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## GENERAL ASSEMBLY FOURTH COMMITTEE BACKGROUND GUIDE 2014

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# NATIONAL MODEL UNITED NATIONS



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# THE 2014 NATIONAL MODEL UNITED NATIONS

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Dear Delegates,

Welcome to the 2014 National Model United Nations Conference and the General Assembly Fourth Committee on Special, Political and Decolonization (GA Fourth). The Directors of this committee are Michael Buechl (Conference A) and Andrea Wong (Conference B). The Assistant Directors are James Fukazawa (Conference A) and Emilie Taton (Conference B). Michael is about to graduate with an MA in political science from Ludwig-Maximilians-Universität in Munich. Andrea obtained a law degree and an MA in English from the University of Toronto in 2013. She is presently articling at a commercial litigation firm. James graduated with a MA degree in social and political sciences from California State University, San Bernardino in 2012. Emilie is pursuing an MA in international relations at the Université libre de Bruxelles. She is currently interning at the United Nations Headquarters with the Department of Peacekeeping Operations.

This year's topics under discussion for GA Fourth Committee are:

- I. Civilian Capacity in the Aftermath of Conflict
- II. Strengthening the United Nations Relief and Works Agency for Palestine Refugees in the Near East
- III. Strengthening United Nations Police

GA Fourth Committee addresses a diverse array of issues, ranging from the peaceful uses of outer space to the University for Peace and questions of decolonization. At the Conference this year, our topics focus on aspects of conflict resolution as well as the issue of Palestine refugees. These topics, which represent the evolution of the United Nations since its foundation, will challenge delegates to create innovative solutions to support the maintenance of international peace and security.

We hope you will find this Background Guide useful as it serves to introduce you to the topics for this committee. It is not meant to replace further research and we highly encourage you explore in-depth your countries' policies as well as use the Annotated Bibliography and Bibliography to further your knowledge on these topics. In preparation of the conference, each delegation will be submitting a [position paper](#). Please refer to the following pages for details regarding the position paper submission process. Please take note of the [NMUN policies](#) on the website and in the [Delegate Preparation Guide](#) regarding plagiarism, codes of conduct/dress code/sexual harassment, awards philosophy/evaluation method, etc. Adherence to these guidelines is mandatory.

If you have any questions concerning your preparation for the Committee or the Conference itself, feel free to contact the substantive staff listed below or the Under-Secretaries-General for the General Assembly, Sonia Patel (Conference A) and Roger Tseng (Conference B). You can reach either USG by e-mailing [usg.ga@nmun.org](mailto:usg.ga@nmun.org).

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

Sincerely,

### **Conference A**

Michael Buechl, *Director*  
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## NMUN•NY Position Paper Guidelines

Due 1 March 2014

Each committee topic should be addressed in a succinct policy statement representing the relevant views of your assigned country, Non-Governmental Organization (NGO), or expert role. You should identify and address international and regional conventions, treaties, declarations, resolutions, and programs of action that are relevant to the policy of your country or NGO. You should also include recommendations for action to be taken by your committee. A delegate's role as a Member State, Observer State, or NGO should affect the way a position paper is written. To understand these differences, please refer to the [Delegate Preparation Guide](#). It may also be helpful to view a [Sample Position Paper](#).

A position paper should be submitted for each assigned committee.

- The two page position paper should cover all the topics in the background guide, not a separate paper for each topic.
- Do not submit papers for committees not assigned to your country/NGO (see matrix for [Conf. A](#) or [Conf. B](#)).
- No more than two delegates can represent a single country/NGO in a committee. If you assign two delegates to represent a country/NGO on a committee, they submit one position paper jointly, not separate position papers from each individual.

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

All papers must be typed and formatted according to the standards below:

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

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

How to Submit Your Position Papers

Position papers need to be submitted by email in .pdf or .doc formats. As proof of submission, include yourself as an email recipient. Please use the committee name, your assignment, Conference A or B, and delegation/school name in both the email subject line and in the filename (example: GA1\_Cuba\_Conf A\_State College).

1. Send one complete set of all position papers for each of your country/NGO assignments to the Deputy Secretary-General for the conference you are attending:

Conference A: [positionpapers.nya@nmun.org](mailto:positionpapers.nya@nmun.org)

Conference B: [positionpapers.nyb@nmun.org](mailto:positionpapers.nyb@nmun.org)

2. Send a copy of your position paper for each assigned committee to the corresponding committee email address listed on the [Committee Background Guides page](#).

Your delegation may wish to submit a copy of their position papers to the permanent mission of the country/NGO headquarters along with an explanation of the conference. This is encouraged if requesting a [briefing](#).

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

## Abbreviations

<b>ACCORD</b>	African Center for the Constructive Resolution of Disputes
<b>AU</b>	African Union
<b>CEIRPP</b>	Committee on the Exercise of the Inalienable Rights of the Palestinian People
<b>CIVPOL</b>	Civilian Police
<b>COI</b>	Committee on Information
<b>COPUOS</b>	Committee on the Peaceful Uses of Outer Space
<b>DPKO</b>	Department of Peacekeeping Operations
<b>ECOSOC</b>	Economic and Social Council
<b>FPU</b>	Formed police units
<b>GA</b>	General Assembly
<b>GFP</b>	Global Focal Point
<b>HRC</b>	Human Rights Council
<b>IDF</b>	Israel Defense Forces
<b>MDG</b>	Millennium Development Goals
<b>NGO</b>	Non-Governmental Organization
<b>NMUN</b>	National Model United Nations
<b>NUPI</b>	Norwegian Institute of Foreign Affairs
<b>ONUC</b>	United Nations Operation in the Congo
<b>OPEN</b>	Ownership, Partnerships, Expertise, Nimbleness
<b>PBC</b>	Peacebuilding Commission
<b>PCBS</b>	Palestinian Central Bureau of Statistics
<b>PNTL</b>	National Police of Timor-Leste
<b>POC</b>	Protection of civilians
<b>RSS</b>	Relief and Social Services
<b>SC</b>	Security Council
<b>SPC</b>	Standing Police Capacity
<b>UN</b>	United Nations
<b>UNAMSIL</b>	UN Assistance Mission in Sierra Leone
<b>UNDP</b>	UN Development Programme
<b>UNFICYP</b>	UN Peacekeeping Force in Cyprus
<b>UNHCR</b>	Office of the United Nations High Commissioner for Human Rights
<b>UNHRC</b>	United Nations High Commissioner
<b>UNMIK</b>	UN Interim Administration Mission in Kosovo
<b>UNMIT</b>	UN Mission in Timor-Leste
<b>UNPOL</b>	UN Police
<b>UNRWA</b>	United Nations Relief and Works Agency for Palestine Refugees in the Near East
<b>UNSCEAR</b>	United Nations Scientific Committee on the Effects of Atomic Radiation
<b>UNTAET</b>	UN Transitional Administration in East Timor
<b>WFP</b>	World Food Programme



## Committee History

### **Introduction**

The General Assembly Fourth Committee (Fourth Committee) is one of the six Main Committees of the United Nations General Assembly.<sup>1</sup> Also called the Special Political and Decolonization Committee, it deals with a wide range of issues including Palestinian refugees and human rights, peacekeeping, public information, outer space, mine action, atomic radiation, University for Peace, and topics related to decolonization.<sup>2</sup> Unlike the other committees of the General Assembly, the Fourth Committee, in its actual form, is rather young. Indeed, it was only in 1993 that the Special Political Committee was merged with the Fourth Committee in General Assembly resolution 47/233 of 17 August 1993.<sup>3</sup> The aim of this resolution was to revitalize the work of the General Assembly and it resulted in the creation of the Fourth Committee as we know it today.<sup>4</sup>

### **Mandate**

The United Nations (UN) General Assembly is one of the five principal organs laid out in the *Charter of the United Nations* (1945).<sup>5</sup> Its mandate is laid out in Chapter IV of the Charter, with Article 10 stating that the body:

“May discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.”<sup>6</sup>

One of the most important characteristics of the General Assembly is its universal nature and ability to discuss any issue within the UN system. This is core to the mandate of the General Assembly, and illustrated by the diversity and range of topics discussed within its Main Committees.

The mandate for General Assembly Fourth Committee on a topical level is determined by the allocation of agenda items in line with the focus of the committee on “special, political and decolonization” issues.<sup>7</sup>

### **Governance, Structure, and Membership**

The General Assembly is comprised of all 193 Member States of the UN, as outlined in Article 9 of the Charter.<sup>8</sup> Each Member State has one vote, regardless of its population or geography.<sup>9</sup> Additionally, non-Member States, non-governmental organizations, and intergovernmental organizations have received invitations to participate as observers in the sessions and work of the General Assembly.<sup>10</sup> Decisions on important matters require a two-thirds majority of those present and voting; these questions include those on peace and security, admission of new members, and budgetary matters.<sup>11</sup> Though each Member State is granted one vote, there has been a special effort in recent sessions to achieve consensus on issues rather than going through a formal vote.<sup>12</sup>

The work of the General Assembly is distributed to its six committees, each examining different topics that affect the international community. The First Committee examines topics pertaining to international security and peace;

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<sup>1</sup> United Nations General Assembly, *Main Committees* [Website], 2013; United Nations, *UN Documentation: General Assembly – Main Committees*.

<sup>2</sup> United Nations General Assembly, *Special Political and Decolonization* [Website], 2013.

<sup>3</sup> New Zealand, *United Nations Handbook 2011-12*, 2011, p. 23; New Zealand, *United Nations Handbook 2013-14*, 2013.

<sup>4</sup> United Nations General Assembly, *Revitalization of the work of the General Assembly (A/RES/47/233)* [Resolution], 1993.

<sup>5</sup> *Charter of the United Nations*, 26 June 1945, Art. 10.

<sup>6</sup> *Charter of the United Nations*, 26 June 1945, Art. 10.

<sup>7</sup> United Nations General Assembly, *Revitalization of the work of the General Assembly (A/RES/47/233)* [Resolution], 1993; UN, *Feature: The UN General Assembly’s Fourth Committee – special political and decolonization issues* [Article], 2013; United Nations, *Index to Proceedings of the General Assembly (ST/LIB/SER.B/A.75 (Part I))*, 2013.

<sup>8</sup> *Charter of the United Nations*, 26 June 1945, Art. 9.

<sup>9</sup> *Charter of the United Nations*, 26 June 1945, Art. 18.

<sup>10</sup> United Nations General Assembly, *Observers* [Website], 2013.

<sup>11</sup> United Nations General Assembly, *About the General Assembly* [Website], 2013.

<sup>12</sup> United Nations General Assembly, *Functions and Powers of the General Assembly* [Website], 2013.

the Second Committee examines economic and financial topics; the Third Committee examines social, cultural, and humanitarian affairs; the Fourth Committee examines special political questions and decolonization, the Fifth Committee handles administrative and budgetary issues of the United Nations; and the Sixth Committee examines legal questions in the General Assembly.<sup>13</sup> In addition to the six Main Committees of the General Assembly, a number of Boards, Commissions, Committees, Councils, and Working Groups work to support the advancement of the General Assembly's mandate.<sup>14</sup>

### ***Functions and Powers***

The General Assembly assumes the role as the main deliberative, policymaking, and representative organ of the UN.<sup>15</sup> It provides a forum for multilateral discussions on a range of issues outlined in the Charter, specifically within Articles 10 – 22 which detail the functions and powers of the body as follows:

- The General Assembly 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 (Article 13).<sup>16</sup>
- The General Assembly “receives and considers reports” issued by “the other principal organs established under the Charter as well as reports issued by its own subsidiary bodies” (Article 15).<sup>17</sup> The General Assembly Plenary receives recommendations from the six Main Committees.<sup>18</sup> Once the recommendations are sent to the Plenary Committee, the Plenary then votes on whether to adopt the resolutions as presented.<sup>19</sup> Any decisions reached by the Assembly are non-binding in international law; however, their decisions have enacted actions that have affected millions of people around the world.<sup>20</sup>
- The General Assembly additionally “approves the budget of the UN and decides on the scales of assessment, i.e., each Member State’s share of the budget” (Article 17).<sup>21</sup>
- Should the Security Council fail to address a breach of international peace and security due to deadlocks between permanent members, the Assembly can consider the matter immediately, laid out in Article 11, but further codified with the adoption of General Assembly resolution 377(V) (1950) entitled “Uniting for Peace.”<sup>22</sup>

### ***Sessions***

The General Assembly can meet in either “regular annual sessions,” or “special sessions,” within which includes “emergency special sessions.”<sup>23</sup> The regular annual session begins on Tuesday of the third week of September and runs for one year – thus essentially, the General Assembly is “in session” for the entire year.<sup>24</sup> Special sessions are outlined in Chapter IV, Article 20 of the Charter.<sup>25</sup> These sessions have addressed topics that include settlement and

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<sup>13</sup> United Nations General Assembly, *Main Committees* [Website], 2013

<sup>14</sup> United Nations General Assembly, *Subsidiary Organs of the General Assembly* [Website], 2013

<sup>15</sup> United Nations, *Functions and Powers of the General Assembly* [Website], 2013.

<sup>16</sup> *Charter of the United Nations*, 26 June 1945, Art. 12; United Nations, *Functions and Powers of the General Assembly* [Website], 2013; United Nations General Assembly, *Statement by the Chairperson of the Fourth Committee (7 May)*, 2013.

<sup>17</sup> *Charter of the United Nations*, 26 June 1945, Art. 15.

<sup>18</sup> *Charter of the United Nations*, 26 June 1945, Art. 4

<sup>19</sup> United Nations General Assembly, *About the General Assembly* [Website], 2013

<sup>20</sup> United Nations General Assembly, *About the General Assembly* [Website], 2013; Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 13.

<sup>21</sup> Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 13; *Charter of the United Nations*, 26 June 1945, Art. 17.

<sup>22</sup> United Nations General Assembly, *Uniting for Peace (377 V)* [Resolution], 3 November 1950

<sup>23</sup> Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 14; United Nations, *UN Documentation: General Assembly – Introduction* [Website].

<sup>24</sup> Switzerland, *The PGA Handbook: A practical guide to the United Nations General Assembly*, 2011, p. 14.

