

## General Assembly Third Committee

### *Introduction*

The Third Committee met in New York City between 7 October and 26 November 2014, in the context of the 69<sup>th</sup> session of the United Nations (UN) General Assembly (GA).<sup>1</sup> During this time, the GA Third Committee informed its discussions with reports by the Secretary-General, various UN special procedures, various treaty bodies, and other UN Committees.<sup>2</sup> In summary, during its 69<sup>th</sup> session, the Third Committee negotiated 66 draft resolutions and adopted 63, including 46 by consensus and 17 by a vote.<sup>3</sup> The committee focused its discussion on agenda item 68: “promotion and protection of human rights,” adopting around 30 resolutions on this topic.<sup>4</sup> Resolutions were also adopted under agenda items 105: “crime prevention and criminal justice,” 65: “rights of indigenous peoples,” and 67: “right of peoples to self-determination,” among others.<sup>5</sup> Notably, the Third Committee contributed, through the language in its resolutions, to directing the attention of Member States towards the particular needs of vulnerable and marginalized groups in the context of human rights and social development, and the mainstreaming of human rights in the post-2015 development agenda.<sup>6</sup>

### *Recent Activities*

During its 69<sup>th</sup> session, the Third Committee adopted both thematic and country-specific resolutions.<sup>7</sup> In terms of thematic resolutions, the body adopted language on the protection of women human rights defenders, which includes male and female human rights advocates working in the defense of women’s rights.<sup>8</sup> The resolution on preventing violence against women recognizes that women human rights defenders are specific targets for abuse given the nature of their work.<sup>9</sup> It also calls on states to implement gender-specific protections and to ensure the participation of women human rights defenders in their development.<sup>10</sup> This session’s resolution contains specific language on sexual and reproductive health issues, the absence of which had drawn criticism from non-governmental organizations in last year’s resolution on the topic.<sup>11</sup> Furthermore, the resolution on the rights of indigenous peoples takes note of the outcome of the World Conference on Indigenous Peoples, held in September 2014, and proclaims the Third International Decade of Indigenous Peoples, which has the objective of ensuring “international cooperation for the full and effective implementation of the United Nations Declaration on the Rights of Indigenous Peoples.”<sup>12</sup> Other thematic resolutions discussed by the committee include: the topics of extrajudicial, arbitrary and summary executions, a moratorium on the use of the death penalty, the right to privacy in the digital age, and violence against journalists, as well as a resolution to protect children from bullying.<sup>13</sup> The Committee also adopted country-specific resolutions on the Democratic People’s Republic of Korea (DPRK), Myanmar, Syria, and Iran.<sup>14</sup>

The Committee’s discussion during the 69<sup>th</sup> session was informed by technical reports on the development of the various agenda topics, including Secretary-General’s reports, as well as reports from treaty bodies, Human Rights Council (HRC) special procedures, and UN conferences.<sup>15</sup> Importantly, the committee received reports from the Human Rights Committee and the Committee Against Torture, which outline the progress towards the implementation of the *International Covenant on Civil and Political Rights* and the *International Convention*

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<sup>1</sup> UN General Assembly, *Provisional Program of Work of the Third Committee*, 2014.

<sup>2</sup> UN General Assembly, *Status of Action on Draft Proposals*, 2014.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> International Service for Human Rights, *General Assembly Monitor 10 November – 10 December 2014*, 2014.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> UN General Assembly, *Rights of indigenous peoples (A/C.3/69/L.27)*, 2014, para. 3.

<sup>13</sup> UN General Assembly, *Status of Action on Draft Proposals*, 2014.

<sup>14</sup> Ibid.

<sup>15</sup> UN General Assembly, *Documentation before the Third Committee (A/C.3/69/L.1/Add.1/Rev.1)*, 2014.

*Against Torture*, respectively.<sup>16</sup> Likewise, it adopted the report of the HRC, which contains the resolutions adopted during the Council's 27<sup>th</sup> session, as well as the decisions on the universal periodic reviews of 14 Member States.<sup>17</sup>

### **Recent Policy Outcomes**

Some common policy outcomes can be distilled from the resolutions adopted during the 69<sup>th</sup> session. Several resolutions dealing with thematic human rights issues include clauses calling on states to give due consideration, within the topic, to vulnerabilities stemming from sexual orientation, gender, disabilities, and migrant status.<sup>18</sup> Another common theme found in the committee's outcome documents is a call on states to reduce poverty and inequality, as well as to incorporate the human rights dimensions of the various topics into the post-2015 development agenda, especially as they relate to the rights of the most vulnerable and marginalized populations.<sup>19</sup> Several documents request other UN bodies including the Office of the High Commissioner for Human Rights (OHCHR), the special procedures under the HRC, UN Women, United Nations Children's Fund (UNICEF), to produce studies and reports to inform the various topics under discussion.<sup>20</sup> Likewise, all the resolutions call for Secretary-General's reports on the various issues.<sup>21</sup>

On 31 December 2014, the Secretary-General published his Synthesis Report on the Post-2015 Sustainable Development Agenda, in which he synthesizes the full range of inputs on the process and provides a roadmap "for the achievement of dignity in the next 15 years."<sup>22</sup> The report stresses the importance of underpinning human rights to the sustainable development agenda.<sup>23</sup> In particular, it emphasizes the importance of the development agenda mirroring the international human rights framework by including "elements of economic, social, cultural, civil and political rights, as well as the right to development."<sup>24</sup> The Secretary-General also places emphasis on creating a UN whose development work is guided by universal human rights and international norms.<sup>25</sup> While not strictly a Third Committee development, the Secretary-General's synthesis report mirrors the calls of many of the GA resolutions adopted during the 69<sup>th</sup> session and will be an important input to the Special Summit on Sustainable Development, which will adopt the post-2015 development agenda in September of 2015.<sup>26</sup>

Perhaps one of the most important policy outcomes of the Third Committee's 69<sup>th</sup> session is its resolution referring the report of the Commission of Inquiry (COI) on the DPRK to the Security Council (SC).<sup>27</sup> The COI was created by HRC resolution 22/13, with the mandate to "investigate systematic, widespread and grave violations of human rights in the DPRK."<sup>28</sup> In its report, the COI found that "systematic, widespread and gross human rights violations have been and are being committed by the DPRK," and that these, in many instances, surmount to "crimes against humanity based on state policy."<sup>29</sup> In addition to transmitting the COI's report to the SC, the Third Committee recommended that the SC consider referring the situation in the DPRK to the International Criminal Court (ICC) and asked for a comprehensive Secretary-General's report for the GA's 70<sup>th</sup> session.<sup>30</sup> The SC's 22 December meeting on the topic was the first ever to have discussed the human rights situation in the DPRK during a formal session; the

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<sup>16</sup> UN General Assembly, *Documentation before the Third Committee (A/C.3/69/L.1/Add.1/Rev.1)*, 2014.

<sup>17</sup> UN Human Rights Council, *Report of the Human Rights Council (A/69/53/Add.1)*, 2014.

<sup>18</sup> UN General Assembly, *Documentation before the Third Committee (A/C.3/69/L.1/Add.1/Rev.1)*, 2014; UN General Assembly, *Status of Action on Draft Proposals*, 2014.

<sup>19</sup> UN General Assembly, *Status of Action on Draft Proposals*, 2014.

<sup>20</sup> UN General Assembly, *Documentation before the Third Committee (A/C.3/69/L.1/Add.1/Rev.1)*, 2014; UN General Assembly, *Status of Action on Draft Proposals*, 2014.

<sup>21</sup> UN General Assembly, *Status of Action on Draft Proposals*, 2014.

<sup>22</sup> UN General Assembly, *The road to dignity by 2030: ending poverty, transforming all lives and protecting the planet: Synthesis report of the Secretary-General on the post 2015 sustainable development agenda (A/69/700)*, 2014.

<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid.*, para. 82.

<sup>25</sup> *Ibid.*, para. 152.

