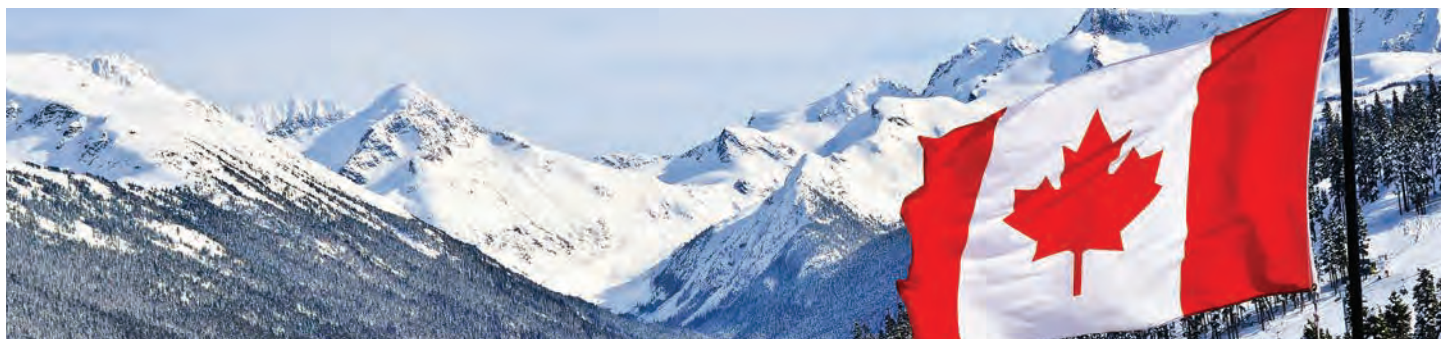


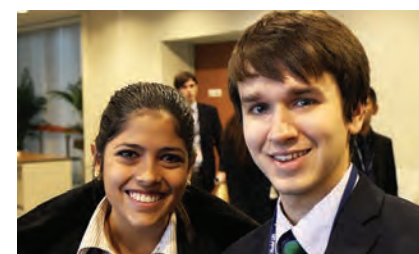


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GENERAL ASSEMBLY BACKGROUND GUIDE 2017

Written by: Moritz Müller, Director;
Ian Lee, Assistant Director



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Dear Delegates,

Welcome to the 2017 National Model United Nations Canada Conference (NMUN•Canada) in beautiful Banff National Park! We are pleased to serve as the committee staff on the United Nations General Assembly (GA): Director Moritz Müller and Assistant Director Ian Lee.

Moritz holds a Master's degree in Political Science, Management, and Economics from University of Magdeburg, Germany and works as a Project Manager at Commerzbank. Ian is pursuing a Bachelor of Arts in Political Economy at Concordia University of Edmonton and currently serves as President of Concordia Students' Association.

The topics under discussion for the United Nations General Assembly are:

1. Declaration on the Rights of Indigenous Peoples: A Decade in Review
2. Civilian Capacity in the Aftermath of Conflict

The General Assembly, whose membership is universal, is the main deliberative organ of the United Nations. In being the forum of the world, the General Assembly discusses the full spectrum of the issues across the United Nations system, establishes new international norms and customs, and ensures global peace and security. Its democratic significance within the United Nations system is certainly unparalleled.

This Background Guide serves as an introduction to the topics for this committee. However, it is not intended to replace individual research. We encourage you to explore your Member State's policies in depth and 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](#) by 1 November in accordance with the guidelines in the [NMUN Position Paper Guide](#).

Two resources, to download from the [NMUN website](#), that serve as essential instruments in preparing for the Conference and as a reference during committee sessions are the:

1. [NMUN Delegate Preparation Guide](#) - explains each step in the delegate process, from pre-Conference research to the committee debate and resolution drafting processes. Please take note of the information on plagiarism, and the prohibition on pre-written working papers and resolutions. Delegates should not start discussion on the topics with other members of their committee until the first committee session.
2. [NMUN Rules of Procedure](#) - include the long and short form of the rules, as well as an explanatory narrative and example script of the flow of procedure.

In addition, please review the mandatory [NMUN Conduct Expectations](#) on the NMUN website. They include the Conference dress code and other expectations of all attendees. We want to emphasize that any instances of sexual harassment or discrimination based on race, gender, sexual orientation, national origin, religion, age, or disability will not be tolerated.

If you have any questions concerning your preparation for the committee or the Conference itself, please contact the Deputy Secretary-General Roger H. Tseng, at roger@nmun.org.

We wish you all the best in your preparations and look forward to seeing you at the Conference!

Moritz Müller, Director

Ian Lee, Assistant Director



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Committee Overview

Introduction

The United Nations (UN) General Assembly (GA) has existed since the creation of the UN and is one of the six principal organs of the UN established by the *Charter of the United Nations* (1945).¹ The GA is divided into six Main Committees, and each has a specific purpose: the Disarmament and International Security Committee (First Committee); the Economic and Financial Committee (Second Committee); the Social, Humanitarian, and Cultural Committee (Third Committee); the Special Political and Decolonization Committee (Fourth Committee); the Administrative and Budgetary Committee (Fifth Committee); and the Legal Committee (Sixth Committee).² All Member States of the UN are represented in all of the six Main Committees.³ The Main Committees each submit a separate report to the GA plenary on the issues considered by them and containing the draft resolutions and decisions which are being recommended.⁴ The GA Plenary, as a principal UN organ, does not report to any other organ but requests and receives reports, including from the Secretary-General.⁵ Only matters adopted by the Plenary are considered official resolutions by the UN General Assembly.⁶ While not a frequent occurrence, the General Assembly Plenary may also decide to deal with an issue without prior reference to a committee.⁷

The **General Assembly Plenary** has six Main Committees. A report is issued to the General Assembly Plenary for each item allocated to a Main Committee.

After the devastation of the Second World War and the shock of the atomic bomb, the desire to build a permanent system of security and peace that initiated with the League of Nations grew even stronger.⁸ In this context, disarmament had a particularly vital role in the very founding of the UN.⁹ Indeed, the first resolution adopted by the GA addressed the issue of atomic energy and its potential threats.¹⁰ In addition to security, developing friendly relations, realizing international cooperation, and promoting harmony were among the overarching ideas behind the creation of the GA and of the UN itself.¹¹

As the only main body with universal membership, the GA is a unique forum for discussion within the UN System.¹² As such, it represents the normative center of the UN and its roles in the political, economic, humanitarian, social, and legal spheres can be summarized in three principal aspects: a generator of ideas, a place of international debate, and the nucleus of new concepts and practices.¹³ All these points will be further developed in the following sections of this overview. First, a brief explanation of the governance, structure, and membership of the General Assembly will be presented followed by an explanation of its mandate, functions, and powers. Before concluding, a discussion about current efforts and recent activities will offer a more contemporary perspective on work of the committee.

Governance, Structure and Membership

As outlined in the Charter, the GA is comprised of all 193 Member States.¹⁴ However, observer status can also be granted to intergovernmental organizations such as the African Union and states without full UN membership;

¹ *Charter of the United Nations*, 1945, Art. 7.

² New Zealand, *United Nations Handbook 2016-2017*, 2015, p. 23.

³ *Ibid.*, p. 23.

⁴ *Ibid.*, p. 23.

⁵ *Charter of the United Nations*, 1945, Art. 98.

⁶ Smith, *Politics and Process at the United Nations*, 2006, p. 161.

⁷ New Zealand, *United Nations Handbook 2016-2017*, 2015, p. 23.

⁸ Weis, *The United Nations and Changing World Politics*, 2004, p. 9.

⁹ Thakur, *The United Nations, Peace and Security*, 2006, p. 101.

¹⁰ UN General Assembly, *Establishment of a Commission to Deal with the Problem Raised by the Discovery of Atomic Energy (A/1/1)*, 1946.

¹¹ *Charter of the United Nations*, 1945, Art. 1.

¹² UN General Assembly, *General Assembly of the United Nations*, 2016.

¹³ Thakur, *The United Nations, Peace and Security*, 2006, pp. 91, 162; UN General Assembly, *Functions and Powers of the General Assembly*.