<sup>25</sup> *Charter of the United Nations*, 26 June 1945, art. 20

decolonization, world health problems, international disarmament, gender issues, global development, and the environment.<sup>26</sup>

Discussions on issues of international peace and security which are not taken up by the Security Council, as detailed in Article 11 and the “Uniting for Peace” resolution have occurred under “emergency special sessions” and have occurred ten times.<sup>27</sup> The most recent “emergency special session” has held on and off meetings since April 1997, following the request from the Permanent Representative of Qatar to discuss the topic of Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory.<sup>28</sup> The tenth emergency special session resumed on 15 January 2009 under the consideration of the President of the General Assembly, Dr. Ali Abussalam Treki, after three years of no debate.<sup>29</sup>

#### *Elections*

One important function of the General Assembly is the election of five non-permanent members of the Security Council, in addition to members of additional committees and bodies as well as the Secretary-General, upon recommendation by the Security Council.<sup>30</sup>

#### *Subsidiary Organs*

Additionally, the General Assembly in line with the powers attributed to it by Article 12 of the Charter, the General Assembly has established numerous subsidiary organs over the years in order to facilitate the work of the Fourth Committee.<sup>31</sup> These organs are responsible for discussing recommendations that will later be presented and voted on either at the Fourth Committee or at the General Assembly Plenary.<sup>32</sup> Organs pertaining to the Fourth Committee include the United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR), the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS), and the Committee on Information (COI).<sup>33</sup>

#### *Agenda*

The General Assembly allocates agenda items to its Main Committees according to the respective thematic issues covered by each of the six Main Committees. However, there are some agenda items that are considered of such paramount importance, that they are not allocated and are considered only by the Plenary. These items include the Reports of the International Court of Justice and the International Criminal Court, as well as special country-specific agenda items, such as the “Question of Palestine.”<sup>34</sup>

#### *Agenda of General Assembly Fourth Committee*

The Fourth Committee was particularly active on the issue of decolonization until the 1970s since its mandate was then confined to such issues.<sup>35</sup> While the array of topics covered by the body has since expanded, decolonization remains an important part of the Fourth Committee’s mandate, as there are still 16 territories that have not been granted self-determination.<sup>36</sup> Issues related to decolonization are also tackled within other bodies, such as the Special Committee on Decolonization (also referred to as the Committee of 24), which was established concurrent with the adoption of the *Declaration on the Granting of Independence to Colonial Countries and Peoples* (A/RES/1514 (XV)) in December 1960.<sup>37</sup> This committee later developed to be a significant addition to the Fourth

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<sup>26</sup> United Nations, *Emergency Special Sessions* [Website], 2013

<sup>27</sup> United Nations, *Emergency Special Sessions* [Website], 2013

<sup>28</sup> United Nations, *Tenth Emergency Special Session* [Website], 2013

<sup>29</sup> United Nations, *Tenth Emergency Special Session* [Website], 2013

<sup>30</sup> United Nations, *Security Council: Current Members* [Website], 2013

<sup>31</sup> *Charter of the United Nations*, 1945, Art. 22; United Nations, *About the General Assembly* [Website], 2013.

<sup>32</sup> United Nations General Assembly, *Subsidiary Organs of the General Assembly* [Website], 2013.

<sup>33</sup> United Nations Scientific Committee on the Effects of Atomic Radiation, *UNSCEAR* [Website], 2013; United Nations Office for Outer Space Affairs, *United Nations Committee on the Peaceful Uses of Outer Space* [Website], 2013; United Nations, *Committee on Information* [Website], 2013.

<sup>34</sup> United Nations General Assembly, *Organization of the sixty-seventh regular session of the General Assembly, adoption of the agenda and allocation of items (A/RES/67/1)* [Resolution], 2012

<sup>35</sup> Weiss & Daws, *The Oxford Handbook on the United Nations*, 2007, p. 105.

<sup>36</sup> United Nations, *Global Issues: Decolonization* [Website], 2013.

<sup>37</sup> United Nations, *Committee of 24* [Website], 2013; Weiss & Daws, *The Oxford Handbook on the United Nations*, 2007, p. 105; United Nations General Assembly, *Declaration on the Granting of Independence to Colonial Countries and Peoples (A/RES/1514(XV))*, 1960.



Committee.<sup>38</sup> The work of the Fourth Committee in the context of this topic has in recent years tended to concentrate on the implementation of the *Declaration on the Granting of Independence to Colonial Countries and Peoples* (A/RES/1514 (XV)) and the status of the remaining non-self-governing territories.<sup>39</sup>

Another important issue in the Fourth Committee is the agenda item “comprehensive review of peacekeeping operations.”<sup>40</sup> In order to carry out this work, the General Assembly, in its resolution 2006 (XIX) of 18 February 1965, established the Special Committee on Peacekeeping Operations (also referred to as C-34), which reports to the Fourth Committee.<sup>41</sup> Although there are only 15 peacekeeping operations and 12 political missions, 116 countries contribute uniformed personnel; thus, the issue of peacekeeping is of relevance to the majority of members.<sup>42</sup>

The issue of Palestinian refugees and human rights is also dealt with exclusively by the Fourth Committee. The “Question of Palestine” has been on the agenda of the United Nations General Assembly since its first special session in 1947; however, issues under that agenda are confined to the Plenary, with the exception of the situation of Palestinian refugees in the Fourth Committee and Palestinian sovereignty over natural resources, which is addressed by the Second Committee.<sup>43</sup> In 1975, General Assembly resolution 3376 (XXX) established the Committee on the Exercise of the Inalienable Rights of the Palestinian People as a standing committee to address this issue regularly and consistently.<sup>44</sup> This body reports annually to the General Assembly through the Fourth Committee.<sup>45</sup>

### **Recent Sessions**

The Fourth Committee began its meetings during the 67<sup>th</sup> session of the General Assembly on 29 October 2012 with Mr. Noel Nelson Messone, Ambassador of the Gabonese Republic, as Chair.<sup>46</sup> By the end of the session, 24 draft resolutions had been sent to the General Assembly, including two concerning the peaceful uses of outer space and nine concerning the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).<sup>47</sup> In its discussion of Palestinian refugees, the committee stressed the urgency of the situation and demanded that Israel “cease all practices and actions that violate the human rights of the Palestinian People.”<sup>48</sup> The Fourth Committee also approved a draft resolution by consensus on peacekeeping operations, with a specific focus on special political missions.<sup>49</sup> In this text, the committee acknowledged “the increase in the number and complexity of special political missions” and further requested that the Secretary-General submit a report on the policy matters pertaining to these missions.<sup>50</sup>

General Assembly Plenary approved the program of work and the timetable set forth by the Fourth Committee for its 68<sup>th</sup> session.<sup>51</sup> The division of work for the Fourth Committee would be allocated as such: six meetings should be devoted to non-self-governing territories, ranging from economic issues to study facilities for the peoples of these territories; three meetings on questions relating to information; three meetings on international cooperation in the peaceful uses of outer space; one meeting on the effects of atomic radiation; four meetings on the comprehensive review of the whole question of peacekeeping operations in all their aspects; one meeting on assistance in mine action; two meetings on the comprehensive review of special political missions; two meetings on United Nations Relief and Works Agency for Palestine Refugees in the Near East; and three meetings on the report of the Special

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<sup>38</sup> Weiss & Daws, *The Oxford Handbook on the United Nations*, 2007, p. 105.

<sup>39</sup> United Nations General Assembly, *Revitalization of the work of the General Assembly: Report of the Special Political and Decolonization Committee (A/67/432/REV.1)*, 2012.

<sup>40</sup> United Nations, *Special Political Committee* [Website], 2013.

<sup>41</sup> United Nations, *Special Committee on Peacekeeping Operations* [Website], 2013.

<sup>42</sup> United Nations, *Peacekeeping* [Website], 2013; United Nations, *Department of political affairs* [Website], 2013.

<sup>43</sup> UNISPAL, *Question of Palestine – UN System at a Glance* [Website], 2013.

<sup>44</sup> UNISPAL, *Committee on the Exercise of the Rights of the Palestinian People* [Website], 2013.

<sup>45</sup> UNISPAL, *Committee on the Exercise of the Rights of the Palestinian People* [Website], 2013.

<sup>46</sup> United Nations, *Special Political and Decolonization* [Website], 2013.

<sup>47</sup> United Nations, *Fourth Committee Press Releases* [Website], 2013.

<sup>48</sup> United Nations, *Fourth Committee Press Releases* [Website], 2013.

<sup>49</sup> United Nations, *Fourth Committee Press Releases* [Website], 2013.

<sup>50</sup> United Nations, *Fourth Committee Press Releases* [Website], 2013.

<sup>51</sup> United Nations General Assembly, *Revitalization of the work of the General Assembly: Report of the Special Political and Decolonization Committee (A/67/432/REV.1)*, 2012.

Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.<sup>52</sup>

### **Conclusion**

The Fourth Committee had decolonization as its only area of concern for many years, and accomplished a lot as such. Yet, after the last wave of decolonization, it was able to reinvent itself through the merging with the Special Political Committee. This larger scope of issues, and the unique evolution of the committee, translates in the diverse work of the body. This presents delegates with an opportunity to address a range of critical issues of concern to the international community, including some of the greatest challenges facing the United Nations: protracted conflict and occupation, self-determination and decolonization, the right of refugees to return, and international engagement in peacekeeping and peacebuilding. The mandate of the committee allows for animated debates, whereas its structure calls for cooperation and negotiation. Delegates are encouraged to find a balance within this original framework.

### **Annotated Bibliography**

*Charter of the United Nations*. (1945, June 26). Retrieved 30 June 2013 from:

<http://www.un.org/en/documents/charter/index.shtml>

*The Charter is essential to the understanding of the functioning of the UN and the principles it stands for. Delegates are encouraged to read it thoroughly as it lays out all the powers and responsibilities of the United Nations. Chapter IV is of the utmost importance here, as it provides an introduction to the General Assembly. Special attention should be paid to articles 10 to 17, which relate to the functions and powers of the body.*

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*The United Nations Handbook, published by the Ministry of Foreign Affairs & Trade of New Zealand, is one example of an initiative undertaken by a UN Member State to contribute to strengthening the information available to the international community on the UN system. The handbook is one of the most comprehensive, if not the, most comprehensive, source of information on the aim, structure and membership of the organs of the United Nations. Delegates are recommended to utilize the handbook as a regular reference for all related entities within the UN system which comprise the architecture addressing your topic.*

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[https://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/intorg/un/missny/news.Par.0013.File.tmp/UN\\_PGA\\_Handbook.PDF](https://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/intorg/un/missny/news.Par.0013.File.tmp/UN_PGA_Handbook.PDF)

*This publication is another example of a Member State initiated project aimed at providing comprehensive information on the United Nations with a particular focus on the General Assembly. This document is essential reading for any delegate on the General Assembly due to its specific and insightful overview of the working methods, structures and protocols related to the body. There is no one section which might be more helpful for delegates, all six chapters provide important information that will aid in the preparation for and negotiation at NMUN-NY 2014.*

United Nations. (2013) Special Political and Decolonization. *General Assembly of the United Nations* [Website].

Retrieved 30 June 2013 from: <http://www.un.org/en/ga/fourth/index.shtml>

*This website provides a wide range of information pertaining to the General Assembly Fourth Committee. Here delegates will find links to press releases, past sessions, and other documents that will present a first glance of the committee's work. This website also allows oneself to keep*

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<sup>52</sup> United Nations General Assembly, *Revitalization of the work of the General Assembly: Report of the Special Political and Decolonization Committee (A/67/432/REV.1)*, 2012.

*updated with the recent work of the committee. Indeed, it is essential that delegates familiarize themselves with the past and ongoing work of their committee.*

United Nations. (2013). Subsidiary Organs. *General Assembly of the United Nations* [Website]. Retrieved 25 July 2013 from: <http://www.un.org/en/ga/about/subsidiary/index.shtml>

*This website provides an exhaustive list of subsidiary organs reporting to the General Assembly. This will be helpful in understanding the overall structure of the General Assembly, as well as learning more about the subsidiary organs pertaining to the Fourth Committee. Furthermore, it provides links to these organs' websites, allowing delegates to deepen their knowledge on a variety of topics, including the ones discussed in this year's committee.*

United Nations. (2013). Decolonization. *Global Issues* [Website]. Retrieved 25 July 2013 from: <http://www.un.org/en/globalissues/decolonization/>

*This website will allow delegates to get a first glance at the work of the United Nations in the field of decolonization. It will provide an overview of the issue, from what has been done to what remains to be worked on, as well as helpful related links. This will be useful in understanding the importance of the committee and its major accomplishments. Indeed, although decolonization is not on the agenda, this was originally the only issue addressed by the Fourth Committee, and for a long time it was the most important one. It is thus essential that delegates know more about decolonization.*

United Nations. (2013). Functions and Powers of the General Assembly. *General Assembly of the United Nations* [Website]. Retrieved 30 July 2013 from: <http://www.un.org/en/ga/about/background.shtml>

*This website summarises the functions and powers of the General Assembly. Written by staff of the General Assembly, it provides the basics of what the Plenary Committee examines and where the powers come from. Understanding the procedure and scope in which the General Assembly conducts business should remain in delegate's minds while they research, and the website provides delegates a point of quick reference and a destination that contains a plethora of documents to spark further research.*

United Nation, General Assembly. (2007). *Rules of Procedure of the General Assembly (A/520/Rev.17)*. Retrieved 1 August 2013 from: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/520/rev.17&Lang=E](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/520/rev.17&Lang=E)

*This document compliments the UN Charter. The rules of procedure determine the process by which the General Assembly runs, which is particularly important to help frame an idea of how the committee should function. Without consulting the UN Rules of Procedure, a true simulation of the United Nations is not possible. However, delegates should be aware NMUN uses its own rules of procedure.*

Weiss, T. and S. Daws. (2007). *The Oxford Handbook on the United Nations*. New York, NY: Oxford University Press.