<sup>26</sup> *Ibid.*

<sup>27</sup> UN General Assembly, *Situation of human rights in the Democratic People's Republic of Korea (A/C.3/69/L.28/Rev. 1.)*, 2014.

<sup>28</sup> UN Human Rights Council, *Situation of Human Rights in The Democratic People's Republic of Korea (A/HRC/RES/22/13)*, 2013, para. 5.

<sup>29</sup> UN Human Rights Council, *Report of the commission of inquiry on human rights in the Democratic People's Republic of Korea (A/HRC/25/63)*, 2014, para. 24.

<sup>30</sup> UN General Assembly, *Situation of human rights in the Democratic People's Republic of Korea (A/C.3/69/L.28/Rev. 1.)*, 2014.

Council had previously only formally discussed it as related to the non-proliferation of nuclear weapons.<sup>31</sup> While the Council meeting had no formal outcome, the item's inclusion in the agenda means that the SC, on the advice of the GA, acknowledged that the human rights situation in the DPRK is a matter of international peace and security, and thus both bodies will continue to address it in that way.<sup>32</sup> It is also important to note that, while this has not yet been the outcome, the SC could decide to refer the situation in the DPRK to the ICC at any point in the future.<sup>33</sup>

### ***Implementation of General Assembly Third Committee Outcomes***

The GA Plenary adopted all Third Committee resolutions on 18 December 2014.<sup>34</sup> Due to the wide range of topics discussed by the Third Committee, the implementation of its outcomes is the responsibility of various UN bodies, the Secretary-General, and Member States themselves.<sup>35</sup> Various UN Secretariat offices have the mandate to coordinate the implementation of these decisions within the UN system and to help Member States in fulfilling them at the national level.<sup>36</sup> In this sense, as the main policy outcomes of this session are related to human rights, OHCHR will play an important role in their implementation.<sup>37</sup> As the focal point for human rights in the UN Secretariat, OHCHR has already been actively working on integrating human rights into the post-2015 development agenda.<sup>38</sup> OHCHR's role in the post-2015 process includes providing research on different human rights aspects of development, coordinating technical support to Member States as related to the post-2015 process, and sensitizing stakeholders on the integration of human rights into all aspects of the post-2015 development agenda.<sup>39</sup> In a broader sense, OHCHR is in charge not only of providing administrative and substantive support to the Third Committee in carrying out its work, but also in providing assistance to governments to implement human rights standards.<sup>40</sup> Many other UN bodies will also have important roles in supporting Member States in the implementation of the resolutions adopted during the 69<sup>th</sup> session, and coordinating efforts within the institution.<sup>41</sup> UNICEF and UN Women, for instance, have been tasked with mainstreaming children and women's rights, while the Under Secretary-General for Economic and Social Affairs will coordinate the Third International Decade for Indigenous Peoples.<sup>42</sup>

### ***Conclusion***

During its 69<sup>th</sup> session, the Third Committee of the UN GA adopted resolutions related to a variety of topics within its mandate. As its current practice dictates, the committee adopted a majority of resolutions by consensus and on human rights issues. Notable among them are resolutions dealing with the human rights situations in specific countries, such as the DPRK and Myanmar, and those dealing with specific issues, such as the rights of indigenous peoples and the situation of women human rights defenders. Also noteworthy is the common connection in the Third Committee's language between human rights and development, and its emphasis on the vulnerable and excluded. This is also apparent in the work of the OHCHR, which serves as the Third Committee's secretariat on substantive human rights issues. Finally, in 2015 the international debate will be centered on the conclusion of the post-2015 development agenda process, which will be informed by the Secretary-General's synthesis report, and will strive to incorporate his vision of human rights as a guiding principle underpinning development and the post-2015 process.

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<sup>31</sup> What's in Blue, *Meeting on the Human Rights Situation in North Korea*, 2014.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> UN General Assembly, *Resolutions 69<sup>th</sup> Session*, 2014.

<sup>35</sup> Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011.

<sup>36</sup> Ibid.

<sup>37</sup> UN OHCHR, *What we do*.

<sup>38</sup> UN OHCHR, *Human Rights and Post-2015 Development Agenda*, 2014.

<sup>39</sup> Ibid.

<sup>40</sup> UN OHCHR, *What we do*.

<sup>41</sup> UN General Assembly, *Resolutions 69<sup>th</sup> Session*, 2014.

<sup>42</sup> Ibid.

## Annotated Bibliography

International Service for Human Rights. (2014). *General Assembly Monitor 10 November – 10 December 2014* [Website]. Retrieved 8 January 2015 from: <http://us1.campaign-archive2.com/?u=97549cf8cb507607389fe76eb&id=ecf1bdd024&e=d1b86e9cd8>

*This publication by the International Service for Human Rights gives a very thorough overview of the Third Committee's 69<sup>th</sup> session. It explores and analyses the different topics discussed by the committee, emphasizing the relevance of the decisions taken in the context of the current issues in international affairs. Delegates will find this source useful to improve their understanding of the range of topics most recently discussed by the General Assembly and the Third Committee specifically.*

United Nations, General Assembly, Third Committee, Sixty-ninth session. (2014). *Documentation before the Third Committee (A/C.3/69/L.1/Add.1/Rev.1)*. Retrieved 8 January 2015 from: <http://undocs.org/A/C.3/69/L.1/Add.1/Rev.1>

*This document provides a detailed list of all the documentation used to inform the debates of the Third Committee during its 69<sup>th</sup> session. Documents in this list include reports of the Secretary-General, various UN treaty bodies and other committees, and the Human Rights Council special procedures such as special rapporteurs and groups of experts. This is a useful tool for delegates wishing to deepen their understanding of nearly any topic discussed by the Third Committee.*

United Nations, General Assembly, Third Committee. (2014). *Status of Action on Draft Proposals* [Website]. Retrieved 8 January 2015 from: <http://www.un.org/en/ga/third/69/proposalstatus.shtml>

*This Webpage provides a summary of all the draft resolutions considered by the Third Committee during its 69<sup>th</sup> session, including the outcome of the discussions. This is an important source for delegates to appreciate the full range of agenda items and topics discussed by the Third Committee, as well as its voting practices. Delegates can see that most draft resolutions were adopted by consensus, and they can determine which topics are controversial by analyzing the voting records of each draft resolution. An interesting exercise would be for delegates to compare last year's status of action with this year's to determine increasing or decreasing support for a given topic.*

United Nations, General Assembly, Third Committee, Sixty-ninth session. (2014). *The road to dignity by 2030: ending poverty, transforming all lives and protecting the planet: Synthesis report of the Secretary-General on the post 2015 sustainable development agenda (A/69/700)*. Retrieved 20 January 2015 from: <http://undocs.org/A/69/700>

*Entitled "The road to dignity by 2030: ending poverty, transforming all lives and protecting the planet," this is the long awaited Secretary-General's synthesis report on the post-2015 sustainable development agenda. It summarizes the inputs gathered during the consultations carried out on the post-2015 discussions. In this document, the Secretary-General proposes six essential elements that configure a roadmap to achieve human dignity in the next 15 years. The elements include dignity, people, prosperity, planet, justice, and partnership. The document also proposes a framework for the implementation of the post-2015 development agenda, which includes financing, technology, and investment in sustainable development capacities. The report will be useful for Third Committee delegates to understand the Secretary-General's vision on where and how human rights should be integrated into sustainable development.*

United Nations, Human Rights Council. (2014). *Report of the commission of inquiry on human rights in the Democratic People's Republic of Korea (A/HRC/25/63)*. Retrieved 21 January 2015 from: <http://undocs.org/A/HRC/25/63>

*The report of the Commission of Inquiry (COI) provides a thorough review of the human rights situation in the DPRK. It emphasizes the existence of widespread, systematic and gross violations of human rights, some of which surmount to crimes against humanity. The COI examined violations of the right to food, treatment within prison camps, torture and inhuman treatment, arbitrary detention, discrimination, freedom of expression, right to life, freedom of movement, and enforced disappearances. This is an important resource for delegates to understand the most*