¹⁴ *Charter of the United Nations*, 1945, Art. 9.

currently the Holy See and the State of Palestine are the only two non-Member States with permanent Observer status.¹⁵ In the GA, each Member State has one equal vote.¹⁶

Since its 44th session in 1989, the GA is considered in session the entire year, but the most important time is the General Debate, which takes place from mid-September to the end of December and is called the “main part of the GA.”¹⁷ The remainder of the year is called the “resumed part of the GA;” during this time working group meetings take place and thematic debates are held.¹⁸ Except for decisions on important matters, votes in the GA require a simple majority and the majority of resolutions are adopted without a vote, illustrating the consensual nature of the GA.¹⁹

The six Main Committees receive substantive and organizational support from two important entities: the General Committee and the Department for General Assembly and Conference Management.²⁰ The General Committee is comprised of the President of the General Assembly and the 21 Vice-Presidents of the GA as well as the Chairpersons of all the six GA Main Committees; all positions are elected every session on a non-renewable basis.²¹ The General Committee’s main duty, besides making recommendations on organizational issues, is to deal with the agenda of the GA Plenary and its six Main Committees.²² After receiving a preliminary list of agenda items from the UN Secretariat, the General Committee allocates the different items to each Main Committee.²³ The Department for General Assembly and Conference Management acts as the intersection between the GA and the Economic and Social Council (ECOSOC), and also provides valuable technical secretariat support—mainly through its General Assembly and ECOSOC Affairs Division.²⁴ Within the UN Secretariat, various departments and offices offer both substantive and technical support to each of the six Main Committees, as well.²⁵

Mandate, Functions and Powers

The mandate of the GA is set in Chapter IV of the *Charter of the United Nations*; Article 11 requires the GA to address questions of international peace and security, and Article 13 mandates undertaking and studies and issues recommendations for the purpose of promoting international cooperation.²⁶ This mandate has evolved over time as the First Committee was formerly the Political and Security Committee, and the Fourth Committee previously dealt mainly with issues of trusteeship.²⁷ The growing range of issues facing the international community, however, led to a restructuring of the roles of the six Main Committees; this ultimately gave the First Committee its focus on disarmament and international security, and the Fourth Committee on special political and decolonization.²⁸ The mandate of the GA allows it to be a conduit for ideas that can become the driver of new policies and shared norms through discussion and debate.²⁹ This can be regarded as one of the main differences with the Security Council (SC).³⁰ The SC is more concerned with concrete threats to security such as ongoing conflicts, whereas the GA aims to create peace by forming habits of cooperation.³¹ In other words, while the SC can allow the use of force in the fight against terrorism and freeze assets to prevent illicit arms trade, the First Committee will work towards the

¹⁵ UN, *Non-member States*.

¹⁶ *Charter of the United Nations*, 1945, Art. 18.

¹⁷ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 14.

¹⁸ *Ibid.*, p. 14.

¹⁹ *Ibid.*, p. 63.

²⁰ *Ibid.*, p. 17.

²¹ *Ibid.*, p. 18.

²² *Ibid.*, p. 17.

²³ *Ibid.*, p. 36.

²⁴ UN DGACM, *Functions of the Department*, 2016; Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 24.

²⁵ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, pp. 63-8.

²⁶ *Charter of the United Nations*, 1945, Art. 11, 13.

²⁷ Reaching Critical Will, *UN General Assembly First Committee*, 2016; UN DPI, *Feature: The UN General Assembly’s Fourth Committee – special political and decolonization issues*, 2013.

²⁸ UN General Assembly, *Revitalization of the Work of the General Assembly (A/RES/47/233)*, 1993.

²⁹ Thakur, *The United Nations, Peace and Security*, 2006, p. 10.

³⁰ *Ibid.*, p. 32.

³¹ *Ibid.*

development of international conventions to prevent terrorists from acquiring nuclear weapons and other WMDs.³² It is important to note, however, that the GA considers matters of international security only when the issue is not under the consideration of the SC.³³

The GA and its six Main Committees are the center of the UN system and represent its main deliberative, policymaking, and representative organs; their outcomes thus define new norms that can become treaties or conventions among Member States.³⁴ The GA provides a forum for multilateral discussions on a range of issues outlined in the Charter; specifically, Articles 10 to 22 detail the functions and powers of the body as follows:

- The GA is tasked with initiating studies and making recommendations to promote international cooperation in the political field; encouraging the development of international law; promoting the implementation of cultural, social, and human rights; and promoting fundamental freedoms free from discrimination.³⁵
- The GA “receives and considers reports” issued by “the other principal organs established under the [Charter of the United Nations] as well as reports issued by its own subsidiary bodies.”³⁶ The GA Plenary receives recommendations from the six Main Committees.³⁷ Once the recommendations are sent to the Plenary Committee, the Plenary then votes on whether to adopt the resolutions as presented.³⁸ Any decisions reached by the GA are non-binding in international law; however, their decisions have enacted actions that have affected millions of people around the world.³⁹
- Any of the six GA committees can recommend the GA Plenary address the functions or priorities of UN funds and programs.⁴⁰
- The GA can request the Secretary-General or other UN organs to issue a report to one of the Main Committees on a specified question such as the implementation of recommendations made by the GA.⁴¹

Main Committees are capable of introducing resolutions that, in turn, can lead to the creation and funding of agencies or meetings as well as ad hoc committees or working groups that consider a particular question with the purpose of reporting to the GA.⁴² The GA Plenary must ratify resolutions adopted in main committees before they are put into effect.⁴³ It is important, thus, to remember that even when ratified by the Plenary, GA resolutions are not legally binding.⁴⁴ Only SC resolutions enacted under Chapter VII of the Charter are legally binding.⁴⁵ Nonetheless, the consensus reached in the main committees often lead to more concrete initiatives at the UN.⁴⁶

Though less institutionalized than with ECOSOC, civil society organizations, and particularly non-governmental organizations, have an important relationship with the GA.⁴⁷ As such, they can be, and often are, invited to speak at the GA.⁴⁸ In the GA Plenary, civil society representatives can address the body if expressly mentioned in a

³² Weis, *The United Nations and Changing World Politics*, 2004, p. 95.

³³ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 13.

³⁴ UN General Assembly, *Functions and Powers of the General Assembly*.

³⁵ *Charter of the United Nations*, 1945, Art. 12; UN General Assembly, *Functions and Powers of the General Assembly*; UN General Assembly, *Statement by the Chairperson of the Fourth Committee (7 May)*, 2013.

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ UN General Assembly, *Functions and Powers of the General Assembly*.

³⁹ UN General Assembly, *Functions and Powers of the General Assembly*; Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 13.

⁴⁰ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 20.

⁴¹ *Ibid.*, pp. 36, 47.

⁴² Weis, *The United Nations and Changing World Politics*, 2004, p. 161.

⁴³ UN General Assembly, *Functions and Powers of the General Assembly*.

⁴⁴ *Ibid.*

⁴⁵ *Charter of the United Nations*, 1945, Ch. VII.

⁴⁶ UN General Assembly, *Functions and Powers of the General Assembly*.

⁴⁷ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 31.

⁴⁸ *Ibid.*

resolution.⁴⁹ For informal GA meetings, it is left to the Chair's discretion to give speaking time to representatives or invite them to deliver keynote speeches or panel discussions.⁵⁰

Recent Sessions and Current Priorities

On a biannual basis, the UN agrees upon and approves the *Priorities of the Organization*; the current eight priorities are:

- promotion of sustained economic growth and sustainable development
- maintenance of international peace and security
- development of Africa
- promotion of human rights
- effective coordination of humanitarian assistance
- promotion of justice and international law
- disarmament
- drug control, crime prevention, and combating international terrorism.⁵¹

The *Proposed strategic framework for the period 2017-2018*, which identifies long-term objectives and strategies of the GA and assigns entities to specific subprogrammes of the biennial plan, was adopted on 1 April 2016.⁵² During the current 71st session, the GA Plenary adopted a total of 313 resolutions, a majority of which were adopted without a vote, including those with and without a reference to a main committee.⁵³

Each year, the General Assembly holds special High-Level meetings on particular topics that are in need of immediate action, as well as occasional Special Sessions.⁵⁴ In September 2015, the Sustainable Development Summit was held at the UN Headquarters in New York, where the GA adopted the *2030 Agenda for Sustainable Development* (SDGs) as a follow-up to the expiring Millennium Development Goals (MDGs).⁵⁵ A large range of issues are included in the post-2015 development agenda as they relate to sustainable development, a key focus of the previous 70th session.⁵⁶ At the opening of the 71st session, the President of the GA, Peter Thomson of Fiji, recalled the landmark adoption of the SDGs and called on the Member States to fully commit themselves to the realization of the goals and targets.⁵⁷

Conclusion

As a place where new ideas are shaped, the GA has the ability to introduce standards and norms to promote a more peaceful world.⁵⁸ The GA is the only UN organ with universal membership, and thus remains an important forum for global discussion on political, economic, humanitarian, social, and legal issues.⁵⁹ It is the responsibility of the GA Plenary to achieve new advancements towards the pursuit of friendly relations while continually seeking consensus in collaboration with the whole of the international community.

Annotated Bibliography

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 37; UN General Assembly, *Proposed Strategic Framework for the Period 2017-2018 (A/71/6(partone))*, 2016.