*This book offers an excellent starting point for research about the work of the United Nations in general. It gives a detailed description of the UN, its main bodies and its evolution, as well as insights on diverse topics discussed at the UN. It also provides several theoretical approaches to the UN as an international organization. Delegates will also find specific chapters related to the topics discussed in the committee and critical insights concerning these topics.*

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## I. Civilian Capacity in the Aftermath of Conflict

“Without nationally owned transformation of the institutions that provide citizens with political representation, security, justice, and economic opportunities, there can be no sustained recovery from conflict.”<sup>53</sup>

### *Introduction*

During and after conflict, civilian and governmental capacity can be greatly diminished, putting Member States at risk of slipping back into conflict.<sup>54</sup> In order to establish durable peace and governance in the critical two-year period immediately following conflict, it is necessary for states emerging from conflict to establish and/or strengthen central national institutions, with particular emphasis on inclusive political processes, basic safety and security, justice, economic revitalization, and public administration.<sup>55</sup> However, the costs of armed conflict are nearly innumerable. With the destruction of human lives, infrastructure, economic, political, and social stability, Member States emerging from conflict can experience tremendous challenges in their attempts to recover.<sup>56</sup> States often lack the basic capacity to rebuild vital institutions that have been destroyed during conflict, as weakened governments have difficulty finding and mobilizing individuals with the correct “skills, language and cultural fluency” who are deployable at extremely short notice.<sup>57</sup> The United Nations (UN) has sought to deal with this problem by adopting, enlarging, and centralizing the available body of civilian experts under an international framework to support the immediate needs of Member States emerging from conflict.<sup>58</sup> UN Civilian Capacity (CivCap Initiative), UN Security Council, UN Department of Peacekeeping Operations and Department of Field Support, the Peacebuilding Commission (PBC), and the Economic and Social Council (ECOSOC) now work in concert to carry out the work of the UN system on civilian capacity.

### *International and Regional Framework*

The concept of civilian capacity emerged as a discrete topic at the UN as recently as 2010.<sup>59</sup> However, it is a familiar concept in international peace and security discourse. Civilian capacity is an essential part of a larger international narrative on peacebuilding and peacekeeping. In order to understand the transition from peacebuilding to civilian capacity, it is important to understand peacebuilding. Peacebuilding can be thought of as a continuous national political process aimed at preventing relapse into conflict and creating self-sustaining peace by providing “(i) basic safety and security including protection of civilians and rule of law, (ii) inclusive political processes, (iii) delivery of basic services, (iv) restoring core government functions, and (v) economic revitalization.”<sup>60</sup>

One consistent thematic element in peacekeeping operations is to “protect civilians under imminent threat of danger,” which aligns with the “protection of civilians” (POC) agenda.<sup>61</sup> Peacekeepers whom are deployed in missions that have a mandate to protect civilians, carry out this mandate in three ways: protection through political processes, protection from physical violence, and the establishment of protective environments.<sup>62</sup> When peacekeepers (also referred to as “early peacebuilders”) are engaged in country-level programs, they “articulate peacebuilding priorities (...) enable other national and international actors (...) and implement certain early peacebuilding tasks themselves.”<sup>63</sup> In the Secretary-General’s 2009 report on *Peacebuilding in the Immediate Aftermath of Conflict* (A/63/881-S/2009/304), he stresses the importance of national ownership over the

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<sup>53</sup> UN General Assembly, *Civilian Capacity in the Aftermath of Conflict: Report of the Secretary General* (A/67/312), 2012.

<sup>54</sup> Ibid

<sup>55</sup> Ibid

<sup>56</sup> 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.

<sup>57</sup> UN General Assembly, *Civilian Capacity in the Aftermath of Conflict: Independent Report of the Senior Advisory Group* (A/65/747), [Report] 2011.

<sup>58</sup> UN Civilian Capacities Initiative, *Background: CivCap History* [Website], 2013.

<sup>59</sup> UN General Assembly, *Report of the Secretary General on Peacebuilding in the Immediate Aftermath of Conflict* (A/63/881); UN Civilian Capacities Initiative, *Background: CivCap History* [Website], 2013.

<sup>60</sup> UN Department of Peacekeeping Operations, *Peacekeeping and Peacebuilding: Clarifying the Nexus* [Report], 2010: p. 1.

<sup>61</sup> UN Department of Peacekeeping Operations, *Civil Affairs Handbook* [Publication], 2012: Chapter IV, Section 2, p. 53-55.

<sup>62</sup> UN Department of Peacekeeping Operations, *Civil Affairs Handbook*, 2012; Original Operational Definition from UN Department of Peacekeeping Operations and Department of Field Support, *DPKO/DFS Operational Concept on the Protection of Civilians in United Nations Peacekeeping Operations*, 2010.

<sup>63</sup> UN Department of Peacekeeping Operations, *Peacekeeping and Peacebuilding: Clarifying the Nexus* [Report], 2010: p. 2.

peacebuilding process by rapidly deploying civilian capacities, and identifies a critical moment in the peacebuilding process during the first two years following conflict.<sup>64</sup> During this delicate window of opportunity, if states are able to “provide basic security, deliver peace dividends, shore up and build confidence in the political process, and strengthen core national capacity,” they can lay the foundation for sustainable development and sustainable peace, and greatly reduce the risk of relapse into conflict.<sup>65</sup> The focus on utilizing civilian deployment to strengthen national capacities during the embryonic post-conflict period established the theoretical basis for civilian capacity as a unique imperative.<sup>66</sup>

In 2011, at the Second International Dialogue on Peacebuilding and Statebuilding, members of the g7+ Group drafted the Monrovia Roadmap on Peacebuilding and Statebuilding.<sup>67</sup> The Monrovia Roadmap is a joint agreement that outlines five objectives for international peacebuilding and statebuilding.<sup>68</sup> The five objectives are legitimate politics, security, justice, economic foundations, and revenues and services.<sup>69</sup> The *Monrovia Roadmap* (2011), in conjunction with the *Paris Declaration on Aid Effectiveness* (2005), the *Principles for Good International Engagement in Fragile States and Situations* (2007), the *Kinshasa Statement* (2008), the *Accra Agenda for Action* (2008), and the *Dili Declaration* (2010) paved the way for the International Dialogue on Peacebuilding and Statebuilding to draft the *New Deal for Engagement of Fragile States* on 11 November, 2011, at the Fourth High Level Forum on Aid Effectiveness in Busan, Republic of Korea.<sup>70</sup> The *New Deal* serves as “a key agreement between fragile states and partners to change the policy and practice of engagement,” and is signed by more than forty states.<sup>71</sup> Without authentic political dialogue, attempts at post-conflict recovery are patently unsustainable.<sup>72</sup> The ambition of the *New Deal* is to guarantee national ownership of the transition out of the condition of fragility by supporting the processes of political dialogue, and securing “trust, inclusiveness, and leadership.”<sup>73</sup> Civilian capacity has also been a topic of discussion at several regional and international conferences, such as the *Cairo Conference on Capacity Development*, the *Addis Ababa Meeting on Peacebuilding and Statebuilding*, and the G7+ Juba Ministerial Retreat.<sup>74</sup>

The first major resolution focused on civilian capacity, General Assembly (GA) Resolution 66/255 (*Civilian Capacity in the Aftermath of Conflict*), was adopted without a vote on 15 May 2012, and requests regular consideration of the topic, as well as a report from the Secretary-General.<sup>75</sup>

### ***Role of the United Nations System***

The UN’s work in Civilian Capacity relies on several of the key instruments of the UN, as well as several other bodies within the UN system, more specifically the GA, the Security Council, ECOSOC, and the PBC.

On May 20, 2008, in a Presidential Statement, the Security Council elicited the advice of the Secretary-General on possible strategies to improve post-conflict peacebuilding “in the areas of coordination, civilian deployment and financing.”<sup>76</sup> The Secretary-General responded with his 2009 report on *Peacebuilding in the immediate aftermath of conflict* (A/63/881-S/2009/304). To date, there have been six statements by the President of the Security Council, and four reports by the Secretary-General, on enhancing civilian capacity in post-conflict peacebuilding.<sup>77</sup>

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<sup>64</sup> UN General Assembly, *Report of the Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict* (A/63/881-S/2009/304), 2009.

<sup>65</sup> Ibid

<sup>66</sup> Ibid

<sup>67</sup> International Dialogue on Peacebuilding and Statebuilding, *Monrovia Roadmap on Peacebuilding and Statebuilding*, 2011.

<sup>68</sup> Ibid

<sup>69</sup> Ibid

<sup>70</sup> International Dialogue on Peacebuilding and Statebuilding, *The New Deal*, 2011.

<sup>71</sup> Ibid

<sup>72</sup> Ibid

<sup>73</sup> Ibid

<sup>74</sup> Ibid

<sup>75</sup> UN General Assembly, *Civilian Capacity in the Aftermath of Conflict* (A/RES/66/255) [Resolution], 2012.

<sup>76</sup> UN Security Council, *Statement by the President of the Security Council* (S/PRST/2008/16), 2008.

<sup>77</sup> Security Council Report, *May 2011 Monthly Forecast: Peacebuilding, Civilian Capacity Review*, 2011; United Nations Civilian Capacities, Official Documents, 2013.

In March 2010, the Secretary-General appointed the Senior Advisory Group on Civilian Capacity in the Aftermath of Conflict to investigate the potential role of the United Nations in broadening and deepening the pool of civilian experts who may support states during post-conflict recovery.<sup>78</sup> The Senior Advisory Group produced its first report in 2011 and identified five major areas impairing post-conflict recovery: “basic safety and security, inclusive political processes, basic services, core government functionality and economic revitalization”.<sup>79</sup> According to the advisory group, shortcomings in these areas are correlated strongly with relapse into conflict.<sup>80</sup>

In order to effectively respond to challenges in those five core topics and attempt to secure sustainable peace and development after conflict, the Senior Advisory Group developed an international framework for civilian capacity called OPEN.<sup>81</sup> The letters in OPEN represent the core tenets of the framework – national Ownership, global Partnerships, delivering Expertise, and Nimbleness.<sup>82</sup> In 2011, the Secretary-General appointed a steering committee to reign in the broad range of recommendations, and guarantee “coordination and coherence” in the United Nations’ response.<sup>83</sup>

Following the adoption of Resolution 66/255 in 2012, there have been three regional consultations for input and perspective from Asian Member States, African Member States, and Arabic Member States in March, July, and September 2012, respectively.<sup>84</sup> Each regional consultation produced several conclusions that can be found in the summary notes published on the CivCap Initiative website.<sup>85</sup>

In addition to the OPEN framework, the UN has launched a website, Civilian Capacity for Peace Operations, which centralizes the work of the UN on the subject of civilian capacity.<sup>86</sup> Through CivCap, the UN has also established an “online platform for exchanging experiences in post-conflict transitions,” which seeks to match civilian capacity with local needs called CAPMATCH.<sup>87</sup> CAPMATCH is a resource for governments, academia, and non-governmental organizations which provides “a supply of services...from governments, inter-government, and non-government organisations [sic]” to states in need of assistance in five major categories: safety and security, justice, core government functionality, economic revitalization, and inclusive political processes.<sup>88</sup>

In addition to the work of the UN, a number of Member States, intergovernmental organizations, and non-governmental organizations have collectivized to carry out the task of building civilian capacity in the aftermath of conflict through external partnerships and global networks. Forty-four states and eight international organizations – the African Development Bank, African Union (AU), Asian Development Bank, European Union, International Monetary Fund, Organization for Economic Cooperation and Development, the UN, and the World Bank have come together to form the International Dialogue on Peacebuilding and Statebuilding.<sup>89</sup>

In 2009, following the adoption of the 2007 *Principles for Good International Engagement in Fragile States and Situations*, the Organisation for Economic Co-operation and Development spearheaded the creation of the International Network on Conflict and Fragility.<sup>90</sup> The network works in concert with governmental, inter-governmental, and non-governmental organizations including the UN and the International Dialogue on Peacebuilding and Statebuilding to create assessments of states’ fragility, which is measured in terms of economic

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<sup>78</sup> UN General Assembly, *Civilian Capacity in the Aftermath of Conflict: Report of the Secretary General (A/66/311-S/2011/527)*, 2011.

<sup>79</sup> UN General Assembly, *Civilian Capacity in the Aftermath of Conflict: Independent Report of the Senior Advisory Group (A/65/747)*, 2011.

<sup>80</sup> UN General Assembly, *Civilian Capacity in the Aftermath of Conflict: Report of the Secretary General (A/66/311-S/2011/527)*, 2011.

<sup>81</sup> Ibid

<sup>82</sup> Ibid

<sup>83</sup> Ibid

<sup>84</sup> United Nations, *Civilian Capacities, CivCap: Partners* [Website], 2013.

<sup>85</sup> United Nations, *Civilian Capacities* [Website], 2013.

<sup>86</sup> Ibid

<sup>87</sup> UN *Civilian Capacities* [Website], 2013.

<sup>88</sup> United Nations, *About CapMatch* [Website], 2012.

<sup>89</sup> International Dialogue on Peacebuilding and Statebuilding, *Participating Countries and Organizations* [Website], 2013.

<sup>90</sup> Organization for Economic Cooperation and Development, *Conflict and Fragility* [Website], 2013.

growth, human development, violence, and poverty.<sup>91</sup> The latest report from the International Dialogue, *Fragile States 2013*, provides information about resource flows and other important trends, such as changes in the forms and quality of foreign aid in forty-seven fragile states and economies.<sup>92</sup> The International Network on Conflict and Fragility is the first international entity to focus on fragility as a concept and is extremely useful in that regard.<sup>93</sup> To put it in perspective, roughly 70% of fragile states have experienced conflict since 1989, and thirty-five state considered fragile in 1979 are still fragile to this day.<sup>94</sup>

#### *Institutional Involvement*

There are many examples of national, regional, or independent organizations participating in civilian capacity. While not all of them can be covered, the following section will briefly discuss several countries or organizations that have had recent, significant contributions in this topical area. In 2010, Germany's Berlin Center for International Peace Operations published both their *Report of the Workshop on Management of Rosters of Deployable Civilian Capacity*, and their catalogue of *Peacekeeping Training Centers in Africa, Middle East, and Asia* in collaboration with the International Association of Peacekeeping Training Centers.<sup>95</sup> In addition to the government of Norway hosting and co-sponsoring two of the three regional consultations, the Norwegian Institute of International Affairs has published multiple policy briefs on civilian capacity, and the Norwegian Peacebuilding Resource Center, established by the Norwegian Ministry of Foreign Affairs in 2008, has provided a host of information to the Norwegian Ministry of Foreign Affairs and the UN alike.<sup>96</sup> The African Center for the Constructive Resolution of Disputes (ACCORD) has worked closely with the government of South Africa, the UN, and the AU, including at the African Regional Consultation in July 2012.<sup>97</sup> ACCORD has held roundtables and published multiple reports on peacebuilding, most notably their report on the proceedings of the African Regional Consultation, *Civilian Capacities in the Aftermath of Conflict: Towards strengthened partnerships with African Member States*.<sup>98</sup> Lastly, the governments of India, South Africa, Indonesia, Brazil, Turkey, and Russia have recently taken steps towards fortifying national cooperation programs.<sup>99</sup>

#### **The OPEN Framework**

To better “[support] and [enable] the national capacities that are essential for an enduring peace” in countries emerging from conflict, the 2011 report of the Senior Advisory Group (CODE) proposed the four-pronged international framework called OPEN.<sup>100</sup> The framework emphasizes the importance of building and strengthening core national institutions (Ownership), knowledge and skill trade, information sharing, technical assistance, and global partnerships, especially South-South cooperation (Partnerships), enlarging the available body of civilian experts who can be quickly deployed to assist with local needs (Expertise), and using the available resources most effectively (Nimbleness).<sup>101</sup>

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<sup>91</sup> Organization for Economic Cooperation and Development, *Fragile States 2013* [Website], 2013.