*recent developments related to the situation in the DPRK after the Third Committee referred the situation to the Security Council.*

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- International Service for Human Rights. (2014). *General Assembly Monitor 10 November – 10 December 2014* [Website]. Retrieved 8 January 2015 from: <http://us1.campaign-archive2.com/?u=97549cf8cb507607389fe76eb&id=ecf1bdd024&e=d1b86e9cd8>
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## I. Development and the Rights of Indigenous Peoples

### *Introduction*

Indigenous peoples make up 5% of the world's population, but 15% of the world's poor.<sup>43</sup> This disparity is representative of a larger problem that strongly correlates with the relationship between development and violations of the rights of indigenous peoples.<sup>44</sup> The inaugural World Conference on Indigenous Peoples (WCIP) was held in September 2014, resulting in an outcome document, which outlined concrete steps and direction for the advocacy movement to include indigenous peoples in the post-2015 development agenda currently under discussion.<sup>45</sup> The adoption of this document indicates an eventful and significant year for this topic as the targets for the sustainable development goals (SDGs) are finalized.<sup>46</sup>

In September 2014, a high-level plenary meeting of the United Nations (UN) General Assembly was held ahead of the main 69<sup>th</sup> session, known as the WCIP.<sup>47</sup> Governments, indigenous tribal leaders, UN agencies, and non-governmental organizations (NGOs) from around the world gathered in New York to take part in the historic event.<sup>48</sup> This conference, the first of its kind, has emerged as the primary forum for consensus-building with regards to indigenous peoples' rights.<sup>49</sup> Its outcome document, resolution 69/2, was adopted in September 2014 without a vote, and will greatly influence any inclusion of indigenous peoples' rights in the post-2015 development agenda.<sup>50</sup> While the outcome document was the most prominent action taken relating to indigenous peoples, the General Assembly Plenary also unanimously adopted resolution 69/159 on "Rights of indigenous peoples" on a recommendation from the Third Committee in December.<sup>51</sup> This resolution praised the progress made through the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) (2007) and the WCIP, and encouraged national governments to take concrete actions to fully implement UNDRIP and the recommendations in the WCIP outcome document.<sup>52</sup> The resolution declared this to be the aim of the newly proclaimed Third International Decade of the World's Indigenous Peoples, which commenced on 1 January 2015.<sup>53</sup>

In recent months, several non-UN entities have also performed valuable work on behalf of indigenous peoples. The Indigenous Peoples' International Centre for Policy Research and Education, also known as Tebtebba, is a Philippines-based NGO that "advocates and works on the elaboration and operationalization of indigenous peoples' sustainable, self-determined development."<sup>54</sup> Tebtebba and the Asia Pacific Peoples Pact (AIPP), another prominent NGO that advocates for the rights of indigenous peoples, both hold Special Consultative Status in the UN Economic and Social Council (ECOSOC), where they have gained significant traction as of late in the run-up to the WCIP.<sup>55</sup> AIPP was represented and gave a statement at the World Conference on Indigenous Peoples in September 2014.<sup>56</sup> In late 2014, Tebtebba and AIPP co-published a book, *United Nations & Indigenous Peoples in Developing Countries:*

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<sup>43</sup> UNDP, *Sustaining Human Progress: Reducing Vulnerabilities and Building Resilience, Human Development Report*, 2014.

<sup>44</sup> UNDP, *Sustaining Human Progress: Reducing Vulnerabilities and Building Resilience, Human Development Report*, 2014; UN General Assembly, *Rights of indigenous peoples (A/69/485)*, 2014.

<sup>45</sup> UN General Assembly, *Outcome Document of the World Conference on Indigenous Peoples (A/RES/69/2)*, 2014; UN General Assembly, *Allocation of Agenda items to the Third Committee (A/C.3/69/1)*, 2014.

<sup>46</sup> Ibid.

<sup>47</sup> UN General Assembly, *Outcome Document of the World Conference on Indigenous Peoples (A/RES/69/2)*, 2014.

<sup>48</sup> UN NGLS, *World Conference on Indigenous Peoples: Moving Forward in Realizing Rights of Indigenous Peoples*, 2014.

<sup>49</sup> UN General Assembly, *Outcome Document of the World Conference on Indigenous Peoples (A/RES/69/2)*, 2014; UN General Assembly, *Allocation of Agenda items to the Third Committee (A/C.3/69/1)*, 2014.

<sup>50</sup> Ibid.

<sup>51</sup> UN General Assembly, *Resolutions adopted by the General Assembly at its 69<sup>th</sup> session*, 2015; UN DPI, *Adopting 68 Texts Recommended by Third Committee, General Assembly Sends Strong Message towards Ending Impunity, Renewing Efforts to Protect Human Rights*, 2014.

<sup>52</sup> UN General Assembly, *Rights of indigenous peoples (A/69/485)*, 2014.

<sup>53</sup> Ibid.

<sup>54</sup> Tebtebba, *Who We Are*.

<sup>55</sup> Ibid.; AIPP, *Statement of the Asia IP Caucus and the Asia Indigenous Peoples Pact (AIPP): Indigenous Priorities for the Post 2015 Development Agenda*, 2014.

<sup>56</sup> AIPP, *Statement of the Asia IP Caucus and the Asia Indigenous Peoples Pact (AIPP): Indigenous Priorities for the Post 2015 Development Agenda*, 2014.

*An Evolving Partnership*, which is a review of the UN's institutional efforts to effectively apply the UNDRIP.<sup>57</sup> This book includes assessments of regions and countries using the United Nations Development Framework and the Common Country Analysis, monitoring and data that is crucial to the process of wide application of the UNDRIP.<sup>58</sup> It provides a “clear picture of how the UN organs, agencies, programs and funds have responded to indigenous peoples’ issues in terms of policy development, inter-agency collaboration, mechanisms for consultation and participation, programs and provisions of funds for indigenous peoples.”<sup>59</sup> A third NGO that has issued several recent publications directly relating to development and indigenous peoples is the International Work Group for Indigenous Affairs (IWGIA).<sup>60</sup> Of particular relevance to the ongoing discussions of the SDGs is IWGIA’s fact sheet on “Indigenous peoples in the post-2015 development framework,” published in September 2014.<sup>61</sup>

The UNDRIP remains vitally important as a guiding document for discussions related to follow-up to the WCIP.<sup>62</sup> The outcome document requests the Secretary-General, in preparation for his progress report for the General Assembly during its 70<sup>th</sup> session, to coordinate with the Inter-Agency Support Group on Indigenous Peoples’ Issues (IASG) to develop a plan for the full implementation of UNDRIP.<sup>63</sup> Wu Hongbo, Under-Secretary-General for the Department of Economic and Social Affairs, was recently appointed Senior Official of the UN work on coordinating follow up action for the WCIP.<sup>64</sup> Under-Secretary-General Hongbo requested the IASG’s assistance in developing a “system-wide action plan [SWAP] for a coherent approach to achieving the ends” of UNDRIP.<sup>65</sup> The IASG agreed to support the Under-Secretary-General’s request by establishing a small, informal working group at its meeting in December 2014, whose first tasks will be to create terms of reference and a basic timeline for the SWAP’s development.<sup>66</sup>

The UN Permanent Forum on Indigenous Issues (UNPFII) will also continue to be an indispensable body in policymaking concerning development and the rights of indigenous peoples, as half of its members are nominated by civil society.<sup>67</sup> From 27-29 January 2015, a UNPFII Expert Group meeting took place in New York to discuss the possibility of an optional protocol to the UNDRIP, based on the recommendations of a report prepared by the ECOSOC Secretariat.<sup>68</sup> This optional protocol would focus on the creation of an international complaint mechanism to protect indigenous peoples’ rights, particularly in the cases of land, territory, and resource disputes at the national level.<sup>69</sup> Themes explored at the Expert Group Meeting included: why an optional protocol is required in relation to the UNDRIP; what limitations exist in current international human rights monitoring systems; what the features of this mechanism would be; and whether or not there is an existing UN body that can take on the mandate of this mechanism.<sup>70</sup> The results of this meeting will be announced at the Fourteenth Session of the UNPFII in New York from 20 April to 1 May 2015.<sup>71</sup>

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<sup>57</sup> Tebtebba, *UN & IPs in Developing Countries: An Evolving Partnership*; Tebtebba, *United Nations & Indigenous Peoples in Developing Countries: An Evolving Partnership*, 2014.