⁵² UN General Assembly, *Proposed Strategic Framework for the Period 2017-2018 (A/71/6(partone))*, 2016.

⁵³ UN General Assembly, *Resolutions: 71st session*, 2017.

⁵⁴ Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, pp. 14, 80.

⁵⁵ UNDP, *Post-2015 Sustainable Development Agenda*, 2016.

⁵⁶ UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*, 2015.

⁵⁷ UN News Centre, *As 71st General Assembly opens, new President pledges to 'turn the wheels' on implementing 17 Global Goals*, 2016.

⁵⁸ Thakur, *The United Nations, Peace and Security*, 2006, p. 162.

⁵⁹ UN General Assembly, *General Assembly of the United Nations*, 2016; Thakur, *The United Nations, Peace and Security*, 2006, pp. 91, 162; UN General Assembly, *Functions and Powers of the General Assembly*.

New Zealand, Ministry of Foreign Affairs and Trade. (2015). *United Nations Handbook 2016-2017*. Retrieved 13 July 2016 from: https://mfat.govt.nz/assets/securedfiles/MFAT151-UN-Handbook_2015-16.pdf

This handbook, published by the Ministry of Foreign Affairs and Trade of New Zealand, is an attempt to contribute to the strengthening of information available to the international community on the UN system. It provides extensive information on the structure and membership as well the purpose of UN organs. As such, it represents the perfect introduction to the UN system as a whole for individuals less familiar with its complexity. Therefore, delegates should consider this a must-read during preparation for the conference.

Sciora R., & A. Stevenson. (2009). *Planet UN: The United Nations Confronting the Challenges of the 21st Century*. Geneva: Editions du Tricorne.

Inspired by the documentary Planet UN, this book offers an in-depth analysis of the role of the United Nations and its challenges for the 21st century. It gives special attention to three pillars: peace, development, and human rights. It also stresses the importance of the UN's ability to adapt itself to our changing world and to react to new threats such as terrorism or nuclear risks. An account of the genesis of the UN also allows delegates to understand how the UN was started with the intent of creating a system to maintain peace and security and to become the organization it is today. Furthermore, this book contains a series of testimonies of important personalities such as the last five Secretaries-General of the UN.

Switzerland, Permanent Mission to the United Nations. (2011). *The PGA Handbook: A practical guide to the United Nations General Assembly*. Retrieved 13 July 2016 from:

https://www.eda.admin.ch/content/dam/eda/en/documents/publications/InternationaleOrganisationen/Uno/UN-pga-handbook_en.pdf

This publication undertaken by the Permanent Mission of Switzerland to the UN is another contribution by a Member State of introductory information about the UN system. The General Assembly is a central focus of this handbook. A detailed description of its organization, structure, rules, and working methods can be found. Further providing information specific to all six Main Committees, this handbook offers a unique source of information to delegates to understand the work of the General Assembly and its place within the UN system.

Thakur, R. (2006). *The United Nations, Peace and Security*. Cambridge: Cambridge University Press. *Ramesh Thakur, a renowned commentator on the UN, examines the UN from a contemporary perspective and looks at it from new angles such as human security. The author's focus is on questions related to international peace and security. By doing so, he critically analyzes the use of force by the UN with the intention of making it more effective in the light of today's threats and with a particular focus on security and how it has evolved over the years and the role of the UN system including the General Assembly. His book is a valuable guide to the UN and will be of useful reading to delegates and offers an interesting perspective on international peace.*

Weis, T., et al. (2004). *The United Nations and Changing World Politics*. Boulder: Westview Press.

This book aims to provide a comprehensive understanding of international governance and the UN, human rights and humanitarian affairs, and building peace through sustainable development. While the authors outline the failures of collective security and the problems that the UN is facing when maintaining peace by military means, they address the role played by other UN entities such as the General Assembly in international security. As such, this book questions and analyzes how the international community governs itself by outlining its successes and failures. Delegates will find helpful reasoning in this book that can aid them while researching their topics and trying to find solutions in the context of the General Assembly First Committee.

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United Nations, General Assembly, Seventieth session. (2015). *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)* [Resolution]. Retrieved 25 July 2017 from: <http://undocs.org/A/RES/70/1>

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I. Declaration on the Rights of Indigenous Peoples: A Decade in Review

“Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system.”⁶⁰

Introduction

There are estimated over 370 million indigenous people worldwide and are disproportionately represented among the poor.⁶¹ While indigenous peoples represent around 5% of the world population, they represent 15% of the people living in poverty.⁶² While indigenous peoples occupy a quarter of the world’s surface, those lands account for 80% of the world's remaining biodiversity and are recognized as a vital factor in the mitigation for the effects of climate change.⁶³ Lands occupied by indigenous peoples range from the Arctic regions to the South Pacific in some 90 countries.⁶⁴ Indigenous peoples are recognized as being among the world’s most vulnerable, disadvantaged, and marginalized peoples with indigenous women being at the greatest risk.⁶⁵

There is a long history of indigenous peoples addressing their rights in international forum; in 1923 the Six Nations of the Iroquois arrived in Geneva to petition the Assembly of the League of Nations to recognize their nationhood and allow them to address a territorial dispute with the Dominion of Canada.⁶⁶ The petition was protested by the Canadian government and the delegation was denied by the Assembly.⁶⁷ Indigenous groups continued to vocalize their grievances to the international community throughout the 20th century.⁶⁸ For most of this time, indigenous issues were addressed indirectly through human rights agreements on issues such as treatment of minorities, poverty, and forced labor.⁶⁹ In 1982, Economic and Social Council (ECOSOC) resolution 1982/34 authorized the creation of a Working Group on Indigenous Populations (WGIP) based on the recommendations of the “Report on the Problem of Discrimination against Indigenous Populations” by the Special Rapporteur on the Rights of Indigenous Peoples, Martinez Cobo.⁷⁰ The report, commonly referred to as the Martinez Cobo Study, established the first working definition for “indigenous peoples”, which outlined a unique application of basic human rights principles to indigenous peoples.⁷¹

In 2007 the General Assembly adopted the landmark resolution 61/295, *United Nations Declaration on the Rights of Indigenous People* (UNDRIP).⁷² Although UNDRIP asserts the rights of indigenous peoples, the social and economic problems they face continue to impede the full enjoyment of those rights.⁷³ Many Member States and UN agencies are working towards the implementation of UNDRIP, but a wide-spread lack of awareness of indigenous issues and a lack of legal recognition by Member States of indigenous peoples stagnates the process.⁷⁴ A System-

⁶⁰ UNPFII, *Workshop on Data Collection and Disaggregation for Indigenous Peoples: The Concept of Indigenous Peoples*, 2004, p. 2.

⁶¹ IFAD, *Engagement with Indigenous Peoples*, 2009, p. 4.

⁶² *Ibid.*, p. 9.

⁶³ World Bank, *Indigenous Peoples*, 2016, p. 1.

⁶⁴ APF, OHCHR, *The United Nations Declaration on the Rights of Indigenous Peoples: A Manual for National Human Rights Institutions*, 2013, p. 10.

⁶⁵ *Ibid.*, p. 10.

⁶⁶ Deskaheh, *The Redman's Appeal for Justice*, 1923, (n.p.).

⁶⁷ League of Nations, *Petition to the League of Nations by the Six Nations of the Grand River*, 1923, (n.p.).

⁶⁸ UN OHCHR, *Fact Sheet No.9 (Rev.1), The Rights of Indigenous Peoples*, 1997, p. 2.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

⁷¹ UN ECOSOC, *Study of the problem of discrimination against indigenous populations (E/RES/1982/34)*, 1982.

⁷² UN OHCHR, *Fact Sheet No.9 (Rev.1), The Rights of Indigenous Peoples*, 1997, p. 2.

⁷³ UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295)*, 2007.

⁷⁴ UNDG, *Guidelines on Indigenous Peoples Issues, 2009*, p. 4.