<sup>92</sup> Ibid

<sup>93</sup> Organization for Economic Cooperation and Development, *International Network on Conflict and Fragility: Who We Are*, 2009.

<sup>94</sup> International Dialogue on Peacebuilding and Statebuilding, *The New Deal*, 2011; OECD International Network on Conflict and Fragility: *Who We Are*, 2009.

<sup>95</sup> Berlin Center for International Peace Operations, *Report of the Workshop on Management of Rosters of Deployable Civilian Capacity*, 2010; Berlin Center for International Peace Operations, *Peacekeeping Training Centers in Africa, Middle East, and Asia*, 2010.

<sup>96</sup> Norwegian Institute of Foreign Affairs, *Norwegian Institute of Foreign Affairs* [Website], 2013; Norwegian Peacebuilding Resource Centre, *Supporting Peacebuilding Policy and Practice* [Website], 2013.

<sup>97</sup> African Centre for the Constructive Resolution of Disputes, *ACCORD Working to Enhance Civilian Capacities in the Aftermath of Conflicts*, 2012.

<sup>98</sup> African Centre for the Constructive Resolution of Disputes, *Civilian Capacities in the Aftermath of Conflict: Towards strengthened partnerships with African member states*, 2012.

<sup>99</sup> Norwegian Institute of Foreign Affairs, Policy Brief no. 6, *CivCap, Emerging Powers and the Global South: Evidence for a New Phase of Engagement*, 2013 p. 3.

<sup>100</sup> UN General Assembly, *Civilian Capacity in the Aftermath of Conflict: Independent Report of the Senior Advisory Group (A/65/747)*, 2011.

<sup>101</sup> UN General Assembly, *Civilian Capacity in the Aftermath of Conflict: Report of the Secretary General (A/67/312)*, 2012.



The Senior Advisory group identifies five major challenges and makes seven recommendations meant to bolster national capacity in the aftermath of crises.<sup>102</sup> The five primary challenges include establishing the primacy of national capacity, reducing the flight of talented individuals and professionals from their home countries (or “brain drain”), prioritizing gender equality in development programs, maximizing economic impact, and actual capacity development.<sup>103</sup> The section emphasizes support for domestic actors, rather than international ones.<sup>104</sup> Working with and nurturing “fledgling national capacities” is much more helpful to the developing country than temporarily replacing national institutions with ones transplanted from public or private international partners.<sup>105</sup>

It is often necessary for the United Nations to draw on external capacities to best serve Member States, most commonly from the Member States themselves, or civil society.<sup>106</sup> Since states emerging from conflict often require assistance from individuals or groups with specific or technical skills, maintaining excellent relationships and points of contact with a range of quickly deployable specialists is vital.<sup>107</sup> The Group therefore requested the creation of a mechanism where Member States access centralized information about agencies, programs, and rosters vital for effective partnerships and development, since individual rosters would be impossible logistically.<sup>108</sup> Speed and cooperation are paramount in order for partnerships to be effective, speed.<sup>109</sup> One example of an effective global partnership is the triangular cooperation on aid coordination between Cambodia and Timor-Leste, which is funded by the Japan International Cooperation Agency.<sup>110</sup>

Although South-South cooperation is often stressed, independent research found that the Global South is “already a significant provider of civilian capacity,” comprising over 60% of the international civilian staff in peacekeeping and special political missions, and over 80% of justice and correctional personnel deployed as Government-Provided Personnel in UN Missions.<sup>111</sup> In fact, smaller countries in the Global South, especially less developed ones, tend to favor multilateral partnerships, as they can simultaneously avoid bearing the direct costs of bilateral partnerships while enjoying both the reputational benefits and the more diverse range of expertise available through multilateral programs.<sup>112</sup>

Despite the need to deliver civilian capacity to localized national needs, the UN had been less than successful in its attempts at building civilian capacity before the publication of the report.<sup>113</sup> In response, the Senior Advisory Group reaffirmed the need to create a “large, responsive” recruitment system for quickly deployable civilian expertise, which eventually became CAPMATCH.<sup>114</sup> The five most critical areas of expertise were identified as basic safety and security, inclusive political processes, humanitarian activities, core government functions, and economic revitalization.<sup>115</sup>

Limited resources and funding are two conditions intrinsic to the aftermath of conflict, making such efficient allocation of those resources essential. The inability to move both fiscal and human capital creates inefficiency and inflexibility, both of which are very problematic in the critical period following conflict.<sup>116</sup> The budgetary process alone takes approximately 18 to 24 months, which, according to Secretary-General Ban Ki-Moon, is completely

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<sup>102</sup> UN General Assembly, *Civilian Capacity in the Aftermath of Conflict: Independent Report of the Senior Advisory Group (A/65/747)*, 2011.

<sup>103</sup> Ibid

<sup>104</sup> Ibid

<sup>105</sup> Ibid

<sup>106</sup> Ibid

<sup>107</sup> Ibid

<sup>108</sup> Ibid

<sup>109</sup> Ibid

<sup>110</sup> Ibid

<sup>111</sup> Norwegian Institute of Foreign Affairs, Policy Brief no. 6, *CivCap, Emerging Powers and the Global South: Evidence for a New Phase of Engagement*, 2013: p. 3-4.

<sup>112</sup> Ibid

<sup>113</sup> UN General Assembly, *Civilian Capacity in the Aftermath of Conflict: Independent Report of the Senior Advisory Group (A/65/747)*, 2011.

<sup>114</sup> Ibid

<sup>115</sup> Ibid

<sup>116</sup> Ibid

“unworkable in the volatile aftermath of conflict.”<sup>117</sup> In order to maintain efficiency, the Senior Advisory Group recommended that the UN reconsider its sources of funding, harmonize trust fund overheads across the UN, and establish secure, diverse sources of funding in order to guarantee availability of funding and to make leveraging comparative advantage possible.<sup>118</sup> The proposed changes are all designed to add critical flexibility to its program, and hasten mission start-up.<sup>119</sup>

While the core framework and trajectory has been established by several of the aforementioned guiding documents, as well as the recommendations of the Senior Advisory Group and Steering Committee, there is still progress to be made.

### ***Key Opportunities***

Although the UN has engaged in several country-level peacebuilding programs, such as the UN Assistance Mission in Sierra Leone (UNAMSIL), the actual OPEN framework and CivCap models have yet to be implemented by any country.<sup>120</sup> The Norwegian Institute of Foreign Affairs (NUPI) posits that “the concepts and tools of CivCap...need to be tested through actual test cases rather than discussions in principle” in order to identify and overcome practical challenges.<sup>121</sup> Among the conceptual challenges facing the actual implementation of CivCap are: gender equality, uncertainty in the recruitment process, rigid cluster models, and the question of ownership.<sup>122</sup>

#### ***Women***

The need to address the specific needs of women in post-conflict capacity development is paramount, as the reassessment of gender roles during peacebuilding and statebuilding can produce tremendous progress in terms of gender equality.<sup>123</sup> However, by the Secretary-General’s own admission, “while guidelines can be important tools, they do not appear to be effective in ensuring that women’s needs are addressed, or that women are included in post-conflict planning and programme implementation.”<sup>124</sup> According to the Secretary-General’s report on Women’s Participation in Peacebuilding, a review of post-conflict needs assessments found that although gender equality is consistently and adequately stressed in frameworks, programs specifically addressing women’s issues or gender equality only receive approximately four percent of budget allocations.<sup>125</sup> The sense of urgency surrounding gender equality is present during planning phases, and it must be preserved during the transition from planning to action.

#### ***Recruitment Process***

CAPMATCH, as previously discussed, is a tool designed for academia, governments, and organizations to find information on the civilian expertise necessary to fulfill a specific need in terms of capacity development. However, neither CAPMATCH nor the UN is involved in the brokering process between the state and the civilian experts that ideally leads to deployment, due to insufficient resources.<sup>126</sup> At the third UN Civilian Capacities Regional Consultation in the Kingdom of Morocco, Member States discussed various systemic mechanisms for funding

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<sup>117</sup> Ibid

<sup>118</sup> Ibid

<sup>119</sup> UN General Assembly, *Civilian Capacity in the Aftermath of Conflict: Independent Report of the Senior Advisory Group (A/65/747)*, 2011.

<sup>120</sup> Norwegian Institute of Foreign Affairs, Policy Brief no. 6, *CivCap, Emerging Powers and the Global South: Evidence for a New Phase of Engagement*, 2013: p. 3-4.

<sup>121</sup> Ibid

<sup>122</sup> UN General Assembly, *Civilian Capacity in the Aftermath of Conflict: Report of the Secretary General (A/66/311-S/2011/527)*, 2011: p. 6-7; Norwegian Institute of Foreign Affairs, Policy Brief no. 6, *CivCap, Emerging Powers and the Global South: Evidence for a New Phase of Engagement*, 2013: p. 2-4; UN Civilian Capacities, *UN Civilian Capacities Regional Consultation Summary Note*, 2012, p. 5.

<sup>123</sup> UN General Assembly, *Women’s Participation in Peacebuilding: Report of the Secretary-General (A/65/354-S/2010/466)*, 2010.

<sup>124</sup> UN General Assembly, *Civilian Capacity in the Aftermath of Conflict: Report of the Secretary General (A/66/311-S/2011/527)*, 2011: p. 6-7.

<sup>125</sup> UN General Assembly, *Women’s Participation in Peacebuilding: Report of the Secretary-General (A/65/354-S/2010/466)*, 2010.

<sup>126</sup> Norwegian Institute of Foreign Affairs, Policy Brief no. 6, *CivCap, Emerging Powers and the Global South: Evidence for a New Phase of Engagement*, 2013: p. 2-4.

exchanges made through CAPMATCH.<sup>127</sup> With this in mind, delegates may wish to consider alternative methods of funding civilian exchanges.

### *Rigid Cluster Models*

In its report, the Independent Senior Advisory Group identified five clusters of capacity gap areas: basic safety and security, inclusive political processes, basic services, core government functionality, and economic revitalization.<sup>128</sup> Within each cluster, there are several core sub-clusters. Ideally, civilian expertise is available for any cluster or sub-cluster. While the range of topics is rather expansive, it falls short of the full range of civilian capacities offered by individual governments.<sup>129</sup> Further, many states hold that the model's niche capacity areas are too static for actual post-conflict application when taking into account regional and cultural variation. It may be beneficial for Member States to issue case-by-case requests for assistance in very particular areas, which are much more likely to yield desirable results.<sup>130</sup> As one example, Arab states at the third regional consultation strongly supported the potential for a separate, Arabic version of CAPMATCH to better support governments and organizations in the Arab region.<sup>131</sup>

### *The Question of Ownership*

In various forms of intrastate conflict, governing regimes are often contested and sometimes replaced. Accordingly, in the early stages of peacebuilding and statebuilding following intrastate conflict, governments may lack not only the capacity to deliver basic security and services, but also the capacity for legitimacy.<sup>132</sup> When a government's legitimacy to govern is challenged, any claim to ownership over a national peacebuilding process is necessarily challenged as well. In the immediate post-conflict period, fledgling governments necessarily craft programs designed to provide security and protection for the regime as much as for the public it governs.<sup>133</sup> It is therefore problematic for international peacebuilders to find "credible internal actors" with whom to engage, particularly during the transition period between the end of conflict and the first national election.<sup>134</sup> The early presence of peacebuilders is crucial in order to diagnose capacity needs and understand the underlying causes of the conflict that caused that needs before any civilian experts are deployed.<sup>135</sup> Delegates may wish to investigate reexamination of the recruitment process, in order to make it more reliable and effective.

### **Conclusion**

Delegates are encouraged to approach the multifaceted issue of civilian capacity in the aftermath of conflict from a variety of angles, including resource distribution, the financing of operations, the relative balance of national and international involvement, global and multilateral partnerships, the challenge of communicating local needs (especially in remote and rural areas, or where information and communications technology infrastructure has been destroyed), timeframes, and increased mobility. It is also advisable to carefully examine the topic of diversity and the critical importance of women in development. Delegates may want to begin their research by asking themselves questions about the documents they are reading. Certain questions that impact the debate include: What are the major challenges to civilian capacity during post-conflict recovery, and how can they be improved? How quickly can development challenges be identified and addressed in the aftermath of conflict? Are issues properly identified and addressed by new or weakened governments? Are there topics in the current discourse on civilian capacity that should be expanded?

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<sup>128</sup> UN General Assembly, *Civilian Capacity in the Aftermath of Conflict: Independent Report of the Senior Advisory Group (A/65/747)* [Report], 2011.

<sup>129</sup> Norwegian Institute of Foreign Affairs, Policy Brief no. 6, *CivCap, Emerging Powers and the Global South: Evidence for a New Phase of Engagement*, 2013: p. 3-4.

<sup>130</sup> Ibid

<sup>131</sup> UN Civilian Capacities, *UN Civilian Capacities Regional Consultation Summary Note*, 2012, p. 5.

<sup>132</sup> Morris, *Conjuring Spirits from the Vasty Deep: A User's Guide to Proposals for Strengthening UN Civilian Capacity in Peace Operations*, 2010: p. 13-14.