<sup>58</sup> Ibid.

<sup>59</sup> Tebtebba, *United Nations & Indigenous Peoples in Developing Countries: An Evolving Partnership*, 2014.

<sup>60</sup> IWGIA, *Publications*, 2015; IWGIA, *Sustainable Development and Indigenous Peoples*, 2015.

<sup>61</sup> IWGIA, *Indigenous peoples in the post-2015 development framework*, 2015.

<sup>62</sup> UN General Assembly, *Outcome Document of the World Conference on Indigenous Peoples (A/RES/69/2)*, 2014.

<sup>63</sup> Ibid.

<sup>64</sup> UNPFII, *The Message Stick: December 2014*, 2014.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> UNPFII, *About Us/Members*, 2015.

<sup>68</sup> UNPFII, *Meetings and Workshops: Expert Group Meeting: "Dialogue on an optional protocol to the United Nations Declaration on the Rights of Indigenous Peoples," 27 - 29 January 2015*, 2015; UN ECOSOC, *Study on an optional protocol to the United Nations Declaration on the Rights of Indigenous Peoples focusing on a voluntary mechanism (E/C.19/2014/7)*, 2014.

<sup>69</sup> UN ECOSOC, *Study on an optional protocol to the United Nations Declaration on the Rights of Indigenous Peoples focusing on a voluntary mechanism (E/C.19/2014/7)*, 2014.

<sup>70</sup> UNPFII, *Expert Group Meeting: "Dialogue on an optional protocol to the United Nations Declaration on the Rights of Indigenous Peoples," 27 - 29 January 2015: Concept Note*, 2014.

<sup>71</sup> UNPFII, *Meetings and Workshops: Expert Group Meeting: "Dialogue on an optional protocol to the United Nations Declaration on the Rights of Indigenous Peoples," 27 - 29 January 2015*, 2015.



The Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the rights of indigenous peoples also play instrumental roles in the indigenous peoples' rights regime of the UN.<sup>72</sup> The Expert Mechanism on the rights of Indigenous Peoples is a subsidiary body of the Human Rights Council (HRC) made up of five independent experts who meet each July in order to advise and submit proposals to the HRC on matters of indigenous peoples rights.<sup>73</sup> The Special Rapporteur on the rights of indigenous peoples is appointed by the HRC and is charged with acting as a liaison between various actors involved in the promotion and protection of indigenous peoples rights, as well as taking the lead on new policies in this area, and their enforcement.<sup>74</sup> Funding mechanisms set up for indigenous peoples' rights include the UN Voluntary Fund for Indigenous Peoples, the Trust Fund on Indigenous Issues, the Indigenous Peoples Assistance Facility, and the UN Indigenous Peoples' Partnership.<sup>75</sup>

### ***Recent Developments***

#### *Post-2015 Development Agenda*

There is much anticipation from both governments and civil society for the post-2015 development agenda, specifically the SDGs. Indigenous rights groups have been actively working for the inclusion of clauses that aim for respect of indigenous people, their lands, territories, resources, and cultures.<sup>76</sup> This is one of the major reasons why the recent WCIP was such a crucial meeting: it presented a grand opportunity for all interested parties to adopt a single, unified document which outlines specific goals for the advancement of indigenous peoples in the context of sustainable development.<sup>77</sup> This outcome document (A/RES/69/2) will characterize the actions of indigenous peoples' rights advocates for the entirety of the post-2015 development agenda process, all with the overarching aim in mind of taking a more human rights-based and culturally sensitive approach to this issue.<sup>78</sup> Key issues addressed in the outcome document include: parties securing "Free, Prior and Informed Consent" before taking any actions that could potentially affect indigenous peoples and their lands, territories, or resources; cooperating with indigenous peoples to develop national action plans for how to implement the guidelines set forth in UNDRIP; and finally, taking into full consideration the rights of indigenous peoples when pursuing the post-2015 development agenda.<sup>79</sup>

### ***Conclusion***

The international community has made great strides on indigenous peoples' rights over the past two International Decades of the World's Indigenous Peoples, but the lack of viable monitoring systems or a coherent path for application of the UNDRIP have yet to be fully overcome. The WCIP Outcome Document was a momentous turning point in these issues, as it requested the Secretary-General and the IASG to set out a preliminary plan for implementing the UNDRIP, especially with regards to its inclusion in the ongoing discussions on the post-2015 development agenda. The Third Committee's future work will inevitably help shape these discussions, especially on how specifically to incorporate indigenous peoples into the discussions and negotiations on the targets for the SDGs. The theme of securing "Free, Prior and Informed Consent" before taking action involving indigenous peoples and their lands, territories or resources will be paramount in these discussions, and the Third Committee will undoubtedly be tasked with determining the best course of action in this regard. There is a very real possibility that 2015 will see the new SDGs and their subsequent targets include mention of improving the currently negative relationship between development and indigenous peoples, but national governments must also agree to such language. While concrete goals have finally been laid out as a result of large-scale collaboration, it is up to the international community to choose to pursue these goals in good faith if they are to be achieved.

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<sup>72</sup> UN OHCHR, *The Expert Mechanism on the Rights of Indigenous Peoples*, 2015; UN OHCHR, *Special Rapporteur on the rights of indigenous peoples*, 2015.

<sup>73</sup> UN OHCHR, *The Expert Mechanism on the Rights of Indigenous Peoples*, 2015.

<sup>74</sup> UN OHCHR, *Special Rapporteur on the rights of indigenous peoples*, 2015.

<sup>75</sup> UN General Assembly, *Outcome Document of the World Conference on Indigenous Peoples (A/RES/69/2)*, 2014.

<sup>76</sup> UN NGLS, *World Conference on Indigenous Peoples: Moving Forward in Realizing Rights of Indigenous Peoples*, 2014.

<sup>77</sup> UN News Centre, *Remarks at the opening of the World Conference on Indigenous Peoples*, 2014.

<sup>78</sup> UN NGLS, *World Conference on Indigenous Peoples: Moving Forward in Realizing Rights of Indigenous Peoples*, 2014; UNPFII, *MDGs and UNPFII*.

<sup>79</sup> UN NGLS, *World Conference on Indigenous Peoples: Moving Forward in Realizing Rights of Indigenous Peoples*, 2014.

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[http://www.iwgia.org/iwgia\\_files\\_publications\\_files/0691\\_FACTSHEET\\_IPPostDevFrame.pdf](http://www.iwgia.org/iwgia_files_publications_files/0691_FACTSHEET_IPPostDevFrame.pdf)

*This fact sheet is one of several that are extremely pertinent to this topic, all created by the International Work Group for Indigenous Affairs in late 2014 after the WCIP took place. The sheet first clearly outlines the problems at hand concerning indigenous peoples' rights and development before offering suggestions to be added under specific sustainable development goals, which are being discussed in the post-2015 development agenda. Delegates should study the language of these suggestions and examine whether or not they can viably be accepted by the international community in these discussions, taking into account all of the most recent sources available on the topic.*

Tebtebba. (2014). *United Nations & Indigenous Peoples in Developing Countries: An Evolving Partnership*.