Wide Action Plan is currently being implemented to improve these conditions and alter the characterization of UNDRIP as an “aspirational document [...] that does not reflect customary international law.”⁷⁵

International and Regional Framework

At the time of the drafting of the *Charter of the United Nations* (1945), indigenous peoples were identified as minority populations rather than distinct peoples.⁷⁶ Advocates of indigenous rights argued that the right to self-determination applied equally to indigenous peoples.⁷⁷ The *International Covenant on Civil and Political Rights* (1966) and the *International Covenant on Economic, Social and Cultural Rights* (1966) both assert “self-determination” of political status and the right to freely pursue economic, social, and cultural development as fundamental human rights.⁷⁸ By 1971 there was a growing consensus in the international community that there was a need to better understand the unique context of the human rights of indigenous peoples.⁷⁹ The result was the adoption of ECOSOC resolution 1589 (L) (1971), which authorized the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to conduct a study on the problem of discrimination against indigenous populations.⁸⁰ Jose Martinez Cobo was appointed as the Special Rapporteur to oversee the study and the result was the most comprehensive study to-date on indigenous issues; the study provided a working definition of indigenous peoples that included their right to self-identification and self-determination of their membership “without external influence.”⁸¹

Another organization that had an active concern with indigenous issues was the International Labour Organization (ILO), which worked to address the exploitation of indigenous workers as early on as the 1920s.⁸² The *Indigenous and Tribal Populations Convention* (ILO 107) (1957) was the first international instrument to address indigenous issues, but at the time the explicit aim of the convention was the “integration and assimilation” of indigenous peoples into broader society.⁸³ After the introduction of the Cobo Report, the ILO introduced *Convention concerning Indigenous and Tribal Peoples in Independent Countries* (ILO 169) (1989), which replaced ILO 107.⁸⁴ In contrast to the assimilation policies of ILO 107, the new convention strove to recognize indigenous identity and to increase consultation with these groups on decisions which affect them.⁸⁵

An important result of the Cobo Study was the creation of the Working Group on Indigenous Populations (WGIP), which was established as a subsidiary organ of the Sub-Commission on the Promotion and Protection of Human Rights following the adoption of ECOSOC resolution 1982/34 in 1971.⁸⁶ The WGIP quickly began work drafting a declaration on the rights of indigenous people.⁸⁷ The first draft, tabled in 1988, addressed equality of rights, cultural survival, economic rights, political rights, and protections against genocide for indigenous peoples.⁸⁸ During the negotiation process of UNDRIP, collective and individual political rights were a priority for indigenous peoples and concerned Member States.⁸⁹ The rest of the principles in the declaration are premised on the validity of the collective and individual rights to self-determination, and the inclusion of both in the Declaration was a milestone of the

⁷⁵ UNPFII, *Overview of the Findings of the Special Rapporteur on the Rights of Indigenous Peoples on the implementation of the United Nations Declaration on the Rights of Indigenous Peoples*, 2015, p. 2.

⁷⁶ Favel, Coates, *Understanding UNDRIP: Choosing action over sweeping claims about the United Nations Declaration on the Rights of Indigenous Peoples*, 2017, p. 12.

⁷⁷ UNDG, *Guidelines on Indigenous Peoples*, 2009, p. 4.

⁷⁸ UN General Assembly, *The International Covenant on Civil and Political Rights (A/RES/21/2200)*, 1966.

⁷⁹ Anaya, *Indigenous Peoples in International Law*, 1997,

⁸⁰ *Ibid.*

⁸¹ UNPFII, *Workshop on Data Collection and Disaggregation for Indigenous Peoples: The Concept of Indigenous Peoples*, 2004, p. 2.

⁸² *Ibid.*

⁸³ *Ibid.*

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*, p. 12.

⁸⁶ UN OHCHR, *Mandate of the Working Group on Indigenous Populations*.

⁸⁷ IWGIA, *Making the Declaration Work*, 2009, p. 63.

⁸⁸ *Ibid.*

⁸⁹ IWGIA, *The Indigenous World 2017*, 2017, p. 555.

negotiation process.⁹⁰ UNDRIP includes provisions for the indigenous peoples rights to preserve their traditional territories, to be fairly compensated for territories that have been confiscated, to preserve their language, control their education, develop their own political and economic institutions, and protect their cultural heritage.⁹¹ Member States have begun implementing UNDRIP, and have adopted legislation recognizing indigenous groups as distinct peoples, however, systemic discrimination, social, and economic disadvantages detract from the benefits of those rights.⁹²

Role of the International System

The UN has three bodies that are specifically mandated to address indigenous issues.⁹³ The Special Rapporteur on the rights of indigenous peoples has the mandate to coordinate with human rights organizations and relevant UN bodies, especially the Expert Mechanism on the Rights of Indigenous People (EMRIP) and the United Nations Permanent Forum on Indigenous Issues (UNPFII).⁹⁴ The Special Rapporteur also communicates with groups outside of the UN, including, governments, non-governmental organizations (NGOs), indigenous peoples and organizations, and private corporations, to address indigenous rights violations and provide advice on policy and good practice; the Rapporteur reports annually to the Human Rights Council (HRC).⁹⁵

EMRIP was established by HRC resolution 6/36 (2007) in response to UNDRIP.⁹⁶ It is a body of five experts who provide expertise on indigenous rights, under the framework of UNDRIP, to the Council.⁹⁷ In 2016, its mandate was expanded by HRC resolution 33/25 to provide technical advice on indigenous issues to Member States, indigenous peoples, or private sector actors with the goal of strengthening domestic legislation and policies on indigenous rights.⁹⁸ EMRIP sessions are open to participation from indigenous groups, NGOs, and individuals.⁹⁹ The annual sessions are widely attended by indigenous peoples who are able to raise important issues for study.¹⁰⁰ Studies to date include lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education (A/HRC/12/33), indigenous peoples and the right to participate in decision-making (A/HRC/18/42), and the roles of languages and culture in the promotion and protection of the rights and identity of indigenous people (A/HRC/21/53).¹⁰¹

The body with the largest scope of work vis-à-vis indigenous issues is the UNPFII, which was established in 2000 by ECOSOC resolution 2000/22.¹⁰² This committee has a mandate to provide expert advice and recommendations on indigenous issues to ECOSOC and its programs in six areas: economic and social development, culture, the environment, education, health, and human rights.¹⁰³ The membership of the forum is determined in part by nominations from governments, and part by eight by the president of ECOSOC, through consultation with indigenous groups.¹⁰⁴

A long standing and important instrument for improving indigenous consultation and participation in UN processes is the Voluntary Fund for Indigenous Populations; established by GA resolution 40/131 in 1985, the fund originally sponsored indigenous representatives to travel and contribute to the work of WGIP on drafting UNDRIP.¹⁰⁵ UN

⁹⁰ IBA, *Understanding and Implementing the UNDRIP: An Introductory Handbook*, 2011, p. 10.

⁹¹ UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, (A/RES/61/295), 2007.

⁹² UN HRC, *Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development: Report of the Special Rapporteur on the rights of indigenous peoples*, 2016, p. 7.

⁹³ UN Division for Social Policy and Development: Indigenous Peoples, *Permanent Forum*.

⁹⁴ UN OHCHR, *Mandate of the Special Rapporteur on the Rights of Indigenous Peoples*.

⁹⁵ UN OHCHR, *Indigenous Peoples and the United Nations Human Rights System*, 2013, p. 16.

⁹⁶ UN HRC, *Expert Mechanism on the rights of indigenous peoples (A/HRC/RES/6/36)*, 2007.

⁹⁷ UN OHCHR, *Indigenous Peoples and the United Nations Human Rights System*, 2013, p. 15.

⁹⁸ UN HRC, *Expert Mechanism on the Rights of Indigenous Peoples (A/HRC/RES/33/25)*, 2016.

⁹⁹ UN OHCHR, *Indigenous Peoples and the United Nations Human Rights System*, 2013, p. 15.

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*

¹⁰² UN Division for Social Policy and Development: Indigenous Peoples, *Permanent Forum*, 2017.

¹⁰³ UN ECOSOC, *Establishment of a Permanent Forum on Indigenous Issues (E/RES/2000/22)*, 2000.

¹⁰⁴ *Ibid.*

¹⁰⁵ UN OHCHR, *Fact Sheet No.9 (Rev.1), The Rights of Indigenous Peoples*, 1997, p. 4.