<sup>133</sup> Ibid

<sup>134</sup> Ibid

<sup>135</sup> Ibid

International Dialogue on Peacebuilding and Statebuilding. (2011). *The New Deal*. International Dialogue on Peacebuilding and Statebuilding. Retrieved 25 July 2013 from <http://www.pbsdialogue.org/thenewdealarchive/#d.en.214430>

*This document is of critical importance to civilian capacity in the aftermath of conflict. The New Deal is a recent development in the international discourse surrounding post-conflict recovery, and holds several important insights that delegates should find extremely useful in their research. The New Deal attempts to create a new type of engagement for country-owned transitions out of conflict through true partnerships rather than interventions, and builds onto several other foundational documents.*

Morris, E. (2010). *Conjuring Spirits from the Vasty Deep: A User's Guide to Proposals for Strengthening UN Civilian Capacity in Peace Operations*. Center for International Security and Cooperation. Retrieved 4 September 2013 from <http://iis-db.stanford.edu/pubs/22918/CISACCivilianPeaceReport.pdf>

*In this report, Eric Morris examines some critical issues in the peacebuilding process, including the question of national ownership in contested regimes, and the reliability of deployable standby forces. He is also somewhat critical of the existing institutional machinery of civilian capacity in peace operations. After familiarizing themselves with the topic broadly, delegates should read this report and think seriously about the challenges to UN peacebuilding response, as well as Morris' recommendations to strengthen it.*

Organisation for Economic Co-operation and Development. (2013). *Fragile States 2013: Resource Flows and Trends in a Shifting World*. Retrieved 26 July 2013 from <http://www.oecd.org/dac/incaf/FragileStates2013.pdf>

*This major document is the most recent annual report of the OECD's International Network on Conflict and Fragility. The concept of fragility, as explained in the background guide, is very closely involved with post-conflict recovery. The conclusion seems to confirm that implementation of the New Deal will help improve aid effectiveness and guarantee that peacebuilding and statebuilding priorities are supported with the proper care in fragile states. It makes three recommendations focused on context-specific analysis of the particular "features and trends" contributing to each state's fragility.*

United Nations, Civilian Capacities (2012). *UN Civilian Capacities Regional Consultations [Summary Notes]*. Retrieved 1 September 2013 from <http://www.civcapreview.org/Default.aspx?tabid=3751&language=en-US>

*UN CivCap has engaged in three regional consultations with African, Asian, and Arab Member States between March and September of 2012. Summary notes from these consultations can be found on the CivCap website under the "Events" tab, as cited above. The summary notes give unique insight into the regional concerns of Member States on Civilian Capacity. Delegates would be well served to investigate the regional perspectives in order to contextualize certain parts of the debate.*

United Nations, General Assembly, Security Council. (2010, September 7). *Women's Participation in Peacebuilding: Report of the Secretary-General (A/65/354-S/2010/466)*. Retrieved 22 July 2013 from: <http://undocs.org/A/65/354>

*The role of women in peacebuilding and development simply cannot be understated. This document is one of the Secretary-General's reports on the participation of women, and should be helpful in the context of building civilian capacity. Delegates are encouraged to seek out more information on gender equality and women's participation during the course of their research.*

United Nations, General Assembly, Sixty-Fifth Session. (2011, February 19). *Civilian Capacity in the Aftermath of Conflict: Independent Report of the Senior Advisory Group (A/65/747-S/2011/85)*. Retrieved 1 July 2013 from: <http://undocs.org/A/65/747>

*The Independent Report of the Senior Advisory Group is the largest and most comprehensive substantive document on civilian capacity in the aftermath of conflict. The Senior Advisory Group's recommendations established a trajectory for future action in Civilian Capacity and should be extremely useful in that regard. As a helpful tool, the second annex in the Independent*

*Report of the Senior Advisory Group isolates the recommendations of the group from the rest of the document, for clarity.*

United Nations, General Assembly, Sixty-Seventh Session. (2012, August 15). *Civilian Capacity in the Aftermath of Conflict: Report of the Secretary-General (A/67/312-S/2012/645)*. Retrieved 1 July 2013 from <http://undocs.org/A/67/312>

*This latest report from the Secretary-General is a substantive update of the UN's progress in civilian capacity in the aftermath of conflict. Contained in the report are reviews of two country-level programs in Liberia and Côte d'Ivoire. Lastly, the report offers several insightful lessons gained from the country-level work and partnerships that can be applied in the future.*

United Nations, General Assembly, Sixty-Sixth Session. (2011, August 19). *Civilian Capacity in the Aftermath of Conflict: Report of the Secretary-General (A/66/311-S/2011/527)*. Retrieved 1 July 2013 from: <http://undocs.org/A/66/311>

*This report is an earlier substantive update, directly following the independent report of the senior advisory group, and the creation of a steering committee to constrain the broad scope of the independent report. The Secretary-General's report is the first reaction to the findings of the independent report. Within the text of the report, the Secretary-General conveys his plan for how the UN ought to react to major challenges in four areas: national capacity, international civilian capacities, expertise and accountability, and financial and operational agility.*

United Nations, General Assembly, Sixty-Sixth Session. (2012, May 15). *Resolution 66/255 Civilian Capacity in the Aftermath of Conflict (A/RES/66/255)* [Resolution]. Retrieved 1 July 2013 from: <http://undocs.org/A/RES/66/255>

*This resolution is the only GA resolution with a direct focus on civilian capacity in the aftermath of conflict as a discrete topic. The document summarizes the basic goals and principles of civilian capacity, and calls for a report from the Secretary-General by 2012. Through this resolution, the GA also commits to continue consideration of civilian capacity.*

United Nations, General Assembly, Sixty-Third Session. (2009, June 11). *Report of the Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict (A/63/881-S/2009/304)*. Retrieved 1 July 2013 from: <http://undocs.org/A/63/881>

*This report is the first response to the Security Council President's comments in 2008. The report offers background and context for building civilian capacity in the aftermath of conflict. Primarily, the report highlights the importance of the critical, delicate post-conflict period for developing lasting peace and proper governance. The Secretary-General's report offers not only historical context and background, but also a comprehensive overview of the topic as it evolves from a discussion of peacebuilding to a discussion of civilian capacity. The report also discusses the way that the various bodies of the UN interact, including the General Assembly, the Security Council, and the Peacebuilding Commission, and his own conclusions and observations regarding civilian capacity.*

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## II. Strengthening the United Nations Relief and Works Agency for Palestine Refugees in the Near East

*"The issue of Palestine refugees has been a compelling political and humanitarian crisis since their original dispersion from their homes 63 years ago - a crisis inscribed in the broader, tragic history of all Palestinians in the last decades, and in fact defining that history - more so, perhaps, than any other of its elements."<sup>136</sup>*

### **Introduction**

Palestine refugees comprise the largest and longest standing population of individuals forcibly displaced from one area in the world, numbering close to 6.5 million as of 2010.<sup>137</sup> The current displacement can be traced in part to the 1948 Arab-Israeli War, in which millions of Palestinians were forcibly displaced. Prior to this conflict, in an attempt to prevent looming conflict in the Middle East, United Nations (UN) General Assembly (GA) Resolution 181 was adopted on 29 November 1947.<sup>138</sup> This resolution recommended the creation of two states, one Jewish and one Arab, in the British-controlled Mandate Palestine; however, this proposal was rejected by the parties, triggering the violent conflict.<sup>139</sup> Over the course of the following year, an estimated 430 to 500 Palestinian villages were depopulated and destroyed by the nascent Israeli armed forces; some of the inhabitants were killed, and most fled to the surrounding Arab states.<sup>140</sup> When the armistice between Israel and the Arab states was signed in 1949, around two-thirds of Palestinian homes in the territory that became the State of Israel, now enlarged from that originally intended under Resolution 181, were destroyed, and Jewish-Israeli citizens occupied the remaining houses.<sup>141</sup> The Israeli military, the Israel Defense Forces (IDF), prevented the refugees from returning to these villages through the use of a 'shoot to kill' policy.<sup>142</sup> In addition, the Knesset, the legislature of the Israeli government, passed laws to prohibit the return of Palestinians who had left their houses during the war.<sup>143</sup>

In response to these events, the GA established the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in order to assist registered Palestine refugees.<sup>144</sup> As of July 2013, UNRWA provides assistance and protection for, and advocates on behalf of, some five million Palestine refugees in its countries of operation.<sup>145</sup> UNRWA faces challenges across the operational, logistical, and political spectrums. One of these challenges began in 2011 with the beginning of now-ongoing unrest and humanitarian crisis in Syria, which has led to Palestine refugees in Syria and UNRWA personnel in Syria becoming more and more endangered.<sup>146</sup> Palestine refugees from Syria had to flee once again to seek shelter in Lebanon or Jordan, putting further stress to UNRWA in these countries.<sup>147</sup> While the situation in Gaza for refugees has slightly improved in comparison to open military confrontations of previous years, UNRWA is still facing severe constraints in its operations there caused by the ongoing blockade by both Israel and Egypt. In both Gaza and the West Bank, UNRWA's work still faces problems related to the ongoing occupation, such as roadblocks and travel restrictions for its personnel.<sup>148</sup>

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<sup>136</sup> Grandi, *Palestine Refugees: An Unresolved Question at the Time of the Syria Crisis*, 2013.

<sup>137</sup> Akram, *Myths and Realities of the Palestine Refugee Problem. Reframing the Right of Return*, 2011, p. 13; BADIL Historical Overview [Website].

<sup>138</sup> UN General Assembly, *Resolution Adopted on the Report of the Ad Hoc Committee on the Palestinian Question (A/RES/182(II)[A-B])* [Resolution], 1947.

<sup>139</sup> UN General Assembly, *Resolution Adopted on the Report of the Ad Hoc Committee on the Palestinian Question (A/RES/182(II)[A-B])* [Resolution], 1947; Akram, *Myths and Realities of the Palestine Refugee Problem. Reframing the Right of Return*, 2011, p. 16.

<sup>140</sup> Akram, *Myths and Realities of the Palestine Refugee Problem. Reframing the Right of Return*, 2011, p. 16.

<sup>141</sup> Takkenberg, *The Status of Palestinian refugees in International Law*, 1998, p. 16.

<sup>142</sup> Akram, *Myths and Realities of the Palestine Refugee Problem. Reframing the Right of Return*, 2011, p. 16.

<sup>143</sup> Takkenberg, *The Status of Palestinian refugees in International Law*, 1998, p. 16.

<sup>144</sup> UN General Assembly, *Assistance to Palestine Refugees (A/RES/302 (IV))* [Resolution], 1949.

<sup>145</sup> UNRWA, *About UNRWA* [Website], 2013.

<sup>146</sup> UN News, *UN agency deplors impact of Syria crisis on Palestine refugees, laments staff member's death* [Website], 2013.

<sup>147</sup> IRIN, *Analysis: Palestinian refugees from Syria feel abandoned* [Website], 2012; UNRWA, *Syria crisis situation update (Issue 59)*, 2013.

<sup>148</sup> UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/67/13)*, 2012.

## ***Defining a “Palestine Refugee”***

The first problem when addressing the issue of Palestine refugees in an international framework is the question of jurisdiction. The *Convention Relating to the Status of Refugees* (1951) and the *1967 Protocol Relating to the Status of Refugees* are the fundamental legal instruments for the protection of refugees.<sup>149</sup> However, there is no consensus on a general legal definition on the term ‘refugee’ in international law, as both documents are only signed and ratified by 144 states.<sup>150</sup> Within the UN, the UN Office of the High Commissioner for Refugees (UNHCR) is the primary agency working for and with refugees and other stateless persons.<sup>151</sup> UNRWA's working definition of Palestine refugees, however, differs from the general definition of a 'refugee' according to the UNHCR Statute, in part because UNRWA was created prior to the creation of the Convention and Protocol and of the UNHCR. According to UNHCR statute paragraph 6(B), a refugee is:

Any person who is outside the country of his nationality or, if he has no nationality, the country of his former habitual residence, because he has or had well-founded fear of persecution by reason of his race, religion, nationality or political opinion and is unable or, because of such fear, is unwilling to avail himself of the protection of the government of the country of his nationality, or, if he has no nationality, to return to the country of his former habitual residence.<sup>152</sup>

However, paragraph 7(c) of the UNHCR statute states that persons who are “the competence of the High Commissioner... shall not extend to a person [...] who continues to receive from other organs or agencies of the United Nations protection or assistance”.<sup>153</sup> This clause thus intentionally excludes refugees receiving UNRWA assistance from the competence of the UNHCR.<sup>154</sup> A similar intentional exclusion is included in the *Convention Relating to the Status of Refugees*, specifically naming any persons whom are receiving support from another organ or agency as an exempt group from the Convention.<sup>155</sup> As a result, the UNRWA definition, which predates the UNHCR statute and Convention, is the only definition that currently applies to people displaced from Palestine.

UNRWA defines a Palestine refugee as “any person whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict.”<sup>156</sup> This definition is significantly more restrictive than those used in other contexts, such as the UNHCR statute. As UNRWA's restrictive working definition only includes those who have lost both home *and* means of livelihood, the term “Palestine refugees” used in General Assembly resolution 194 (III) requesting their repatriation is a more inclusive meaning of all persons displaced by the conflict of 1948.<sup>157</sup> UNRWA therefore is supposed to support only *registered* refugees residing in UNRWA's areas of operation, namely the Syrian Arab Republic, Lebanon, Jordan, and the occupied Palestinian territories.<sup>158</sup>

## ***Role of the United Nations System***

The question of Palestine has been one of the predominant topics of the GA since its second session in 1947.<sup>159</sup> The partition of the former Mandate of Palestine and the creation of two states were in fact mandated by resolution 181 of the General Assembly.<sup>160</sup> After the Arab-Israeli War of 1948, the Question of Palestine became one of the most dominant and politicized topics within the GA.<sup>161</sup> As of August 2013, the GA has adopted 856 resolutions on the

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<sup>149</sup> Kugelman, *Refugees*, 2012; UN *Convention Relating to the Status of Refugees*, 1951.

<sup>150</sup> Kugelman, *Refugees*, 2012; United Nations Treaty Collection, *Convention Relating to the Status of Refugees*, 2013.

<sup>151</sup> Feller & Klug, *Refugees, United Nations High Commissioner (UNHCR)*, 2013; United Nations High Commissioner for Refugees, *Refugee Protection: A Guide to International Refugee Law*, 2001.

<sup>152</sup> UN General Assembly, *Statute of the Office of the United Nations High Commissioner for Refugees (A/RES/428(V))*, [Resolution], 1950.

<sup>153</sup> *Ibid.*

<sup>154</sup> Kittrie, *United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)*, 2007.

<sup>155</sup> UN General Assembly *Convention Relating to the Status of Refugees*, 1951, Art 1 (D).

<sup>156</sup> UNRWA, *About UNRWA*, 2013 [Website].

<sup>157</sup> Akram, *Myths and Realities of the Palestine Refugee Problem. Reframing the Right of Return*, 2011, p. 20; United Nations General Assembly, *Palestine-Progress Rapport of the United Nations Mediator (A/RES/194 (III))* [Resolution], 1948.