Retrieved 4 January 2015 from: <http://tebtebba.org/index.php/all-resources/category/8-books?download=946:united-nations-and-indigenous-peoples-in-developing-countries-an-evolving-partnership>

*This book, jointly published by Tebtebba and the Asian Indigenous Peoples Pact in late 2014, is a valuable and comprehensive resource for all indigenous people-related actions and efforts undertaken by the UN. Resources that compile all this information in one place are incredibly rare, and, as such, this has been one of the criticisms of effective inter-agency approaches to upholding indigenous peoples' rights through the UN. It is highly recommended that delegates use this book as an explanatory supplement to this guide, as it provides a very solid background on the issue in all its aspects, including the most recent ones covered in the WCIP Outcome Document.*

United Nations, Economic and Social Council. (2014). *Study on an optional protocol to the United Nations Declaration on the Rights of Indigenous Peoples focusing on a voluntary mechanism (E/C.19/2014/7)* [Report].

Retrieved 6 January 2015 from: [http://www.un.org/ga/search/view\\_doc.asp?symbol=E/C.19/2014/7](http://www.un.org/ga/search/view_doc.asp?symbol=E/C.19/2014/7)

*In 2012, the UN Permanent Forum on Indigenous Issues decided to explore the possibility of creating an optional protocol to UNDRIP as one of several ways to increase compliance with the 2007 declaration. This report is the result of that study and provides recommendations on how to proceed with that process should the UNPFII wish to do so, which was discussed at their Expert Group Meeting in late January 2015. Delegates will acquire a better understanding of optional protocols by perusing this report and should examine the effectiveness of this approach to addressing indigenous peoples' rights.*

United Nations, General Assembly, Sixty-ninth session. (2014). *Rights of indigenous peoples (A/69/485)* [Report].

Retrieved 4 January 2015 from: <http://undocs.org/A/69/485>

*This is a report of the Third Committee that outlines all discussions undertaken on the agenda item "Rights of indigenous peoples." It also contains the recommended text of the resolution entitled "Rights of indigenous peoples," which was eventually adopted as General Assembly resolution 69/159. As this resolution is the most recent action by the General Assembly on this topic, delegates should pay close attention to the recommendations and language included in order to prepare for accurately emulating the proceedings of the Third Committee.*

United Nations, Non-Governmental Liaison Service. (2014). *World Conference on Indigenous Peoples: Moving Forward in Realizing Rights of Indigenous Peoples* [Website]. Retrieved 5 January 2015 from: <http://www.un-ngls.org/spip.php?article4563>

*This page is an excellent summary of the happenings at the World Conference on Indigenous Peoples (WCIP) in New York in September 2014. Delegates should specifically study the discussions and recommendations of Roundtable 3: Indigenous Peoples' lands, territories and resources, as well as Panel Discussion: Indigenous priorities for the post-2015 sustainable development agenda. The page gives a very comprehensive view of the WCIP and, more importantly, clearly lays out the recommendations or actions suggested under each section, which can prove to be a valuable resource for delegates, as well.*

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## II. The Right to Privacy in the Digital Age

### *Introduction*

At the end of 2014, Internet usage increased significantly with over 3 billion users.<sup>80</sup> China has nearly 22% of worldwide Internet users, followed by the United States (10%), India (9%), and Japan (4%).<sup>81</sup> An Internet user can best be defined as an individual who has access to the Internet via computer or mobile device at home.<sup>82</sup> Reaffirming General Assembly (GA) resolution 68/167, in resolution 69/166 Member States declared that the human rights individuals receive offline must also be upheld online, and Member States shall defend the right to privacy in digital communication.<sup>83</sup> To confirm the importance of digital privacy in the digital age, numerous developments have occurred in recent months. Specifically, the United Nations (UN) GA Third Committee adopted a new resolution, the *African Declaration on Internet Rights and Freedoms* was released, and the Human Rights Council (HRC) will meet in March 2015 to discuss a new mandate.<sup>84</sup>

### *Recent Developments*

On 18 December 2014, the GA Third Committee adopted without a vote, resolution 69/166 on “The right to digital privacy in the digital age.”<sup>85</sup> Compared to previous resolutions about online digital privacy, the most notable additions to the debate are two-fold: 1) surveillance of digital communications “must be conducted on the basis of a legal framework” and 2) the first-ever inclusion of metadata revealing personal information as protected.<sup>86</sup> Previous resolutions did not mention the use of metadata nor provide any legal context around its use.<sup>87</sup> The text from the resolution also suggests the establishment of a Special Rapporteur to clarify “principles, standards, and best practices regarding the promotion and protection of the right to privacy.”<sup>88</sup> Some Member States distanced themselves as a result of this suggestion, however.<sup>89</sup>

Resolution 69/166 also referenced the NetMundial Conference on 24 April 2014, held in São Paulo, Brazil, which had over 1,200 participants from government officials, private sectors, academia, and the technical community.<sup>90</sup> The conference addressed the right to expression, association, privacy, and linguistic diversity.<sup>91</sup> The outcome of the conference was the creation of non-binding principles and a general roadmap for Member States to follow.<sup>92</sup> Most notably, the principles include: accessibility, freedom of information, and protection of intermediaries.<sup>93</sup> Though the conference was initially accepted as a success, GA resolution 69/166 only notes the conference took place; the sponsors did not want to alienate Member States that disliked the conference due to lack of collaboration.<sup>94</sup>

### *Surveillance*

In 2010, a citizen from Spain filed a complaint with the national Data Protection Agency against Google, Inc.<sup>95</sup> This individual claimed Google infringed his privacy rights, and he requested that his personal data be removed from

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<sup>80</sup> Internet Live Stats, *Internet Users*, 2014.

<sup>81</sup> *Ibid.*

<sup>82</sup> *Ibid.*

<sup>83</sup> UN General Assembly, *The right to privacy in the digital age (A/RES/69/166)*, 2014.

<sup>84</sup> *Ibid.*; *African Declaration on Internet Rights and Freedom for Launch at 2014 IGF*, AllAfrica, 2014; Falchetta, *Building the Foundations: Surveillance and the Right to Privacy at the UN in 2014*, 2014.

<sup>85</sup> Grigsby, *UN Committee Adopts Resolution on Right to Privacy in the Digital Age*, 2014.

<sup>86</sup> UN General Assembly, *The right to privacy in the digital age (A/RES/69/166)*, 2014.

<sup>87</sup> International Service for Human Rights, *Thematic Developments: UN Approves Resolution on Right to Privacy in the Digital Age*, 2014.

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<sup>90</sup> Grigsby, *UN Committee Adopts Resolution on Right to Privacy in the Digital Age*, 2014; UN General Assembly, *The right to privacy in the digital age (A/RES/69/166)*, 2014.

<sup>91</sup> NETmundial, *NETmundial – Closing Session*, 2014.

<sup>92</sup> Geneva Internet Platform, *Why NETmundial Mattered and what was Achieved*, 2014.

<sup>93</sup> NETmundial, *NETmundial – Closing Session*, 2014.

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<sup>95</sup> European Commission, *Factsheet on the “Right to be Forgotten” Ruling*, 2014.



search results.<sup>96</sup> In its ruling in May 2014, The Court of Justice of the European Union confirmed that the European Union data protection law allows individuals the right to have relevant personal information de-listed from search engine results.<sup>97</sup> Because of such rulings in 2014, in 2015 the HRC will review Member States in regards to digital privacy.<sup>98</sup> For example, the United Kingdom will be reviewed on how the British government has complied with the right to privacy particularly referring to the latest developments with the Government Communications Headquarters.<sup>99</sup> The report from the HRC will conclude Member States' obligations to safeguard online privacy and identify potential red flags not complying with digital privacy.<sup>100</sup>

Though there are many national laws and resolutions regarding digital privacy, the limited use of surveillance and legitimate monitoring of individuals are still heavy debates.<sup>101</sup> In December 2014, the Supreme Court of Canada recognized that mobile phones are computers, and the court upheld the ability of police to search mobile phones without a warrant prior to the arrest.<sup>102</sup> The decision put a heavy emphasis on privacy rights with strong language to protect the individuals' privacy.<sup>103</sup> UN Special Rapporteur Frank La Rue recognized this same power of modern technology and ability to monitor individuals.<sup>104</sup> With the rapid growth of technology in smartphones and usage, some individuals have personal information, applications to communicate, and even open a house or start a car on their phone.<sup>105</sup> This reflects the growing question about the balance between rights to privacy and rights to safety. The example in Canada, seen by some individuals as a setback for digital privacy in Canada, holds greater implications for other Member States, and what other decisions will be made relating to digital privacy rights.<sup>106</sup>