General Assembly resolutions 56/140 (2001), 63/161 (2008), and 65/198 (2010) respectively have expanded the mandate of the Voluntary Fund to facilitate participation of indigenous groups in the sessions of UNPFII, EMRIP, and the HRC.¹⁰⁶

Ten Years of UNDRIP

Many Member States have asserted their commitment to implement UNDRIP and begin reconciling with indigenous peoples.¹⁰⁷ A number have issued formal apologies to indigenous people on behalf of governments; however, despite these formal acknowledgements, indigenous peoples' rights continue to be frequently ignored or violated.¹⁰⁸ Indigenous peoples, especially women, continue to face high levels of discrimination.¹⁰⁹ The Special Report 27/52, by Special Rapporteur Victoria Tauli-Corpuz, identified that negative attitudes toward indigenous people and the challenges caused by the conditions of poverty that are still experienced by many indigenous peoples remain significant barriers to the realization of their rights.¹¹⁰ The report also addresses that there is a reluctance by Member States to seek reconciliation especially as it pertains to redress or compensation to indigenous peoples for land that has been taken and used for resource and other development.¹¹¹

The UNPFII has identified that there is still a lack of international mechanisms for the political engagement of indigenous peoples.¹¹² Some UN bodies have begun responding to Article 41 of UNDRIP, which calls for the organs of the UN to mobilize financial support and technical assistance to aid in the realization of the Declaration.¹¹³ To that end, in 2010, the ILO, the Office of the High Commissioner on Human Rights (OHCHR), and the United Nations Development Programme (UNDP) partnered to form the United Nations Indigenous Peoples Partnership (UNIPP), which was soon joined by the United Nations Population Fund (UNFPA) and the UN Children's Fund (UNICEF).¹¹⁴ UNIPP focuses on capacity development at the country level and facilitates partnerships between Member States, indigenous peoples, and UN agencies, and has successfully contributed to legislative reform on indigenous rights in Latin America and Africa.¹¹⁵

A major barrier to the achievement of Articles 41 and 42 of UNDRIP is the lack of coherence within the UN system in addressing indigenous issues, especially in promoting UNDRIP at the state level.¹¹⁶ The 2014 World Indigenous Conference outcome document recognized this issue and made a request to the Secretary-General for the development of a System-wide action plan (SWAP) for a coherent approach to achieving the goals of UNDRIP.¹¹⁷ In 2015 the Secretary-General announced a SWAP with six main areas of focus:

1. Raise awareness on UNDRIP and indigenous issues;
2. Support the implementation of the declaration, particularly at the country level;
3. Support the attainment of indigenous peoples' rights in the implementation and review of the 2030 Agenda for Sustainable Development;
4. Map existing policies within the UN and the multilateral system to identify opportunities and gaps;
5. Capacity development of states, indigenous peoples, civil society, and UN personnel; and

¹⁰⁶ UN OHCHR, *UN Voluntary Fund for Indigenous Peoples*.

¹⁰⁷ IWGIA, *The Indigenous World 2017*, 2017, p. 14.

¹⁰⁸ *Ibid.*

¹⁰⁹ UN HRC, *Promotion and Protection of all human rights, civil, political, economic, social and cultural rights, including the right to development: Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, 2014, p. 6.

¹¹⁰ *Ibid.*

¹¹¹ *Ibid.*

¹¹² UNPFII, *The Second International Decade of the World's Indigenous Peoples: An evaluation of challenges and facilitating factors for implementation of the United Nations Declaration on the Rights of Indigenous Peoples*, 2015.

¹¹³ UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, (A/RES/61/295), 2007.

¹¹⁴ UNIPP, *UNIPP Success Stories: Cooperating to promote and protect indigenous peoples' rights*, 2014, p. 2.

¹¹⁵ *Ibid.*, pp. 8-9.

¹¹⁶ UN ECOSOC, *System-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples (E/C.19/2016/5)*, 2015,

¹¹⁷ UN Division for Social Policy and Development, *System-Wide Action Plan*.

6. Support the participation of indigenous peoples in decisions that affect them. Nationally and internationally.¹¹⁸

UNDRIP and the 2030 Agenda

The *2030 Agenda for Sustainable Development* (SDGs) contains 17 goals and 169 targets that are meant to provide an action plan to end poverty, reduce inequality, and combat the effects of climate change.¹¹⁹ Indigenous people were able to engage more in the negotiation of the SDGs than its predecessor, the Millennium Development Goals (MDGs) and many of the aspirations captured by UNDRIP are also reflected in the SDGs.¹²⁰ Not all recommendations from indigenous peoples were included; the SDGs do not mention free, prior, and informed consent (FPIC) or self-determination as a part of its plan to reduce poverty and inequality.¹²¹ UNDRIP requires that FPIC must be given by indigenous peoples before their territories are used for development by government or business for "any project affecting their lands."¹²² FPIC is a process that must be undertaken free of coercion or manipulation, using a fair decision-making process, and with the relevant information provided.¹²³ Mining, forestry, oil, natural gas extraction, and hydroelectric projects greatly affect the lives of indigenous peoples who often inhabit remote or undeveloped regions.¹²⁴ Contrary to the aspiration of the SDGs, many Member States and industries continue to ignore or minimally apply the principles of FPIC in relation to the development of indigenous land.¹²⁵ The SDGs are still a key agreement for indigenous peoples; Goals 1, 2, 4, 6, 14, and 15 all have important implications for indigenous people who disproportionately represent populations that live in poverty, suffer from food and water insecurity, live remotely, and depend on land and marine resources to sustain their way of life.¹²⁶

Conclusion

After decades of negotiation, the adoption of UNDRIP represents a significant step in advancing international human rights legislation.¹²⁷ The work of UNPFII, EMRIP, and the Special Rapporteur on the Rights of Indigenous Peoples increase the body of knowledge on indigenous issues and the jurisprudence for key indigenous rights such as FPIC, self-determination, and the protection of their cultures and languages.¹²⁸ SWAP aspires to increase awareness of indigenous issues, coordinate the implementation of UNDRIP between UN bodies, and incorporate the principles of UNDRIP into the implementation of the SDG.¹²⁹ Despite this, indigenous peoples continue to suffer disproportionately high levels of discrimination and other human rights violation, especially indigenous women and girls.¹³⁰ UNDRIP is not a legally binding agreement and the implementation of its principles is largely ignored as indigenous peoples are denied the protection of their culture and language, and the protection of their lands and resources from development.¹³¹

¹¹⁸ UN ECOSOC, *System-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples* (E/C.19/2016/5), 2015.

¹¹⁹ UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development* (A/RES/70/1), 2015.

¹²⁰ UN ECOSOC, *Future work of the Permanent Forum, including issues considered by the Economic and Social Council and emerging issues: Report of the Expert Group Meeting on Indigenous Peoples and the 2030 Agenda* (E/C.19/2016/2), 2016.

¹²¹ IWGIA, *The Indigenous World 2017*, 2017, p. 598.

¹²² UN General Assembly, *United Nations Declaration on the rights of Indigenous Peoples* (A/RES/61/295), 2007.

¹²³ UN FAO, *Free Prior and Informed Consent: An Indigenous Peoples' right and a good practice for local communities*, 2016, p. 15.

¹²⁴ EU Parliament, Policy Department, *Indigenous Peoples, Extractive Industries and Human Rights*, 2014, p. 10.

¹²⁵ IWGIA, *The Indigenous World 2017*, 2017, p. 20.

¹²⁶ UN ECOSOC, *Future work of the Permanent Forum, including issues considered by the Economic and Social Council and emerging issues: Report of the Expert Group Meeting on Indigenous Peoples and the 2030 Agenda* (E/C.19/2016/2), 2016.

¹²⁷ UNDG, *Guidelines on Indigenous Peoples Issues*, 2009, p. 4.

¹²⁸ UN OHCHR, *Indigenous Peoples and the United Nations Human Rights System*, 2013, p. 16.

¹²⁹ UN, *System-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples*, 2015, p. 5.

¹³⁰ UN HRC, *Promotion and Protection of all human rights, civil, political, economic, social and cultural rights, including the right to development: Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz*, 2014, p. 6.

¹³¹ IWGIA, *The Indigenous World 2017*, 2017, p. 20.

Further Research

Delegates should consider exploring the following questions as they continue their research: How can indigenous peoples participate in the implementation of the SDGs? What role do national courts have in the implementation of UNDRIP? What is the role of the private sector in engaging with indigenous peoples on sustainable development? What is the potential for indigenous involvement at the twenty-third Conference of Parties (COP 23)? What other treaty bodies can contribute to the recognition of indigenous rights?

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<http://www.forestpeoples.org/sites/fpp/files/publication/2010/09/iloguideiprightsjul02eng.pdf>

The Forest Peoples Programme is a non-governmental human right organization that was formed to support forest conservation and the rights and land claims of indigenous forest peoples. This guide gives an outline of the International Labour Organization's engagement with indigenous peoples. The conventions on tribal groups are the precursors for the contemporary understanding of international human rights as they pertain to indigenous peoples. The work of the ILO with indigenous people also highlights the extreme prejudice and dehumanizing labour practices that indigenous people were subjected to in many parts of the world and why the need for specific legislation for these groups became recognized by international law. The guidebook also provides several county cases concerning ILO 169.

International Work Group for Indigenous Affairs. (2017). *Indigenous World*. Retrieved 17 May 2017 from:

http://www.iwgia.org/iwgia_files_publications_files/0760_THE_INDIGENOUS_ORLD_2017_eb.pdf

Indigenous World 2017 provides a series of case studies on over 50 states and multiple broad regions and their experience in implementing UNDRIP. Provides a historical information of the drafting of the declaration which is helpful in understanding the political climate UNDRIP was formed in as well as the inconsistent reception. This source also contains a strong overview of many of the mechanisms for implementation, relates the UNDRIP to 2030 Agenda for Sustainable Development, identifies key challenges for implementation on multiple levels government and society.