<sup>158</sup> Akram, *Myths and Realities of the Palestine Refugee Problem. Reframing the Right of Return*, 2011, p. 20.

<sup>159</sup> UN *The Question of Palestine* [Website], 2013.

<sup>160</sup> UN General Assembly, *Future government of Palestine (A/RES/181 (II))* [Resolution], 1947.

<sup>161</sup> UN *Question of Palestine - UN Resolutions* [Website].



issue.<sup>162</sup> In today's GA Main Committee division, the Fourth Committee is in charge of the question of Palestine refugees.<sup>163</sup>

Besides the General Assembly, the UN Security Council (SC) is the other principal UN organ that regularly addresses the topic.<sup>164</sup> It is also the SC that adopted the defining resolutions concerning the other two large-scale armed conflicts in the region, those of 1967 and 1973.<sup>165</sup> The Human Rights Council (HRC) also regularly considers issues regarding the question of Palestine and the Israeli occupation of territories over its borders as defined in resolution 242.<sup>166</sup>

Besides the GA, the SC, and the HRC, the UNRWA and the Committee on the Exercise of the Inalienable Rights of the Palestinian People (CEIRPP) are mandated to deal specifically with subtopics related to the issue of Palestine by the GA.<sup>167</sup> CEIRPP is mandated by the GA “to promote the reali[z]ation of the inalienable rights of the Palestinian people, to support the peace process for the achievement of the two-State solution on the basis of pre-1967 borders and the just resolution of all final status issues, and to mobili[z]e assistance to the Palestinian people.”<sup>168</sup> The UNRWA, also mandated by the GA, was created to provide assistance, protection, and advocacy for registered Palestine refugees in Jordan, Lebanon, Syria, and the occupied Palestinian territory, pending a permanent resolution to their displacement.<sup>169</sup>

### ***The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)***

#### *Mandate*

The GA created the UNRWA through its adoption of Resolution 302 (IV) on 8 December 1949, and has extended its mandate on an annual basis due to the ongoing displacement of the refugees.<sup>170</sup> The aims of UNRWA are to provide assistance for the relief of the Palestine refugees in order to prevent starvation and distress among them and to further conditions of peace and stability.<sup>171</sup> The assistance was to be carried out through direct relief and works programs in collaboration with local governments.<sup>172</sup> At the time of its creation, the UNRWA was considered to be of limited duration because of the expectation that constructive measure “should be undertaken at an early date with a view to the termination of international assistance for relief.”<sup>173</sup> UNRWA's mandate is narrower than that of the UNHCR, which may offer political protection for those refugees falling under its competence and may seek permanent solutions for the problems of refugees by assisting government efforts for integration. UNRWA, on the other hand, is only mandated to provide the (registered) Palestine refugees with humanitarian assistance.<sup>174</sup> Based on this different mandate, Palestine refugees registered by UNRWA also face fewer options for further resettlement than those under the jurisdiction of UNHCR.<sup>175</sup> While UNHCR is mandated to offer refugees three final options, namely local integration, resettlement in third countries, or return to their home country, these are not feasible for Palestine refugees registered by UNRWA as the first two options are unacceptable to refugees and their host countries, and the third has been rejected by Israel.<sup>176</sup>

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<sup>162</sup> Ibid.

<sup>163</sup> UN General Assembly, *Fourth Committee* [Website].

<sup>164</sup> Security Council Report, *Israel/Palestine* [Website].

<sup>165</sup> UN Security Council, *Resolution 242 (1967)*, (S/RES/242) [Resolution], 1967.

<sup>166</sup> United Nations, *The Question of Palestine, CHR Resolutions* [Website]; OHCHR, *Occupied Palestinian Territory* [Website].

<sup>167</sup> United Nations, *The Question of Palestine* [Website].

<sup>168</sup> UN General Assembly, *Question of Palestine (A/RES/3376)* [Resolution], 1975.

<sup>169</sup> UNRWA, *About UNRWA* [Website], 2013; UN General Assembly, *Assistance to Palestine Refugees (A/RES/302 (IV))*, [Resolution], 1949.

<sup>170</sup> UN General Assembly, *Assistance to Palestine Refugees (A/RES/302 (IV))* [Resolution], 1949; UN General Assembly, *Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/Res/67/116)* [Resolution], 2013.

<sup>171</sup> UN General Assembly, *Assistance to Palestine Refugees (A/RES/302 (IV))* [Resolution], 1949, para 5.

<sup>172</sup> Ibid., paras. 6-7(a).

<sup>173</sup> Ibid., para 5.

<sup>174</sup> Kittrie, *United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 2007.

<sup>175</sup> Ibid.

<sup>176</sup> Gottheil, *UNRWA and Moral Hazard*, 2006, p. 413.

### *Structure*

The UNRWA is led by a Commissioner-General, who is appointed by the UN Secretary-General in consultation with the UNRWA Advisory Commission of State representatives, established by the GA.<sup>177</sup> The Commissioner-General reports directly to the GA.<sup>178</sup> The current Commissioner-General is Filippo Grandi of Italy.<sup>179</sup> UNRWA provides its services directly to Palestine refugees in its five fields of operation: Jordan; Lebanon; Gaza; the Syrian Arab Republic; and the West Bank, including East Jerusalem.<sup>180</sup> The agency employs over 29,000 people, including 133 international staff.<sup>181</sup> Though the majority of refugees, especially in the West Bank and in Jordan, do not live in camps, the UNRWA still operates 61 official camps.<sup>182</sup>

### *Budget*

Donors, most of them UN Member States, fund UNRWA's budget through voluntary contributions.<sup>183</sup> The major contributors are the United States and the European Commission, which together account for about half of the annual budget.<sup>184</sup> 133 international staff positions are funded directly by the GA through the UN regular budget. In addition, some projects are funded by earmarked contributions aiming only for specific projects.<sup>185</sup>

In 2011, UNRWA expended 989.8 million USD, of which 57.9 percent came from the regular budget.<sup>186</sup> The largest program, expenditure wise, was the education program, which accounted for 333.8 million USD.<sup>187</sup> UNRWA continually faces inadequate funding, forcing the Agency to implement cost reduction measures such as the reduction of travel of its staff for training purposes.<sup>188</sup>

### *Program of Work*

UNRWA interprets its main tasks in line with defined human development goals, such as the Millennium Development Goals (MDGs).<sup>189</sup> UNRWA's human development goals, which stand at the center of the evaluation of its programs, include a long and healthy life, acquired knowledge and skills, a decent standard of living, and human rights enjoyed to the fullest.<sup>190</sup> From these goals, UNRWA derives the following strategic objectives: an education program, a health program, and a relief and a social services program.

Accounting for more than half of its regular budget, education is UNRWA's largest program. The agency operates nearly 700 schools throughout the Middle East and is the main provider of basic education for Palestine refugees. Education at one of the UNRWA's schools is generally free of charge.<sup>191</sup> Besides its schools, the UNRWA maintains ten vocational training centers, teaching market-relevant skills in the fields of fashion, plumbing, carpentry, pharmacy, graphic design, business and computing, architecture, and surveying.<sup>192</sup> The primary goal is to help Palestine refugees to find employment after graduation, but because its education program is limited to (primary) schooling and vocational training, UNRWA also provides scholarships for Palestine refugees in order to

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<sup>177</sup> UNRWA, *About* [Website].

<sup>178</sup> UNRWA, *About* [Website]; UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/67/13)*, 2012.

<sup>179</sup> UNRWA, *Biographies* [Website].

<sup>180</sup> UNRWA, *Overview* [Website].

<sup>181</sup> UNRWA, *Working at UNRWA* [Website].

<sup>182</sup> Akram, *Myths and Realities of the Palestine Refugee Problem. Reframing the Right of Return*, 2011, p. 19; UNRWA, *Statistics* [Website].

<sup>183</sup> UNRWA, *Budget 2012-2013* [Website]; UN General Assembly, *Report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/67/382)*, 2012.

<sup>184</sup> UNRWA, *Donor charts* [Website].

<sup>185</sup> UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/67/13)*, 2012.

<sup>186</sup> *Ibid.*

<sup>187</sup> *Ibid.*

<sup>188</sup> *Ibid.*

<sup>189</sup> UNRWA, *Millennium Development Goals* [Website].

<sup>190</sup> UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/67/13)*, 2012.

<sup>191</sup> UNRWA, *Education* [Website], 2013.

<sup>192</sup> *Ibid.*

attain tertiary education.<sup>193</sup> UNRWA is also engaged in the training of teachers, head teachers, and supervisors, which is mainly conducted through in-service training at UNRWA's schools.<sup>194</sup> In addition to the regular school schedule, UNRWA's schools put a major focus on the teaching of human rights principles through the promotion of non-violent communication skills, conflict resolution, human rights, and tolerance.<sup>195</sup> To achieve the goal of acquired knowledge and skills, the UNRWA employs 19,217 educational staff, with an additional 891 teachers in training, as well as 1,700 student teachers; these staff members collectively educate 486,754 enrolled pupils.<sup>196</sup>

Under UNRWA's health program, basic health services are provided to Palestine refugees. UNRWA maintains 138 primary health care centers and 117 dental centers, employing 3,595 people who assist during over 10.7 million annual patient visits.<sup>197</sup> In accordance to UN development goals on health, UNRWA's health programs "overarching goal is to enable [Palestine] refugees to live long and healthy lives."<sup>198</sup> To this aim, UNRWA tries to ensure universal access to quality comprehensive services, prevent and control diseases, and protect and promote family health.<sup>199</sup>

UNRWA's health program is also facing new challenges that arise from an increase of diseases typical for an aging population such as hypertension, diabetes, obesity and cancer.<sup>200</sup> Furthermore, UNRWA is faced with the challenge of balancing an environment with increasing demands and escalating costs for requested services.<sup>201</sup> Therefore, UNRWA's health program is being forced to modernize and reform its services to meet these increasing demands.<sup>202</sup> Its reform strategy focuses on the introduction of a family health team approach, with each health team consisting of a multidisciplinary group of health professionals that have a strong focus on building relationships between health-care providers and patients, families, and communities.<sup>203</sup> After this approach was piloted in 2011, it has now become the standard in UNRWA's healthcare program.<sup>204</sup>

The Relief and Social Services (RSS) program concentrates on providing direct and indirect social protection services to Palestine refugees.<sup>205</sup> The program has three main goals: providing impoverished Palestine refugees with a social safety net; promoting the development and self-reliance of less advantaged Palestine refugees; and maintaining, updating, and preserving the records of registered Palestine refugees in order to be able to determine possible eligibility for UNRWA services.<sup>206</sup> UNRWA's RSS program has a clear focus on the poorest of the poor, but also provides direct aid during emergencies caused by violence and political unrest.<sup>207</sup> As of January 2012, the RSS program provided assistance to 293,718 hardship cases and maintained 49 women's program centers as well as 35 community rehabilitations centers.<sup>208</sup>

UNRWA also runs a microfinance program that provides credit and complementary financial services for Palestine refugees and other poor or marginal groups who live and work near them.<sup>209</sup> The Palestine refugee camps of today are mostly urban in character and consist of "hyper-congested masses of multi-story buildings characterized by concentrations of poverty and extreme overcrowding."<sup>210</sup> In effect, the camps are considered to be among the

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<sup>193</sup> Ibid.

<sup>194</sup> Ibid.

<sup>195</sup> UNRWA, *Human rights promotion* [Website], 2013.

<sup>196</sup> UNRWA, *Education* [Website], 2013.

<sup>197</sup> UNRWA, *Health* [Website], 2013.

<sup>198</sup> Ibid.

<sup>199</sup> Ibid.

<sup>200</sup> UNRWA, *Health* [Website], 2013.

<sup>201</sup> Ibid.

<sup>202</sup> Ibid.

<sup>203</sup> UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/67/13)*, 2012.

<sup>204</sup> Ibid.

<sup>205</sup> UNRWA, *Relief and social services* [Website], 2013.

<sup>206</sup> Ibid.

<sup>207</sup> Ibid.

<sup>208</sup> Ibid.

<sup>209</sup> UNRWA, *Microfinance* [Website], 2013.

<sup>210</sup> UNRWA, *Infrastructure and camp improvement* [Website], 2013.

densest urban environments in the world.<sup>211</sup> To improve living conditions in the camps, the UNRWA launched the Infrastructure and Camp Improvement Program aiming to improve the camps' physical and social environment.<sup>212</sup> The program has a clear community-driven planning approach, actively involving the community members in all decision-making and planning processes.<sup>213</sup> Since 2006, various pilot projects have been started in Syria, Jordan, and the West Bank and are expanding to Lebanon and Gaza.<sup>214</sup>

### *Ongoing challenges*

Considering the highly politicized environment of the UNRWA, it is and has been sharply criticized by both Palestinians and Israelis.<sup>215</sup> Particularly controversial subjects in the past have been the UNRWA's working definition of Palestine refugee; the question of expanding the mandate to include protection of refugees;; the Israeli allegation that UNRWA-administered schools and camps harbor terrorists; and the question as to whether the long term provision of support for Palestine refugees has encouraged dependency and discouraged the Palestine refugees of looking for alternatives to their refugee status.<sup>216</sup>

As outlined above, the definition of Palestine refugees differs from the general definition of a refugee provided by the UNHCR statute. This leads to a situation where Palestinian citizens who gain the citizenship of another country, maintain their status as Palestine refugees under the UNRWA definition.<sup>217</sup> Although these resettled persons and their offspring count as Palestine refugees, the number of Palestine refugees has continuously expanded, while based on the UNHCR definition it would have declined.<sup>218</sup> At the same time, there are populations left out of the definition by virtue of not losing both homes and means of livelihood, requirements under the UNRWA definition that do not exist under the UNHCR definition.