#### *Digital Privacy Rights in Africa*

An updated *African Declaration on Internet Rights and Freedoms* was presented at the Internet Governance Forum (IGF) on 4 September 2014 and at the Highway Africa Conference on 8 September 2014.<sup>107</sup> The Declaration previously discussed Internet access, freedom of expression, the right to development, and privacy.<sup>108</sup> The updated Declaration, however, recognizes the right to privacy, including how personal data is collected, disclosed, retained, and disposed.<sup>109</sup> The newest addition of the Declaration states that every individual has the right to communicate anonymously, and that technology must ensure private communication.<sup>110</sup> Notably, the Declaration is set to "be presented at the African Union (AU) Conference of Ministers in charge of Communication and Information Technologies scheduled to take place during the first quarter in 2015."<sup>111</sup> At the September 2014 IGF launch, the Declaration also called upon the United Nations Educational, Scientific and Cultural Organization (UNESCO) to integrate the Declaration into its "Priority Africa" strategies.<sup>112</sup> It further recommended that UNESCO develop best practices for protecting online freedoms of expression and privacy.<sup>113</sup> UNESCO welcomed this call, representing a growing desire institute digital privacy protections on the continent.<sup>114</sup>

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<sup>96</sup> European Commission, *Factsheet on the "Right to be Forgotten" Ruling*, 2014.

<sup>97</sup> Graham, *New EU Guidelines on "Google Spain": Right to be Forgotten*, 2014.

<sup>98</sup> Moody, *European Court of Human Rights Fast-Tracks Case Against GCHQ; More Organizations Launch Legal Challenges to UK Spying*, 2014.

<sup>99</sup> Ibid.

<sup>100</sup> *United Nations: Reins in Mass Surveillance: Groundbreaking Privacy Report Affirms Rights Requirements*, Human Rights Watch, 2014.

<sup>101</sup> Downing, Jr., *International Data Protection and Privacy Law*, 2009.

<sup>102</sup> Geist, *Supreme Court's Privacy Streak Comes to End: Split Court Affirms Legality of Warrantless Phone Searches Incident to Arrest*, 2014.

<sup>103</sup> Payton, *Cellphone Searches Upon Arrest Allowed by Canada's Top Court*, 2014.

<sup>104</sup> Rosen, *Four Ways Your Privacy is being Invaded*, 2014.

<sup>105</sup> Geist, *Supreme Court's Privacy Streak Comes to End: Split Court Affirms Legality of Warrantless Phone Searches Incident to Arrest*, 2014.

<sup>106</sup> Ibid.

<sup>107</sup> *African Declaration on Internet Rights and Freedom for Launch at 2014 IGF*, AllAfrica, 2014; African Declaration Drafter's Group, *African Declaration on Internet Rights and Freedoms*, 2014.

<sup>108</sup> African Declaration Drafter's Group, *African Declaration on Internet Rights and Freedoms*, 2014.

<sup>109</sup> Info Justice, *African Declaration on Internet Rights and Freedom*, 2014.

<sup>110</sup> African Declaration Drafter's Group, *African Declaration on Internet Rights and Freedoms*, 2014.

<sup>111</sup> *African Declaration on Internet Rights and Freedom for Launch at 2014 IGF*, AllAfrica, 2014.

<sup>112</sup> UNESCO, *UNESCO Deputy Director-General commends African Internet Declaration*, 2014.

<sup>113</sup> Ibid.; African Declaration Drafter's Group, *African Declaration on Internet Rights and Freedoms*, 2014.

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Looking ahead, in 2015, one of the most important moments for digital privacy may come when the HRC meets in March.<sup>115</sup> In addition to its review of Member States compliance with digital privacy protections, it is expected that the HRC will deliberate on establishing a special mandate on the right to privacy in the digital era.<sup>116</sup> This may include a UN Special Rapporteur addressed by the Third Committee.<sup>117</sup> The mandate of the Special Rapporteur will bring more monitoring of Member States' obligations to protect the right to privacy.<sup>118</sup> This meeting will also strengthen digital security for the end users and help represent digital privacy as the global priority that it is.<sup>119</sup>

### **Conclusion**

As technology continues to evolve, massive surveillance of Member States' communications is occurring and fears of privacy violations are growing. As such, Member States globally are continually implementing policies that affect digital privacy rights.<sup>120</sup> The two most notable additions to digital privacy rights within the GA itself in recent months are the disclosing of metadata revealing personal information and surveillance of digital communications included in resolution 69/166.<sup>121</sup> In addition to the work in the GA, the *African Declaration on Internet Rights and Freedoms* was revised to include digital privacy and the HRC will meet in 2015 to propose a new UN Special Rapporteur relating to digital privacy rights, among other topics. As the international community continues to develop the confines of digital privacy rights, what boundaries there are between privacy and security should be considered. As well, the consequences of a noncompliant Member States, and how Member States can monitor the Internet, remain important questions open for debate. For the digital freedom in the 21<sup>st</sup> century, Member States will impact the central pillar of security and development.<sup>122</sup>

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<sup>115</sup> Falchetta, *Building the Foundations: Surveillance and the Right to Privacy at the UN in 2014*, 2014.

<sup>116</sup> Ibid.; Grigsby, *UN Committee Adopts Resolution on Right to Privacy in the Digital Age*, 2014.

<sup>117</sup> Falchetta, *Building the Foundations: Surveillance and the Right to Privacy at the UN in 2014*, 2014; Grigsby, *UN Committee Adopts Resolution on Right to Privacy in the Digital Age*, 2014.

<sup>118</sup> Falchetta, *Building the Foundations: Surveillance and the Right to Privacy at the UN in 2014*, 2014.

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<sup>121</sup> UN General Assembly, *The right to privacy in the digital age (A/RES/69/166)*, 2014.

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African Declaration Drafter's Group. (2014). *African Declaration on Internet Rights and Freedoms* [Website]. Retrieved 2 January 2015 from: <http://africaninternetrights.org/declaration/>

*Though the majority of Member States in Africa have limited access to the internet, this declaration answers how the African Union should handle digital privacy once more individuals do have access. Besides privacy, the declaration highlights Internet access and affordability, freedom of expression, right to information, cultural, and linguistic diversity in the African Union. This declaration will be presented at the 2015 African Union Conference of Ministers in charge of Communication and Information Technologies. It is a great resource for understanding how countries in Africa view the idea of digital privacy, and will be helpful for delegates to see an alternate perspective in the debate beyond that of Western countries.*

Falchetta, T. (2014). *Building the Foundations: Surveillance and the Right to Privacy at the UN in 2014*. Privacy International. Retrieved 3 January 2015 from: <https://www.privacyinternational.org/?q=node/93>

*Published on Privacy International's blog, this very interesting article discusses digital privacy and next steps for the UN on the topic. The article highlights certain Member States, the errors in regards to digital privacy from Member States, the possibility of a UN Special Rapporteur, and what will happen in 2015. This article also summarizes the newest resolution for digital privacy, which delegates can use to understand the likely developments in the near future.*

Geist, M. (2014, December 11). Supreme Court's Privacy Streak Comes to End: Split Court Affirms Legality of Warrantless Phone Searches Incident to Arrest. *www.michaelgeist.ca*. Retrieved 2 January 2015 from:

<http://www.michaelgeist.ca/2014/12/supreme-courts-privacy-streak-comes-end-split-court-affirms-legality-warrantless-phone-searches-incident-arrest/>

*As technology rapidly evolves, and individuals' use of mobile phones becomes easier, access to the Internet also increased; thus, it is important to address the growing challenges this presents. This article gives a new perspective on human rights and how to protect individuals' rights in regards to digital privacy. As mobile phones may be used for work, personal data, and even as a way to access an individual's car and home, it is important to discuss these growing technology in the context of rights. Delegates can use this resource as a reference when proposing alternative ways to promote digital privacy.*

