality, including international cooperation and the further improvement of the UN and other international organizations in battling racism. The paper gives a synopsis of what to expect for debate and further work on the topic in committee.

United Nations, General Assembly, Sixty-eighth session. (2013). *Contemporary forms of racism, racial discrimination, xenophobia and related intolerance: Note by the Secretary-General (A/68/329)*. Retrieved 18 July 2014 from: www.undocs.org/A/68/329

In this report, the Special Rapporteur summarizes the contributions by Member States, intergovernmental, non-governmental, and other organizations pertaining to the topic. The report gives a general knowledge of what some Member States have contributed to elimination of racism and xenophobia, but also what certain things are currently being addressed by each Member State. This report gives a general synopsis and scenario per Member State, and some of the differences Member States have to deal with in terms of racial discrimination.

United Nations, General Assembly, Sixty-eighth session. (2013, November 4). *Support International Decade for People of African Descent* [Press Release]. Retrieved 15 September from:

<http://www.un.org/News/Press/docs/2013/gashc4084.doc.htm>

As a great tool to focus on one of the many issues related to this topic, this press release describes the idea and approach to eliminating racial discrimination specifically towards people of African Descent. Because the General Assembly has already established the International Decade for Individuals of African Descent, delegates are able to interpret what the GA and its Member States are working on in terms of implementation. This source can help delegates in their attempt at envisioning the efforts on both the local and international level as they generate their own ideas and recommendations.

United Nations, General Assembly, Sixty-eighth session. (2014). *Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/RES/68/151)* [Resolution]. Adopted on the report of the Third Committee (A/68/454). Retrieved 17 July 2014 from: www.undocs.org/A/RES/68/151

As one of the most recent resolutions by the General Assembly on this topic, this document highlights key aspects and priorities for the international community. It reminds Member States that the International Convention on the Elimination of All Forms of Racial Discrimination has yet to be universally ratified. The resolution also highlights previous documents adopted to fight racism such as resolutions 56/266, 6/22, and 65/240. It further discusses the work done by the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur on Contemporary forms of racism, Racial Discrimination, Xenophobia, and Related Intolerance.

United Nations, Office of the High Commissioner for Human Rights. (2012). *United Against Racism, Racial Discrimination, Xenophobia and Related Intolerances* [Report]. Retrieved 18 July 2014 from:

http://www.un.org/en/letsfightracism/pdfs/United%20against%20Racism_English_web.pdf

Published with the intent to provide a comprehensive international outline, the report compiles adopted texts of the Durban Declaration and Programme of Action, the Outcome of the Durban Review Conference, and the 10th Anniversary of the Durban Declaration and Programme of Action (2011) Political Declaration. The report provides the general background of racial discrimination and recalls what many UN resolutions have highlighted such as Human Rights Council resolutions 1997/74, 52/211, and 48/134. The reports can serve as a reference for discussion, dialogue, and insights on what has been already discussed.

United Nations, Office of the High Commissioner for Human Rights. (2013, October 9). *UN Expert Group Calls for the Recognition of People With African Descent* [News Article]. Retrieved 16 September 2014 from:

<http://www.ohchr.org/EN/NewsEvents/Pages/RecognitionOfPeopleOfAfricanDescent.aspx>

This article articulates and recognizes the Working Group of Experts on People of African Descent. It states that the Working Group has highlighted certain needs that should be fulfilled in order to promote racial equality. As it is an important part to understand relating to the debate of eliminating racial discrimination, it is critical to recognize this Group, whose focus is on eliminating such discriminations around the world, and the work it is actively engaging in and promoting.

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