### *The situation of the Palestine refugees in UNRWA's fields of action*

#### *West Bank*

The West Bank hosts 741,409 refugees registered in the 19 official UNRWA camps as of 31 January 2012.<sup>219</sup> However, the majority of the refugees in the West Bank, which exceeds this number, have found a living outside of the camps in the major urban centers of the West Bank.<sup>220</sup> For the Palestine refugee population in the West Bank, the Israeli occupation is the main cause of hardship.<sup>221</sup> Along with the rest of the population of the West Bank, Palestine refugees are affected by the numerous checkpoints that severely constrain their ability to move between their towns and villages, a situation impaired by the Israeli Separation Barrier.<sup>222</sup> The Barrier and the expanding Israeli settlements also have resulted in a constant loss of Palestinian land used by Palestine refugees for farming, herding, and the collection of water.<sup>223</sup> Also, attacks by Israeli settlers against property and people continued in the observed period.<sup>224</sup>

The occupation, and especially the checkpoints and border controls, hinder the UNRWA's work in the West Bank, as non-international employees are restricted in their movement due to checkpoints and border crossings. Despite these problems, the UNRWA has continued its reforms following the Agency-wide sustaining change process.<sup>225</sup>

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<sup>211</sup> Ibid.

<sup>212</sup> Ibid.

<sup>213</sup> Ibid.

<sup>214</sup> Ibid.

<sup>215</sup> Kittrie, *United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)*, 2007.

<sup>216</sup> Kittrie, *United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)*, 2007; Gottheil, *UNRWA and moral hazard*, p. 415.

<sup>217</sup> Kittrie, *United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)*, 2007.

<sup>218</sup> Ibid.

<sup>219</sup> UNRWA, *Statistics* [Website], 2013.

<sup>220</sup> UNRWA, *West Bank* [Website], 2013.

<sup>221</sup> Ibid.

<sup>222</sup> UNRWA, *Impact of the west bank barrier* [Website].

<sup>223</sup> UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/67/13)*, 2012.

<sup>224</sup> Ibid.

<sup>225</sup> Ibid.

This included the empowerment of UNRWA camp services officers and area officers to make programming decisions; increasing the frequency of engagement between senior staff, camp committees comprised of refugees, and other stakeholders; a partnership with the UN country team for Palestine and the Palestinian Authority, in the context of its national strategy for youth to further tackle youth unemployment; improving UNRWA databases; and resifiting its budget.<sup>226</sup>

### *Gaza*

In January 2012, Gaza's Palestine refugee population stood at 1,167,672, which is 66 percent of Gaza's total population.<sup>227</sup> Like in the West Bank, Palestine refugees in Gaza are mostly stateless.<sup>228</sup> In Gaza, the UNRWA operates eight camps, 243 schools, two vocational and technical training centers, 21 primary health centers, six community rehabilitation centers, and seven women's program centers, making Gaza the largest division of the agency.<sup>229</sup>

Due to continuous conflict in Gaza, especially the 2009 Gaza War and the blockade of the Gaza strip beginning in 2007 to the present day, the economy of Gaza is in poor condition, and many Palestine refugees are in need of direct humanitarian assistance.<sup>230</sup> By the end of 2011, the UNRWA was providing food to as many as 780,000 refugees living in abject or absolute poverty.<sup>231</sup> Although the easing of the blockade by the Israelis in 2010 and the temporary opening of the border crossings to Egypt has allowed the situation to improve, as of 2012, 750,000 Palestine refugees were in need of UNRWA's food aid.<sup>232</sup> Gaza has also been severely hit by unemployment, with an official unemployment rate of 31% of the working population in 2012.<sup>233</sup> To counter this situation, the UNRWA's Gaza branch focuses on five objectives.<sup>234</sup> These aims include the ongoing reconstruction and recovery of its facilities harmed by the 2009 War and supporting the livelihood of Palestine refugees through job creation programs; food assistance; cash assistance; and a strengthening of its essential and emergency response services.<sup>235</sup>

### *Jordan*

The largest population of Palestine refugees located outside of the occupied Palestinian territories, is in Jordan.<sup>236</sup> As of January 2013, 2,034,461 Palestine refugees were registered as living in Jordan.<sup>237</sup> Consequently, the UNRWA maintains its second-largest division in Jordan, operating 10 camps that are inhabited by 369,949 Palestine refugees as of January 2013.<sup>238</sup> The low percentage of Palestine refugees living in UNRWA camps in Jordan is due to the relatively open policy of Jordan that granted most Palestine refugees temporary Jordanian passports.<sup>239</sup> Although these temporary passports do not imply Jordanian citizenship and those holding them are prohibited from working for the government, most Palestine refugees in Jordan live under relatively similar socio-economic conditions than the rest of the Jordanian population.<sup>240</sup> UNRWA in Jordan, being less occupied with primary aid than in its other regional divisions, can thus concentrate on its work in education through its 172 schools, with the positive effect that UNRWA students' results are well above the average at both school and college levels.<sup>241</sup> UNRWA's microcredit unit in Jordan is another tool for further empowerment, and the unit has granted over 27,000 loans valued at about

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<sup>226</sup> Ibid.

<sup>227</sup> CIA World Factbook, *Gaza Strip* [Website], 2013.

<sup>228</sup> McGill University, *Palestinian Refugees: An Overview* [Website].

<sup>229</sup> UNRWA, *Gaza* [Website], 2013.

<sup>230</sup> UN General Assembly, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/67/13)*, 2012.

<sup>231</sup> Ibid.

<sup>232</sup> BBC, *Guide: Gaza under blockade*, [Website]; Palestinian Central Bureau of Statistics: FAO, UNRWA & WFP, *Socio-Economic & Food Security Survey 2012, West Bank and Gaza Strip, Palestine, 2012*; UNRWA, *Gaza Strip emergency* [Website], 2012; Reuters, *Egypt partially reopens Gaza crossing after week-long closure*, 2013.

<sup>233</sup> Palestinian Central Bureau of Statistics: FAO, UNRWA & WFP, *Socio-Economic & Food Security Survey 2012, West Bank and Gaza Strip, Palestine, 2012*, p. 18.

<sup>234</sup> UNRWA, *Gaza* [Website], 2013.

<sup>235</sup> UNRWA, *Gaza Strip emergency* [Website], 2012.

<sup>236</sup> UNRWA, *figures as of Jan 2013* [Website], 2013.

<sup>237</sup> Ibid.

<sup>238</sup> Ibid.

<sup>239</sup> UNRWA, *Jordan* [Website], 2013.

<sup>240</sup> Ibid.

<sup>241</sup> Ibid.



38 million USD in 2010.<sup>242</sup> In these camps, the UNRWA also continues to maintain 24 primary health care centers that work with over 2.3 million visits each year.<sup>243</sup> However, these operations are affected by a lack of funding that limits the number of people UNRWA can employ.<sup>244</sup> UNRWA's Jordanian operations are less affected by the influx of Palestine refugees from Syria, as Jordan regularly blocks Palestine refugees from Syria that do not hold Jordanian temporary passports from seeking shelter in Jordan.<sup>245</sup> Thus, as of June 2013 only about 7,000 Palestine refugees from Syria fled to Jordan, while 60,000 sought shelter in Lebanon.<sup>246</sup>

### *Lebanon*

As of January 2013, Lebanon hosts a Palestine refugee population of 441,543 registered Palestine refugees.<sup>247</sup> In addition to the thousands of Syrian refugees that entered Lebanon, 85,000 Palestine refugees from Syria also sought shelter in Lebanon with the number increasing as the conflict continues.<sup>248</sup> Palestine refugees already make up about 10 percent of the population of Lebanon.<sup>249</sup> Palestine refugees in Lebanon are mostly stateless and are not integrated in the Lebanese society.<sup>250</sup> In fact, Palestine refugees in Lebanon do not enjoy several basic human rights.<sup>251</sup> For example, Palestine refugees are denied to work in 20 professions in Lebanon.<sup>252</sup> These professions include doctors, dentists, lawyers, engineers and accountants.<sup>253</sup> Moreover, being stateless means that these refugees do not have the legal means of other foreigners living in Lebanon. Palestine refugees also lack access to public and social services of the Lebanese state, including health and education facilities.<sup>254</sup> Despite reforms made in 2010, these problems prevail and in some cases have worsened due to the massive influx of Palestine refugees from Syria.<sup>255</sup> Palestine refugees in Lebanon are thus highly dependent on UNRWA as the sole provider of education, health and relief, and social services.<sup>256</sup> Major problems that result out of this situation are the question of how to finance hospitalization as UNRWA can only provide basic primary healthcare through its 28 primary health centers, and assist with the costs of secondary hospital care and partial tertiary care in Lebanese facilities.<sup>257</sup> Palestine refugees thus often face the choice of foregoing essential medical treatment or sinking into debt.<sup>258</sup> Due to the job restrictions, the refugee population is heavily unemployed, and even those who find work often find only seasonal or casual work for low wages and with no social and welfare benefits.<sup>259</sup> This situation directly affects the commitment of many young people to study and go to school, as they see no future in achieving degrees without having the prospect of finding a job.<sup>260</sup> Without jobs, Palestine refugees are even more dependent on UNRWA as a relief provider.<sup>261</sup> Lastly, a problem specific to Palestine refugees in Lebanon are so-called 'gatherings' – settlements on private land near the official refugee camps.<sup>262</sup> While UNRWA can provide for those living outside of its official camps, the UNRWA cannot provide direct services that include the construction of shelters, the maintenance of the infrastructure, or solid waste disposal in these gatherings, as they fall under the responsibility of the Lebanese municipalities to which the land belongs and which often are unable or unwilling to provide these basic services.<sup>263</sup>

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<sup>242</sup> Ibid.

<sup>243</sup> Ibid.

<sup>244</sup> Ibid.

<sup>245</sup> Human Rights Watch, *Jordan: Obama Should Press King on Asylum Seeker Pushbacks* [Website], 2013.

<sup>246</sup> The Jordan Times, *Palestinian refugees in Syria becoming 'an imperilled community' — UNRWA* [Website], 2013,.

<sup>247</sup> UNRWA, *figures as of Jan 2013* [Website], 2013.

<sup>248</sup> UNRWA, *Syria crisis situation update (Issue 59)*, 2013.

<sup>249</sup> UNRWA, *Lebanon* [Website], 2013.

<sup>250</sup> McGill University, *Palestinian Refugees: An Overview* [Website].

<sup>251</sup> UNRWA, *Lebanon* [Website], 2013.

<sup>252</sup> McGill University, *Palestinian Refugees: An Overview* [Website].

<sup>253</sup> UNRWA, *Lebanon* [Website], 2013.

<sup>254</sup> UNRWA, *Lebanon* [Website], 2013.

<sup>255</sup> McGill University, *Palestinian Refugees: An Overview* [Website].; UNRWA, *In Lebanon, 4th cash distribution serves 60,000 Palestine refugees from Syria* [Website], 2013.

<sup>256</sup> UNRWA, *Lebanon* [Website], 2013.

<sup>257</sup> Ibid.

<sup>258</sup> Ibid.

<sup>259</sup> Ibid.

<sup>260</sup> Ibid.

<sup>261</sup> Ibid.

<sup>262</sup> Ibid.

<sup>263</sup> Ibid.

## Syria

As of September 2013, the situation of Palestine refugees in Syria has worsened further due to the ongoing Syrian civil war.<sup>264</sup> Before the crisis started, UNRWA counted 486,946 registered refugees in Syria, with only around one quarter of them living in UNRWA's nine camps.<sup>265</sup> Although they have not been granted Syrian citizenship, Palestine refugees in Syria enjoyed many rights of Syrian citizens, including access to social services provided by the Syrian government.<sup>266</sup> Palestine refugees, however, still scored worse in the development indicators of infant mortality and school enrollment than the host population, and remained a vulnerable minority due to their unresolved status.<sup>267</sup> The ongoing civil war has had severe implication for the Palestine refugees in Syria; the situation can only be described as catastrophic.<sup>268</sup> UNRWA's camps were described as "theatres of war" by UNRWA Commissioner-General Filippo Grandi in June 2013, with 7 out of 12 camps nearly inaccessible.<sup>269</sup> As of September 2013, it is estimated that around 50% of the registered Palestine refugees in Syria are displaced or have fled to neighboring countries.<sup>270</sup> Despite increasing casualties among its staff, the UNRWA, as of September 2013, continues its relief efforts and health and education services for Palestine refugees in Syria.<sup>271</sup>

## Conclusion

While the UNRWA is in a reform process of its field operations in order to address the changing needs of the Palestine refugee population, the main problems of the issue of Palestine refugees include questions regarding the right to return, the occupation of the West Bank, the occupation and blockade of Gaza, and the questions of citizenship. These issues cannot be solved without a comprehensive peace between Israel and Palestine. In addition, the crisis in Syria poses a major challenge to UNRWA's work. As long as the Syrian civil war continues, UNRWA's personnel and the population of Palestine refugees in Syria are gravely endangered if they stay in Syria.

Having this situation in mind, delegates should now seek to find solutions a multitude of diverse questions, including some of the short-term and medium-term solutions that can be implemented:

How can the UNRWA improve its assistance to Palestine refugees affected by the conflict in Syria? Is the current mandate sufficient to deal with the new problems caused by the conflict in Syria? How can the UNRWA contribute to the peace process between Israel and Palestine? What should be the next steps in the reform of UNRWA's field operations? How should the host states take over certain services? How can UNRWA's financial problems be tackled in the short-term and long-term? What normative changes, including changes to definitions, are needed (if any) to ensure the correct populations are receiving services? What additional services can be added to help prepare refugees for their lives while as refugees and potential futures once their status is resolved? And what can the GA Fourth Committee do to minimize governmental restrictions from host states upon the Palestine refugee populations they host to ensure as full an exercise of their rights as possible while they are refugees?

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*This book takes a rights based approach to analyze the conflict in the Middle East. The most interesting thing for delegates might be the first part of the book that gives an overview of the core issues of the conflict: refugees and Jerusalem. The authors examine these issues through the lens of a law scholar. Especially important for the preparation for this committee are the chapters by Susam Akram on the Right of Return and by Scott Custer, Jr. on UNRWA.*

Kittrie, O. F. (2007). *United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)*. In: *Max Planck Encyclopedia of Public International Law*. Oxford University Press

<sup>264</sup> UNRWA, *Syria crisis situation update (Issue 59)*, 2013.

<sup>265</sup> UNRWA, *Syria* [Website], 2013.

<sup>266</sup> *Ibid.*

<sup>267</sup> *Ibid.*

<sup>268</sup> UNRWA, *The Syrian catastrophe. Socioeconomic and monitoring report (January-March 2013)*, 2013.

<sup>269</sup> UN News, *Palestinian refugee camps in Syria now 'theatres of war' – UN agency chief* [Website], 2013.

<sup>270</sup> UNRWA, *Syria crisis situation update (Issue 59)*, 2013.