Graham, N. (2014, December 2). New EU Guidelines on "Google Spain": Right to be Forgotten. *Dentons*. Retrieved 3 January 2015 from: <http://www.privacyanddatasecuritylaw.com/new-eu-guidelines-on-google-spain-right-to-be-forgotten>

*With the newest ideas set by the international community, this article highlights what the European Union (EU) has done in order to protect, restore, and build privacy. The author states shows what is considered necessary to protect individuals' privacy. The article also highlights what the search engines must comply with. It is a great resource for delegates to read and to assist them in the development of their own working papers.*

United Nations, General Assembly, Third Committee, Sixty-ninth session. (2014). *The Right to Privacy in the Digital Age (A/RES/69/166)* [Resolution]. Retrieved 2 January 2015 from: <http://undocs.org/A/C.3/69/L.26/Rev.1>

*This GA resolution is the newest document highlighting privacy in the digital age. The resolution builds upon other resolutions, such as General Assembly resolution 68/167, documents, and recent conferences. This resolution will be a great tool for delegates to call upon in working papers, and will assist delegates in noting some of the most recent changes in the debate. Delegates should pay particular attention to the sections on metadata and the NetMundial conference.*

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### III. Eliminating Racial Discrimination, Xenophobia and Related Intolerances

#### *Introduction*

With millions of people still subject to racism and discrimination and unable to fully participate in society, eliminating racism and xenophobia remains a crucial and timely issue for the United Nations (UN) General Assembly Third Committee to consider.<sup>123</sup> At its 69<sup>th</sup> Session from September to November 2014, the Third Committee considered Agenda Item 66 “eliminating racial discrimination, xenophobia and related intolerances,” and Agenda Item 68 “protecting migrants,” in addition to launching the International Decade for People of African Descent.<sup>124</sup> This work built upon the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD) (1965) and the *Durban Declaration and Programme of Action* (2001), with consistent references in reports to their goals on eliminating racism and focus on their implementation in resolutions.<sup>125</sup>

The Third Committee received and considered at least 10 relevant reports at its last session, leading to the adoption of six resolutions on this topic.<sup>126</sup> Report topics ranged from the human rights of migrants (69/302) to contemporary forms of racism, racial discrimination, xenophobia, and related intolerance (69/334).<sup>127</sup> Some resolutions, like 69/162, addressed a broad range of subtopics of eliminating racism, while others were more focused, like resolution 69/167 on the protection of migrants.<sup>128</sup> ICERD and the Durban Declaration, regarding their modern relevance and continued use in the international system, were, however, the main focuses of the reports and resolutions.<sup>129</sup>

Resolution 69/161, for example, responded to the Secretary-General’s report on the status of ICERD.<sup>130</sup> The Third Committee reiterated its call for the universal ratification and implementation of the ICERD, and requested new reporting when it is next considered during the 71<sup>st</sup> session.<sup>131</sup> Resolution 69/162 acknowledged the Convention’s gaps in regards to xenophobia and contemporary racial discrimination.<sup>132</sup> As such, it extended the Human Right’s Council’s (HRC) mandate to urgently “continue to elaborate complementary standards in order to fill existing gaps in the Convention.”<sup>133</sup>

Resolution 69/162 also fulfilled a similar role with regards to the Durban Declaration, inviting the HRC to submit a progress report on the implementation of the Declaration at the 70<sup>th</sup> session, in addition to requesting that the Secretary-General reactivate the group of independent eminent experts on the Durban Declaration.<sup>134</sup> This group of independent experts works with the UN High Commissioner for Human Rights (OHCHR) on evaluating existing

<sup>123</sup> UN General Assembly, *A global call for concrete action 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/69/162)*, 2014; UN General Assembly, *Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/RES/69/160)*, 2014.

<sup>124</sup> UN News Centre, *Spotlighting racism, stigma, UN launches International Decade of People of African Descent*, 10 December 2014; UN General Assembly, *Sixty-Ninth Session: Agenda*, 2014.

<sup>125</sup> 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.

<sup>126</sup> UN General Assembly, *Sixty-Ninth Session: Documents*, 2014; UN General Assembly, *Elimination of racism, racial discrimination, xenophobia and related intolerance: Report of the Third Committee (A/RES/69/486)*, 2014.

<sup>127</sup> *Ibid.*

<sup>128</sup> UN General Assembly, *A global call for concrete action 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/69/162)*, 2014; UN General Assembly, *Protection of Migrants (A/RES/69/167)*, 2014.

<sup>129</sup> UN General Assembly, *Sixty-Ninth Session: Documents*, 2014; UN General Assembly, *Elimination of racism, racial discrimination, xenophobia and related intolerance: Report of the Third Committee (A/RES/69/486)*, 2014.

<sup>130</sup> UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination (A/RES/69/161)*, 2014, p. 1.

<sup>131</sup> *Ibid.*, p. 2.

<sup>132</sup> UN General Assembly, *A global call for concrete action 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/69/162)*, 2014, p. 3.

<sup>133</sup> *Ibid.*

<sup>134</sup> *Ibid.*, p. 5.

efforts to combat racism and mobilizing political will for further actions, so reactivating the group will give OHCHR more resources to implement the Durban Declaration.<sup>135</sup> The Third Committee additionally requested both that the HRC develop a multi-year program of outreach for the Durban Declaration to include the 15<sup>th</sup> anniversary, and that the Special Rapporteur on racism evaluate successes in national mechanisms for eliminating racism.<sup>136</sup>

In addition to the Third Committee, HRC, OHCHR (which oversees the Special Rapporteur on Racism), and the United Nations Education, Scientific and Cultural Organization's (UNESCO) research and normative operations are some other UN entities that work on this topic, including by conducting research and submitting reports to the Third Committee like 69/186.<sup>137</sup> Multiple specialized agencies, programs, funds, and other bodies also address eliminating racial discrimination, including the Special Rapporteur on racism, the Special Rapporteur on the glorification of Nazism, the Working Group of Experts on People of African Descent, and Committee on the Elimination of Racial Discrimination.<sup>138</sup> While civil society works on many aspects of combating racism, they were particularly involved with the development of the International Decade for People of African Descent.<sup>139</sup>

### ***Recent Developments***

The Third Committee has been concerned about recent increases of racist extremism, and as a result adopted resolution 69/160 on combating Nazism at their 69<sup>th</sup> session, which goes beyond their review of ICERD and the Durban Declaration.<sup>140</sup> In order to prevent the further spread of violence, the Third Committee called upon Member States, in cooperation with civil society, to prevent hate speech and incitement to violence, including the use of the Internet and media; improve diversity in law enforcement agencies; address the root causes of extremism through education; and promote the submission of reports for the universal periodic review.<sup>141</sup>

### ***International Decade for People of African Descent***

The gravity and necessity of the International Decade for People of African Descent were vocalized by Sam Kutesa, President of the General Assembly, at its launch on 10 December 2014, when he stressed that “people of African descent still face racism in every country, region and continent of the world.”<sup>142</sup> The Report of the Chair of the Working Group of Experts on People of African Descent detailed the human rights concerns that the International Decade is focused on eliminating, including structural racism and institutional discrimination.<sup>143</sup> The International Decade's aims are to strengthen coordination and action at all levels to promote the human rights and participation of people of African descent, highlight the diverse heritage and contributions of people of African descent, and strengthen ICERD and the Durban Declaration to ensure their full implementation.<sup>144</sup> Resolution 69/162 commended the role civil society played in the development of the International Decade and the importance of having stages of implementation and reviews during the next 10 years to ensure its effectiveness.<sup>145</sup> The program of activities for the International Decade was adopted in resolution 69/16, and it made clear that Member States, international

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<sup>135</sup> UN OHCHR, *Independent Eminent Experts' Group*, 2015.