United Nations, Indigenous Peoples' Partnership. (2014). *UNIPP Success Stories: Cooperating to promote and protect indigenous peoples' rights*. Retrieved 14 July 2017 from: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---nylo/documents/publication/wcms_243275.pdf

The Indigenous Peoples Partnership was formed to address the Article 41 of the Declaration on the Rights of Indigenous Peoples. The partnership demonstrates the cooperation of four United Nations agencies to mobilize administrative and financial aid in the implementation of UNDRIP. The publication provides several case studies of successful legislative reform in Africa, Asia, and Latin America. It also outlines a framework for implementing regional capacity building guided by UNDRIP.

United Nations, Office of the United Nations High Commissioner for Human Rights & Asia Pacific Forum of National Human Rights Institutions. (2013). *The United Nations Declaration of the Rights of Indigenous People: A Manual for National Human Rights Institutions*. Retrieved 17 May 2017 from:

<http://www.ohchr.org/Documents/Issues/IPeoples/UNDRIPManualForNHRIs.pdf>

This guidebook is designed for non-governmental human rights organizations. It provides clear guidelines for the expectations and processes that are being implemented or being suggested at the level of multilateral institutions and civil society. Provides clear definitions for the concepts of self-determination, self-government, and free and informed prior consent, all of which are key concepts of the UNDRIP and are additionally some of the contentious aspects of implementation.

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This factsheet was produced by the Office of the High Commissioner on Human Rights. It provides a summary of the different UN bodies, agencies, and mechanism that specifically address indigenous issues and how they interact with each other and with the international community. It also addresses the primary funding mechanism for indigenous programmes in the United Nations. The sections are brief but provided numerous references to UN documents, studies, reports, and conferences that relate to indigenous issues at the UN and the Declaration on the Rights of Indigenous Peoples.

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The United Nations Declaration on the Rights of Indigenous People was adopted by the General Assembly as a result of decades of work by numerous stakeholders. Initially the work of the Working Group on Indigenous Population, the Declaration is a landmark human rights agreement that sets the minimum standard of indigenous rights. This declaration outlines key principles concerning indigenous issues.

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II. Civilian Capacity in the Aftermath of Conflict

“National ownership depends on strong, inclusive and accountable national institutions. Supporting institution-building involves an inclusive process to determine priorities for the functions that build confidence between States and citizens and help to ensure sustainable peace.”¹³²

Introduction

After a conflict emerged and ended, the crucial period of peacebuilding and state-building begins.¹³³ Among other actors, civilians can and do play a crucial role in this process, because states often lack the capacity to rebuild.¹³⁴ In 2010, the concept of civilian capacity emerged as a discrete topic within the United Nations (UN) framework: “Civilian Capacity is an essential part of a larger international narrative on peacebuilding and peacekeeping.”¹³⁵ This process includes several areas the peacebuilding stakeholders, which include international and national individuals and institutions, need to focus on: strengthening national institutions, such as police and justice but also education and public administration; establishing fair and working political processes; ensuring basic safety and security; and facilitating economic revitalization.¹³⁶ These are all important topics that are part of a functioning state. The Member States of the UN realize that the knowledge of civilians is key in supporting existing actors, such as the Security Council (SC), the Department of Peacekeeping Operations (DPKO), and the Peacebuilding Commission (PBC).¹³⁷ Thus, these actors want to make sure to use knowledge of civilians when rebuilding a state and to decrease the risk of the state slipping back into conflict. In that context, national, regional and international actors must seize the window of opportunity in the immediate aftermath of conflict, defined as the first two years after the main conflict in a country has ended.¹³⁸ When supporting and facilitating rebuilding efforts after a conflict, it is crucial to be aware of the context of the conflict and the situation with which the peacebuilding actors are dealing.¹³⁹ The background guide will also highlight the work of Member States that are important actors and it will discuss the role of non-political institutions such as the Berlin Center for International Peace. It will be important to be informed on the five major categories of rebuilding a state in the aftermath of conflict being safety and security, justice, core government functionality, economic revitalization, and inclusive political processes.¹⁴⁰

International and Regional Framework

The concept of civilian capacity has its roots in the peacekeeping-peacebuilding discourse. However, only in 2009 did this topic emerge on the agenda of the UN when the Secretary-General delivered his report on “Peacebuilding in the Immediate Aftermath of Conflict” (A/63/881-S/2009/304) to the General Assembly (GA) and the SC. This report is the result of a presidential statement issued by the President of the Security Council in which the SC encouraged “the Secretary-General, the Peacebuilding Commission, international and regional organisations and Member States to consider how to support national efforts in affected countries to secure a sustainable peace more rapidly and effectively, including in the areas of coordination, civilian deployment capabilities and financing.”¹⁴¹ Furthermore, the SC invited the Secretary-General to “provide advice within twelve months [...] on how best to take forward these issues within the United Nations system” and how to engage regional and national actors and

¹³² UN General Assembly, *Civilian Capacity in the Aftermath of Conflict: Report of the Secretary General (A/67/312-S/2012/645)*, 2012.

¹³³ UN General Assembly, *Report of the Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict (A/63/881-S/2009/304)*, 2009, p. 3.

¹³⁴ UN Security Council, *Statement by the President of the Security Council (S/PRST/2008/16)*, 2008.

¹³⁵ UN Department of Public Information, *Report on Post-Conflict Civilian Capacity Stresses Stronger National Ownership of Peace Processes, Need to Broaden Experts’ Pool in Security Council Debate*, 2011.

¹³⁶ UN General Assembly, *Civilian Capacity in the Aftermath of Conflict: Independent Report of the Senior Advisory Group (A/65/747-S/2011/85)*, 2011.

¹³⁷ UN General Assembly, *Report of the Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict (A/63/881-S/2009/304)*, 2009.

¹³⁸ *Ibid.*, p. 1.

¹³⁹ *Ibid.*, p. 4.

¹⁴⁰ UN General Assembly, *Civilian Capacity in the Aftermath of Conflict: Independent Report of the Senior Advisory Group (A/65/747-S/2011/85)*, 2011, p. 7.

¹⁴¹ UN Security Council, *Statement by the President of the Security Council (S/PRST/2008/16)*, 2008.

institutions in the efforts of coordination, civilian deployment and financing.¹⁴² In his report, the Secretary-General shares the prerequisites to acting immediately and appropriately in the aftermath of conflict.¹⁴³ According to the Secretary-General, international actors must be able to respond coherently, rapidly, and effectively in order to provide basic security, deliver peace dividends, build confidence in the political process, and strengthen core national capacity.¹⁴⁴ Moreover, in order to be successful, it is key to work together by building partnerships and facilitating coordination among the main regional and international actors since “no single actor has the capacity to meet the needs in any of the priority areas of peacebuilding.”¹⁴⁵ The UN can help with their expertise but only national actors understand the special circumstances of and the needs for their country or the conflict.¹⁴⁶ Yet, as the capacity to act accordingly might not be sufficient in some post-conflict countries, it is important for the UN to support this process and thus reconstitute a peaceful and stable political order that is inclusive at the same time.¹⁴⁷

The importance of national ownership is a constant theme in the peacebuilding process and is reiterated in GA resolution 66/255, in which the GA affirms “the fundamental principle of national ownership and [stresses] the importance of supporting national civilian capacity development and institution-building [...], as well as enhanced regional, South-South and triangular cooperation.”¹⁴⁸ Resolution 66/255 also put the topic of civilian capacity in the aftermath of conflict on its agenda under the title “Strengthening of the United Nations System.”¹⁴⁹ This decision is also based upon the findings of the Senior Advisory Group, which was set up by the Secretary-General.¹⁵⁰ In 2011, this group, led by Jean-Marie Guéhenno, delivered a report in which they explain the framework they developed and what role the UN can fulfill: “Where national capacity does exist, the United Nations needs better systems to identify and support it. Where there are real gaps in civilian capacity, it must focus on how to develop needed capacities.”¹⁵¹ Almost five years after his initial report, the Secretary-General delivered another report on the matter, having reviewed the whole question of peacekeeping operations, strengthening of the UN system, and the efficiency of the administrative and financial functioning of the UN.¹⁵² This report came at a time when the UN was deeply involved in supporting nationally-owned institution-building in countries that were and still are on the agenda of the PBC.¹⁵³ He is further able to identify areas of progress such as the designation of DPKO and the United Nations Development Programme (UNDP) as the global focal point for police, justice, and corrections areas in the rule of law in post-conflict and other crisis situations.¹⁵⁴ More recently, the SC recognized the pivotal role regional organizations can play, when it comes to sustainable peacebuilding.¹⁵⁵ Moreover, the president of the SC emphasized the need for empowerment of women when it comes to civilian engagement in the aftermath of conflict.¹⁵⁶

A more practical approach is delivered by the Organisation for Economic Co-operation and Development (OECD). In 2007, the ministers or agency heads responsible for development formally endorsed the Principles for Good International Engagement in Fragile States and Situations at the Development Assistance Committee’s High Level Forum.¹⁵⁷ The OECD provides 10 hands-on principles divided into the basics, the role of state-building and

¹⁴² Ibid.