<sup>136</sup> UN General Assembly, *A global call for concrete action 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/69/162)*, 2014.

<sup>137</sup> *Ibid.*, p. 3; UNESCO, *Fight against Racism, Discrimination and Xenophobia*, 2014; UN General Assembly, *Sixty-Ninth Session: Documents*, 2014.

<sup>138</sup> OHCHR, *Committee on the Elimination of Racial Discrimination*, 2015; UN General Assembly, *Elimination of racism, racial discrimination, xenophobia and related intolerance: Report of the Third Committee (A/RES/69/486)*, 2014; UN General Assembly, *Sixty-Ninth Session: Documents*, 2014.

<sup>139</sup> UN General Assembly, *Statement by Dr. Barry A. Biekman (Civil Society Speaker)*, 10 December 2014.

<sup>140</sup> UN General Assembly, *Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/RES/69/160)*, 2014.

<sup>141</sup> *Ibid.*

<sup>142</sup> UN News Centre, *Spotlighting racism, stigma, UN launches International Decade of People of African Descent*, 10 December 2014.

<sup>143</sup> UN General Assembly, *Report of the Chair of the Working Group of Experts on People of African Descent (A/69/318)*, 2014, p. 9.

<sup>144</sup> UN, *Launch of the International Decade for People of African Descent “People of African Descent: recognition, justice and development,”* 2014.

<sup>145</sup> UN General Assembly, *A global call for concrete action 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/69/162)*, 2014, p. 4.

organizations, and regional organizations, in addition to the General Assembly, are responsible for combating racism, promoting the International Decade, and implementing ICERD and the Durban Declaration.<sup>146</sup> Ensuring people of African descent have access to non-discriminatory justice systems and breaking the link between poverty and discrimination through measures such as education and employment programs are also key areas of action for the International Decade.<sup>147</sup>

### **Conclusion**

The Third Committee made many recommendations on eliminating racism and xenophobia during its 69<sup>th</sup> session, most significantly reactivating the group of independent eminent experts on the Durban Declaration and asking the HRC to issue a report on the Declaration's implantation at the 70<sup>th</sup> session.<sup>148</sup> The International Decade for People of African Descent was launched in December 2014 to highlight the particular issues relating to racism and discrimination towards people of African descent and the unique challenges they face in overcoming those obstacles.<sup>149</sup> Multiple entities within the UN, as well as civil society, are actively working alongside the Third Committee on eliminating racism to continue the next steps towards meeting the standards set out in ICERD and the Durban Declaration.<sup>150</sup> In the next few months, the International Day for the Elimination of Racial Discrimination on the anniversary of the 21 March Sharpeville Massacre, as well as action taken by Member States and other entities in line with the latest General Assembly resolutions and the International Decade, will highlight the work still to be done on eliminating racism.<sup>151</sup>

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<sup>146</sup> UN General Assembly, *Programme of activities for the implementation of the International Decade for People of African Descent (A/RES/69/16)*, 2014.

<sup>147</sup> *Ibid.*

<sup>148</sup> UN General Assembly, *Sixty-Ninth Session: Agenda*, 2014.

<sup>149</sup> UN, *Launch of the International Decade for People of African Descent "People of African Descent: recognition, justice and development,"* 2014.

<sup>150</sup> 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; UN General Assembly, *A global call for concrete action 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/69/162)*, 2014, p. 3; UNESCO, *Fight against Racism, Discrimination and Xenophobia*, 2014.

<sup>151</sup> UN, *International Day for the Elimination of Racial Discrimination 21 March: Background*, 2014; UN, *Launch of the International Decade for People of African Descent "People of African Descent: recognition, justice and development,"* 2014.

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## Annotated Bibliography

United Nations, General Assembly. (2014). *Sixty-Ninth Session: Documents* [Website]. Retrieved 10 January 2015 from: <https://papersmart.unmeetings.org/ga/third/69th-session/documents/>

*This is the Website which contains links to all of the Third Committee's 69<sup>th</sup> session documents, which will make it easier for delegates to find more detailed information on the session last fall in one location. Delegates will be able to easily access all reports submitted to the committee for its consideration, all adopted resolutions, and all voting records. Looking at the reports submitted to the Third Committee will allow delegates to gain a broader perspective on the information the committee considers and the number of offices and entities that work alongside the committee on this topic. Also, delegates may find previous drafts of the resolutions helpful in their research, as they may contain ideas that were left out of the final drafts.*

United Nations, General Assembly, Sixty-ninth session. (2014). *A global call for concrete action 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/69/162)* [Resolution]. Adopted on the report of the Third Committee (A/69/486). Retrieved 12 January 2015 from:

[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/C.3/69/L.59](http://www.un.org/ga/search/view_doc.asp?symbol=A/C.3/69/L.59)

*This resolution covers Third Committee action on a broad range of subtopics within eliminating racism, including ICERD, the International Decade for People of African Descent, the role of the High Commissioner for Human Rights, the role of the Special Rapporteur on racism, and the Durban Declaration. Delegates will find this resolution helpful for understanding recent Third Committee action on eliminating racism, researching the kinds of recommendations the Third Committee can make on eliminating racism, including the scope of its involvement, and understanding the breadth of issues the committee considers under this topic.*

United Nations, General Assembly, Sixty-ninth session. (2014). *Elimination of racism, racial discrimination, xenophobia and related intolerance: Report of the Third Committee (A/69/486)*. Retrieved 17 January 2015 from:

[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/69/486](http://www.un.org/ga/search/view_doc.asp?symbol=A/69/486)

*The Third Committee submitted this report to the General Assembly detailing its work on eliminating racism, discrimination, and xenophobia in December 2014. The text of all the resolutions adopted by the Third Committee on this topic is included. Delegates will find this report useful to gain an overview of the committee's work during the 69<sup>th</sup> session on eliminating racism since the publishing of the Background Guide, as well as voting records for their countries on the different resolutions. Delegates should be aware, however, that this report is specifically on Agenda Item 66. While some issues regarding migrants are covered in this report, resolutions regarding migrants under Agenda Item 68 are not included and should be researched separately via the Third Committee's 69<sup>th</sup> session documents webpage listed above.*

United Nations, General Assembly, Sixty-ninth session. (2014). *Programme of activities for the implementation of the International Decade for People of African Descent (A/RES/69/16)* [Resolution]. Retrieved 14 January 2015 from:

[http://www.un.org/en/events/africandescentdecade/pdf/A.RES.69.16\\_IDPAD.pdf](http://www.un.org/en/events/africandescentdecade/pdf/A.RES.69.16_IDPAD.pdf)

*The General Assembly adopted this resolution in December 2014, which details the goals, plans, and objectives of the International Decade for People of African Descent. Delegates will find this to be a good overview of the International Decade as well as the specific issues being highlighted by this event. The program of activities breaks out different actions and issues the General Assembly envisions being taken up by different actors. In addition to getting a good sense of what the International Decade itself will do to eliminate racism, delegates will also learn what kinds of action the committee can request of other entities, as well as what other actors are working on for the International Decade.*

United Nations, General Assembly, Sixty-ninth session. (2014). *Protection of Migrants (A/RES/69/167)* [Resolution]. Adopted on the report of the Third Committee (A/69/488). Retrieved 12 January 2015 from:

[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/C.3/69/L.29/Rev.1](http://www.un.org/ga/search/view_doc.asp?symbol=A/C.3/69/L.29/Rev.1)

*In addition to addressing migrants in its general work on eliminating racism and discrimination, the Third Committee also adopted this resolution (one of two) entirely focused on migrants and*

*the unique challenges they face. This resolution reiterated that it is the responsibility of Member States to prevent crimes against migrants, including racial discrimination, by working with civil society to educate their citizens, in addition to condemning all acts of racism against migrants. Delegates will find this resolution useful in researching recent actions taken by the Third Committee on racism against migrants. Delegates wishing to research more in-depth on migrant issues might also consider reading resolution 69/187 on migrant children.*

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