¹⁴³ UN General Assembly, *Report of the Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict (A/63/881-S/2009/304)*, 2009.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid., p. 3.

¹⁴⁶ Ibid., p. 4.

¹⁴⁷ Ibid., p. 7.

¹⁴⁸ UN General Assembly, *Civilian Capacity in the Aftermath of Conflict (A/RES/66/255)*, 2012.

¹⁴⁹ Ibid.

¹⁵⁰ UN Department of Public Information, *Secretary-General Names Senior Advisory Group to Guide Review of International Civilian Capacities*, 2010.

¹⁵¹ UN General Assembly, *Civilian Capacity in the Aftermath of Conflict: Independent Report of the Senior Advisory Group (A/65/747-S/2011/85)*, 2011.

¹⁵² UN General Assembly, *Report of the Secretary-General on Civilian Capacity in the Aftermath of Conflict (A/68/696-S/2014/5)*, 2014.

¹⁵³ Ibid.

¹⁵⁴ Ibid., p. 5.

¹⁵⁵ UN Security Council, *Statement by the President of the Security Council (S/PRST/2016/12)*, 2016.

¹⁵⁶ UN Security Council, *Statement by the President of the Security Council (S/PRST/2016/9)*, 2016.

¹⁵⁷ OECD, *Principles for Good International Engagement in Fragile States and Institutions*, 2007.

peacebuilding, and the practicalities.¹⁵⁸ Another important agreement is the *New Deal for Engagement of Fragile States*, a strategy agreed upon by the International Dialogue on Peacebuilding and State Building whose stakeholders includes the African Development Bank, the African Union (AU), the Asian Development Bank, the European Union, the International Monetary Fund, the OECD, the UN, and the World Bank, ad hoc groups such as the g7+Group, and NGOs.¹⁵⁹ On 30 November 2011, more than 40 countries and organizations signed the New Deal, which was developed through the forum of the International Dialogue, at the Fourth High Level Forum on Aid Effectiveness at Busan, Korea.¹⁶⁰ The New Deal is supposed to create change by using three core principles being the peacebuilding and state-building goals (PSGs) and the concepts of FOCUS and TRUST.¹⁶¹ The FOCUS concept deals with country-led pathways out of fragility.¹⁶² It is a holistic approach that starts with a fragility assessment, forming a country owned vision and plan that builds upon the assessment, the vision then is implemented by a so-called Compact, which is monitored with the help of the PSGs, concluding political dialogue and leadership is to be supported.¹⁶³ The International Dialogue and its members build TRUST by providing aid and managing resources; it is an acronym that stands for Transparency, Risk Sharing, Use and Strengthen Country Systems, Strengthen Capacities, and Timely and Predictable Aid.¹⁶⁴ In line with these principles is the *Monrovia Roadmap* that reflects on five core objectives when it comes to peacebuilding and state-building. Additionally, the *Monrovia Roadmap* served as the basis for the aforementioned New Deal.¹⁶⁵

Role of the International System

Intergovernmental bodies of the UN, individual Member States, international stakeholders, and regional actors are pivotal actors in the immediate aftermath of conflict.¹⁶⁶ Nevertheless, national ownership is crucial when it comes to civilian capacity in the aftermath of conflict. As societies emerge and regroup from conflict, they regularly face a lack of expertise in restoring a functioning government, rebuilding institutions of justice, or revitalizing the economy to name a few.¹⁶⁷ Still, there is often more capacity on a national level than is at first apparent and there is also more deployable capacity in the international system than has been used.¹⁶⁸ For example, diasporas offer one potential reservoir.¹⁶⁹ Moreover, the “emergence of confident new economies in Africa, Asia, and Latin America has also created an opportunity to deploy people who have the right professional skills, backgrounds and experience.”¹⁷⁰ Thus, the Senior Advisory Group proposed a framework they call OPEN, which stands for Ownership, Partnership, Expertise, and Nimbleness.¹⁷¹ Some of the recommendations included in this framework are to support core government functions and to stick to the primacy of national capacity, to create and offer a more efficient way to cooperate and deploy partners, to improve accountability in terms of implementation and gender equality and to extend the cluster approach, and to direct capacity towards needs and use civilians outside agencies when they have a comparative advantage.¹⁷²

¹⁵⁸ OECD, *Principles for Good International Engagement in Fragile States and Institutions*, 2007.

¹⁵⁹ International Dialogue on Peacebuilding & Statebuilding, *Participating Countries and Organisations*.

¹⁶⁰ International Dialogue on Peacebuilding and Statebuilding, *The New Deal*.

¹⁶¹ International Dialogue on Peacebuilding and Statebuilding, *New Deal Principles*.

¹⁶² *Ibid.*

¹⁶³ *Ibid.*

¹⁶⁴ *Ibid.*

¹⁶⁵ International Dialogue on Peacebuilding and Statebuilding, *The Monrovia Roadmap on Peacebuilding and Statebuilding*, 2011.

¹⁶⁶ UN General Assembly, *Report of the Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict (A/63/881-S/2009/304)*, 2009, p. 5.

¹⁶⁷ UN General Assembly, *Civilian Capacity in the Aftermath of Conflict: Independent Report of the Senior Advisory Group (A/65/747-S/2011/85)*, 2011, p. 5.

¹⁶⁸ *Ibid.*

¹⁶⁹ *Ibid.*

¹⁷⁰ *Ibid.*

¹⁷¹ *Ibid.*

¹⁷² *Ibid.*, pp. 6-9.

The SC plays an important role as it is able to call on all stakeholders for their engagement and support and to authorize specific steps, e.g. new peacekeeping operations.¹⁷³ Recently, the SC adopted resolution 2282 on “Post-conflict peacebuilding,” which recognizes the work of actors such as the PBC and the pivotal role of women while stressing the importance of including civil society in efforts of sustaining peace.¹⁷⁴ In order to advance the efforts with regards to peacekeeping, the SC encourages the PBC to improve its efficiency by diversifying its working methods and strengthening its cooperation with both the Economic and Social Council and the Peacebuilding Fund as well as integrating a gender perspective in all of its work.¹⁷⁵ Moreover, the partnership between the UN and relevant regional and sub-regional organizations, including the AU, need to be strengthened.¹⁷⁶ Consequently, the SC calls for increasing synergies and improved cooperation and coordination.¹⁷⁷ Only a comprehensive approach that among others includes prevention of conflict, addressing its root causes, and promoting sustainable economic growth can lead to sustaining peace.¹⁷⁸ The GA reflects on that in its landmark resolution 70/1, in which the *2030 Agenda for Sustainable Development* (SDGs) are affirmed by the international community.¹⁷⁹ Member States declare that “[s]ustainable development cannot be realized without peace and security; and peace and security will be at risk without sustainable development.”¹⁸⁰ Goal 16 is specially targeted at peace, justice, and strong institutions emphasizing the need of strengthening relevant national institutions, including through international cooperation and building capacity at all levels.¹⁸¹

Every five years, the PBC undergoes a review of its work and publishes a corresponding report.¹⁸² The latest assessment took place in 2015. The major theme of this report was the review of the architecture of the PBC as encouraged by the SC and the GA.¹⁸³ In its assessment, the Advisory Group comes to the conclusion that the PBC “should become the advisory bridge between the relevant intergovernmental organs” and should “become much more flexible and transparent in its working practices and place greater emphasis on advising and advocating.”¹⁸⁴

One of the most notably actors outside the UN system is the Center for International Peace Operations. Being a non-governmental organization, they follow a comprehensive approach that provides an overall concept for policy and action in international crisis and conflict management.¹⁸⁵ Its purpose is to: “coordinate, bundle and optimally employ resources of diplomacy, development cooperation, the civilian peace corps, military and police within and between organizations and institutions at the local, national, and international levels with the goal of effectively resolving international [...] conflicts, thereby contributing international European, and German peace and security.”¹⁸⁶ In doing so, they developed the concept of a “civilian expert,” who are striving towards bringing benefits to the local population and structures thereby obeying the principles of action, which are do no harm; local ownership and participatory processes; gender awareness; and the comprehensive approach.¹⁸⁷

Women and their Expertise in the Aftermath of Conflict

When the concept of civilian capacity in the aftermath of conflict emerged, the gender perspective was not the prevalent topic; even though the gender perspective was already mentioned and highlighted in the report of the Secretary-General on peacebuilding in the immediate aftermath of conflict, it took some time until there was the first

¹⁷³ UN General Assembly, *Report of the Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict (A/63/881-S/2009/304)*, 2009, p. 5.

¹⁷⁴ UN Security Council, *Post-conflict peacebuilding (S/RES/2282 (2016))*, 2016.

¹⁷⁵ *Ibid.*, pp. 4-5.

¹⁷⁶ *Ibid.*, p. 6.

¹⁷⁷ *Ibid.*, p. 6.

¹⁷⁸ *Ibid.*, p. 2.

¹⁷⁹ UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development*, 2015.

¹⁸⁰ *Ibid.*, p. 9.

¹⁸¹ *Ibid.*, pp. 25-26.

¹⁸² UN General Assembly, *The Peacebuilding Commission (A/RES/60/180)*, 2005, p. 5.

¹⁸³ UN General Assembly, *Challenge of sustaining peace. Report of the Advisory Group of Experts on the Review of the Peacebuilding Architecture (A/69/968-S/2019/490)*, 2015, p. 1.

¹⁸⁴ *Ibid.*, p. 4.

¹⁸⁵ Zentrum für Internationale Friedeneinsätze, *Comprehensive Approach*, 2017.

¹⁸⁶ *Ibid.*

¹⁸⁷ Zentrum für Internationale Friedeneinsätze, *ZIF's Concept „Civilian Expert“*, 2017.

report that specifically dealt with the role women can play in the aftermath of conflict.¹⁸⁸ The Secretary-General emphasizes that women are not only “crucial partners in shoring up three pillars of lasting peace: economic recovery, social cohesion and political legitimacy” but also that their “engagement as civic leaders and public officials both signals and encourages more inclusive forms of politics and governance.”¹⁸⁹ Even if women may not always implement a gender perspective in peacebuilding, they are more likely to do so than their male counterparts.¹⁹⁰ It is important to highlight that there are several diverse groups of women that need each different and special consideration: female ex-combatants; widows; survivors of sexual and gender-based violence; and women and girls with disabilities or HIV/AIDS.¹⁹¹ They each face the risk of exclusion or stigma due to their experiences, yet at the same time they mirror populations in their diversity.¹⁹² In order to establish a gender-responsive peacebuilding approach, the Secretary-General created an action plan consisting of seven commitments, which concern conflict resolution, post-conflict planning processes, financing for gender equality, deployable civilian capacities, increasing the proportion of women decision makers, support for the rule of law, and economic recovery.¹⁹³ The Senior Advisory Group that was tasked with the independent review of civilian capacity touched upon these seven commitments and recommended to prioritize women’s needs and use their capacities by featuring their needs more prominently in international planning processes and asking UN-Women to supervise this task and calling for the creation of a 20% quota for women in all UN police deployments.¹⁹⁴

In 2014, the Secretary-General identified three key priority directions, one being inclusivity.¹⁹⁵ One blueprint example is the cooperation of UN-Women and the Peacebuilding Fund who supported women-run conflict-resolution mechanisms, known as “peace huts” in Liberia.¹⁹⁶ These are safe spaces and serve as places for mediation and community dialogue.¹⁹⁷ Recently, the Security Council stressed again the need for gender-sensitive and targeted programming and thus encouraged the Secretary-General to promote the gender dimension in peacebuilding by supporting women’s organizations and through monitoring, tracking and reporting achievement.¹⁹⁸

Conclusion

The topic is a multifaceted issue that delegates need to approach in multiple ways. This background guide aimed at showing the various aspects of this issue. Delegates shall be able to understand that this topic needs to be approached from various angles such as resource distribution, global and multilateral partnerships, financing operations, cooperation of various actors, quick response to the situation, and how to address the local community. Despite it being a relative new topic on the international agenda, delegates will find plenty of sources and will be able to address the topic from their member states’ perspective. Delegates should further research what the major obstacles in including civilian capacity are, how weak governments can be strengthened, and how a gender-sensitive approach can be implemented and monitored efficiently.

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¹⁸⁸ UN General Assembly, *Women’s participation in peacebuilding. Report of the Secretary-General (A/65/354-S/2010/466)*, 2010.

¹⁸⁹ *Ibid.*, p. 3.

¹⁹⁰ *Ibid.*, p. 4.

¹⁹¹ *Ibid.*, p. 5.

¹⁹² *Ibid.*, p. 5.

¹⁹³ *Ibid.*, pp. 8-17.

¹⁹⁴ UN General Assembly, *Civilian Capacity in the Aftermath of Conflict: Independent Report of the Senior Advisory Group (A/65/747-S/2011/85)*, 2011, p. 39

¹⁹⁵ UN General Assembly, *Peacebuilding in the aftermath of conflict. Report of the Secretary-General (A/69/399-S/2014/694)*, 2014, p. 2.

¹⁹⁶ UN-Women, *Achieving Security*.

¹⁹⁷ UN General Assembly, *Peacebuilding in the aftermath of conflict. Report of the Secretary-General (A/69/399-S/2014/694)*, 2014, p. 9.

¹⁹⁸ UN Security Council, *Post-conflict peacebuilding (S/RES/2282 (2016))*, 2016, p. 7.

This source is key to understand the basic principles of both peacebuilding and state-building. It can be seen as a ten point action plan everyone in the field needs to keep in mind when working. Moreover, following the principles can foster cooperation between international and national actors. It is crucial for delegates to internalize these ten points because only then they will be able to formulate adequate solutions and reasonable measures. It can only serve as a starting point for further research, however should be reviewed before starting research.

International Dialogue on Peacebuilding and Statebuilding. (n.d.). *The New Deal* [Website]. Retrieved 21 May 2017 from: <https://www.pbsbdialogue.org/en/new-deal/about-new-deal/>

This website is the informational hub of the group's New Deal. It outlines what stands behind the New Deal and provides all the facts needed. Delegates can learn about how the New Deal works and retrieve the New Deal agreement. Furthermore, delegates can learn about the TRUST and FOCUS principles as well as the five PSG goals. On its Website the group also explains why the world needs this New Deal and provides facts and figures. Yet, as it being a hub, this website shall be consulted in order to gain more insight regarding the New Deal.

United Nations, General Assembly, Sixty-third session. (2009). *Report of the Secretary-General on peacebuilding in the immediate aftermath of conflict(A/63/881-S/2009/304)* [Report]. Retrieved 21 May 2017 from: <http://undocs.org/A/63/881>

The Secretary-General addressed the topic for the first time in this report after being invited to by the Security Council. In its report, the Secretary-General offers background and context for rebuilding a society and a state by using civilian capacity. The report emphasizes that immediate post-conflict action is crucial to provide basic security and build confidence in the political process. By reading this report delegates will understand that the time right after a conflict is the most important one in terms decreasing the risk of slipping back into conflict. Furthermore, the report outlines what has been done to date and establishes an agenda for the response in the aftermath of conflict.

United Nations, General Assembly, Sixty-sixth session. (2012). *Civilian capacity in the aftermath of conflict (A/RES/66/255)* [Resolution]. Retrieved 21 May 2017 from: <http://undocs.org/A/RES/66/255>

To date this is the only resolution of the General Assembly regarding civilian capacity in the aftermath of conflict. In this resolution the General Assembly emphasizes the need for cooperation of national governments, the United Nations, and regional and sub-regional organizations to deepen the pool of civilian expertise, which is the core principle of using civilian capacity. With this resolution the topic is on the agenda of the General Assembly. Albeit rather short, it defines how civilian capacity can be used, affirms national ownership, and encourages the Secretary-General to assign more resources to this topic.

United Nations, General Assembly, Sixty-eighth session. (2014). *Civilian capacity in the aftermath. Report of the Secretary-General (A/68/696-S/2014/5)*. [Report]. Retrieved 21 May 2017 from: <http://undocs.org/A/68/696>

In this report the Secretary-General calls for a more systematic and coherent approach when it comes to institution-building in the field. Delegates can learn about the importance institution-building has when it comes to peacebuilding and state-building, as the Secretary-General focuses on three areas: improvement of support to institution-building grounded in national ownership, broadening and deepening the pool of civilian expertise for peacebuilding, and enhancing regional, South-South and triangular cooperation. This report also gives examples of United Nations supporting nationally owned institution-building and can thus serve as a blueprint for delegates.

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