<sup>271</sup> *Ibid.*

*The Max Planck Encyclopedia of Public International Law is a very useful source for getting an overview of matters of international law as well as on international organizations, agencies, and offices. All contributions are written by designated experts of their respected fields. In this article on UNRWA, Orde F. Kittrie not only gives a very comprehensive introduction to the legal basis of the Palestine refugee problem, the UNRWA, and the agency's functions, but also addresses and evaluates criticism brought forward against the agency*

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*The Socio-Economic and Food Survey is an annual survey jointly erected by the Palestinian Central Bureau of Statistics (PCBS) of the Palestinian National Authority, the FAO, the UNRWA, and the WFP. The survey analyses socio-economic factors such as labor market developments, wages and prices, consumption, and expenditure patterns, as well as issues of food security. The survey provides numbers for both the Gaza Strip and the West Bank, and also lists figures for Palestine refugees separately.*

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*This is the most recent GA resolution on the work of UNRWA. As the 68th General Assembly is not scheduled to decide on the issue of Palestine Refugees before January 2014, it will be the most relevant resolution for delegates' preparation. Any new resolution passed by the GA 4th committee on the issue of Palestine refugees should thus take this resolution in consideration and build on the existing framework.*

United Nations, General Assembly. (2012). Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/67/13). Retrieved 1 July 2013 from: <http://undocs.org/A/67/13>

*The annual Report of the Commissioner-General of the UNRWA is a must read for all delegates of GA 4th committee. The report gives a contextual overview over the operational, organizational, legal, and financial matters of the Agency while also reporting on the field operations. Reviewing the section of the report that evaluates the existing subprograms within the framework of the UNRWA's human development goals should be of special interest for those delegates seeking to improve existing programs and mechanisms.*

United Nations High Commissioner for Refugees. (2001). *Refugee Protection: A Guide to International Refugee Law*. Retrieved 30 July 2013 from <http://www.unhcr.org/3d4aba564.html>

*This introduction to International Refugee Law published in memorandum of the 50th anniversary of the United Nations Convention relating to the Status of Refugees might be of interest for all delegates who might want to dig deeper into the (legal) framework of the International Refugee Protection System. The Authors, who have a UNHCR and Inter-Parliamentary Union background, first give an introduction to the legal framework and the UNHRC after which they address more practical problems, such as recognizing refugees and international protection in practice. As one of the major issues is the question of the legal status of Palestine refugees, this handbook can contribute to a better understanding of the legal debate.*

United Nations Relief and Works Agency for Palestinians in the Middle East. (2013). *About* [Website]. Retrieved 1 July 2013 from: <http://www.unrwa.org/etemplate.php?id=47>

*The UNRWA homepage can and should be one of the major starting points of the delegate's further research. It provides a clear and accessible overview of all UNRWA programs, regular news updates on the issue, and lists all UN documents relevant for the issue of Palestine refugees. The homepage is also the location of choice when looking for reliable numbers, which can be found in the statistics section.*

United Nations Relief and Works Agency for Palestinians in the Middle East. (2013, September 6). *Syria crisis situation update (Issue 59)* [Report]. Retrieved 6 September 2013 from <http://www.unrwa.org/etemplate.php?id=1867>

*This is the most recent UNRWA update on the situation in Syria. UNRWA is publishing these emergency reports almost weekly, giving an overview over UNRWA's work and the situation of Palestine refugees in Syria. In addition to being one of the most reliable sources on the situation in Syria, the situation reports provide information on the situation of those Syrian Palestine refugees that fled to Jordan and Lebanon. Delegates should thus use these emergency reports to closely follow the development on the ground in these states.*

United Nations. (2013). *The Question of Palestine* [Website]. Retrieved 30 July 2013 from <http://unispal.un.org/unispal.nsf/home.htm>

*This website is a gateway to all issues concerning the question of Palestine in the UN. All UN documents concerning this issue are collected, classified, and accessible via the integrated United Nations Information System on the Question of Palestine (UNISPAL). In addition, the map collection is an equally helpful tool to find not only maps showing the different disputed borderlines, but also addresses very specific topics as for example the barrier impacts on the environment and rural livelihoods. The 'latest' documents section on the page provides a news feed linking to the newest published documents, statements and speeches linked to the issue of relevance.*

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### III. Strengthening United Nations Police

*“Today, more UN Police are serving in international missions than ever before. [They offer] a concrete sign of the global community’s commitment – including that of the UN Security Council – to fulfill its responsibilities to maintain peace and security. UN Police uphold the finest traditions of international public service, and I am proud of the work they do.”*<sup>272</sup>

#### **Introduction**

Since the 1990s, the United Nations (UN) has increasingly recognized the rule of law as a cornerstone of the transition to sustainable peace.<sup>273</sup> A collapse of public law and order often perpetuates cycles of crime and violence, threatening peacebuilding efforts in regions where full-scale war has only recently ended.<sup>274</sup> While military forces may be available, they lack the skills and capabilities needed to fulfill the constabulary function generally associated with civilian police.<sup>275</sup> Post-conflict states have consequently looked to the UN for assistance in reestablishing the rule of law to create safe and stable societies.<sup>276</sup> In response, the UN Police (UNPOL) has assumed a prominent role in supporting post-conflict public security and building long-term local capacity for law enforcement.<sup>277</sup> While successes have transformed UNPOL into the most rapidly expanding component of peacekeeping operations mandated by the Security Council, global demand for officers has exceeded the UN’s ability to supply enough personnel to meet operational requirements.<sup>278</sup> In May 2013, the Security Council had authorized the deployment of 16,719 UNPOL officers across twelve peacekeeping operations, but only 12,490 were actively deployed.<sup>279</sup> UNPOL’s effectiveness suffers further from structural deficiencies in doctrine and strategy.<sup>280</sup> Given the heightened centrality of international policing to peacekeeping operations, Member States must consider new strategies for ensuring UNPOL’s continued capacity to promote the rule of law in post-conflict situations.<sup>281</sup>

#### **International Framework**

UNPOL’s ongoing development reflects the international community’s relatively recent acknowledgement of “two things: that rule of law is fundamental to lasting and self-sustaining peace, and that competent, professional police – international and domestic – are essential to rule of law.”<sup>282</sup> In 1992, Secretary-General Boutros Boutros-Ghali was the first to draw the General Assembly’s attention to “an obvious connection between democratic practices – such as the rule of law and transparency in decision-making – and the achievement of true peace and security in any new and stable political order.”<sup>283</sup> Peacekeeping operations concurrently struggling around the world revealed the disastrous consequences of disregarding the rule of law.<sup>284</sup> Slowly, UN officials realized the need to prioritize the rule of law in the context of post-conflict public security.<sup>285</sup>

The 2000 Report of the Panel on UN Peace Operations argued for “a doctrinal shift in the use of civilian police, other rule of law elements and human rights experts in complex peace operations to reflect an increased focus on strengthening rule of law institutions and improving respect for human rights in post-conflict environments.”<sup>286</sup> The Panel’s recommendations went largely unheeded until 2004, when Secretary-General Kofi Annan released a seminal report on the rule of law and transitional justice in conflict and post-conflict societies.<sup>287</sup> The report finally guaranteed the Security Council’s consistent commitment to the rule of law, which was defined as “a principle of

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<sup>272</sup> Ban, *Foreword to 50-Year Anniversary Edition of UNPOL Magazine*, 2011, p. 1.

<sup>273</sup> Bellamy & Williams, *Understanding Peacekeeping*, 2010, p. 380.

<sup>274</sup> United Nations General Assembly, *United Nations Police: Report of the Secretary-General (A/66/615)*, 2011, p. 1.

<sup>275</sup> Linden, Last & Murphy, *Obstacles on the Road to Peace and Justice*, 2007, p. 150.

<sup>276</sup> Ryan, *Statebuilding and Police Reform*, 2011, p. 83.

<sup>277</sup> Durch & England, *Enhancing United Nations Capacity to Support Post-Conflict Policing and Rule of Law*, 2010, p. 8.

<sup>278</sup> United Nations General Assembly, *United Nations Police: Report of the Secretary-General (A/66/615)*, 2011, p. 11.

<sup>279</sup> United Nations Department of Peacekeeping Operations, *UNPOL Magazine (11<sup>th</sup> edition)*, 2013, pp. 32-33.

<sup>280</sup> Durch & England, *Enhancing United Nations Capacity to Support Post-Conflict Policing and Rule of Law*, 2010, p. 33.

<sup>281</sup> Department of Peacekeeping Operations & Department of Field Support, *A New Partnership Agenda*, 2009, p. 6.

<sup>282</sup> Durch & England, *Enhancing United Nations Capacity to Support Post-Conflict Policing and Rule of Law*, 2010, p. xv.

<sup>283</sup> United Nations General Assembly, *An Agenda for Peace: Report of the Secretary-General*, 1992, p. 17.

<sup>284</sup> Durch & England, *Enhancing United Nations Capacity to Support Post-Conflict Policing and Rule of Law*, 2010, p. 6.

<sup>285</sup> Bellamy & Williams, *Understanding Peacekeeping*, 2010, p. 383.

<sup>286</sup> United Nations General Assembly, *Report of the Panel on United Nations Peace Operations (A/55/305)*, 2000, p. ix.

<sup>287</sup> Bellamy & Williams, *Understanding Peacekeeping*, 2010, pp. 381-82.

governance in which all persons, institutions and entities, public and private, including the [s]tate itself, are accountable to the laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights standards.”<sup>288</sup>

The UN subsequently restructured its rule of law entities, which eventually gave rise to the apparatus that governs UNPOL today.<sup>289</sup> Direct management of UNPOL’s missions, recruitment, officer selection, strategic policy, and development falls to the UN Police Division, which is currently headed by UN Police Adviser Stefan Feller of Germany.<sup>290</sup> The Police Division forms part of the Office of Rule of Law and Security Institutions (OROLSI), a branch of the Department of Peacekeeping Operations (DPKO) that also includes the Criminal Law and Judicial Advisory Service; the UN Mine Action Service; the Disarmament, Demobilization and Reintegration Section; and the Security Sector Reform Unit.<sup>291</sup> Together, DPKO and the UN Development Programme (UNDP) constitute the Global Focal Point (GFP) for “Police, Justice and Corrections Areas in the Rule of Law in Post-Conflict and Other Crisis Situations,” an arrangement intended to streamline the delivery of relevant services in crisis and conflict settings.<sup>292</sup> The Security Council, which defines the respective mandates of all peacekeeping operations, ultimately determines the scope and nature of UNPOL’s activities in the field.<sup>293</sup> At the country level, every Member State has the opportunity to contribute to the management of UNPOL through the Fourth Committee, whose agenda includes the comprehensive review of the whole question of peacekeeping operations in all their aspects.<sup>294</sup> The Fourth Committee benefits from the regular reports of the Special Committee on Peacekeeping Operations (C34), which comprises peacekeeping experts from troop- and police-contributing countries.<sup>295</sup>

### ***The Evolution of UNPOL***

In 1948, Secretary-General Trygve Lie suggested the creation of a UN Police force comprising at least 800 officers to provide dedicated support for field missions.<sup>296</sup> Member States ultimately rejected the proposal despite endorsement by a special committee, which resulted in the military carrying out law enforcement tasks as they arose within peacekeeping operations.<sup>297</sup> The UN finally deployed its first police officers in 1960, when 30 Ghanaian police officers travelled to Kinshasa in support of the UN Operation in the Congo (ONUC).<sup>298</sup> The unit was soon replaced by 400 Nigerian police officers, who established regional outposts and helped the military enforce public order.<sup>299</sup> Without their own command structure, the police officers remained under military directive at all times.<sup>300</sup> When ONUC’s mandate ended four years later, UN observers critically remarked that the “police component had proven very costly for its contribution to the overall mission.”<sup>301</sup>

The remainder of the UN’s early peacekeeping operations reserved a similarly modest role for police officers. The UN Security Force in West New Guinea employed police experts to monitor the ceasefire and supervise local Papuan forces from 1962 to 1963.<sup>302</sup> In 1964, the UN Peacekeeping Force in Cyprus (UNFICYP) was established “to contribute to the maintenance and restoration of law and order, and a return to normal conditions.”<sup>303</sup> UNFICYP’s force commander advocated for the formation of a separate contingent of civilian police to perform duties that were unsuitable for their military counterparts.<sup>304</sup> The first UN Civilian Police (CIVPOL) officers from

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<sup>288</sup> United Nations Security Council, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies: Report of the Secretary-General (S/2004/616)*, 2004, p. 4.

<sup>289</sup> Durch & England, *Enhancing United Nations Capacity to Support Post-Conflict Policing and Rule of Law*, 2010, pp. 6-11.

<sup>290</sup> United Nations Department of Peacekeeping Operations, *UNPOL Magazine (11<sup>th</sup> edition)*, 2013, p. 3.

<sup>291</sup> United Nations Police Division, *United Nations Police: On Duty for Peace* [Bulletin], 2012, p. 18.

<sup>292</sup> United Nations Development Programme, *Fact Sheet: Global Focal Point for Police, Justice and Corrections*, 2012, p. 2.

<sup>293</sup> Bellamy & Williams, *Understanding Peacekeeping*, 2010, p. 377.

<sup>294</sup> United Nations General Assembly, *Allocation of Agenda Items to the Special Political and Decolonization Committee (Fourth Committee) (A/C.4/67/1)* [Letter], 2012.

<sup>295</sup> United Nations General Assembly, *Report of the Special Committee on Peacekeeping Operations (A/66/19)*, 2012, p. 57.

<sup>296</sup> United Nations Police Division, *United Nations Police: On Duty for Peace* [Bulletin], 2012, p. 10.

<sup>297</sup> United Nations Department of Peacekeeping Operations, *UNPOL Magazine (6<sup>th</sup> edition)*, 2011, p. 6.

<sup>298</sup> United Nations Security Council, *Resolution 143 (1960) [The Congo question] (S/RES/143)*, 14 July 1960.

<sup>299</sup> Bellamy & Williams, *Understanding Peacekeeping*, 2010, p. 378.

<sup>300</sup> United Nations Police Division, *United Nations Police: On Duty for Peace* [Bulletin], 2012, p. 12.

<sup>301</sup> Bellamy & Williams, *Understanding Peacekeeping*, 2010, p. 378.

<sup>302</sup> United Nations Department of Peacekeeping Operations, *UNPOL Magazine (6<sup>th</sup> edition)*, 2011, p. 7.

<sup>303</sup> United Nations Security Council, *Resolution 186 (1964) [The Cyprus question] (S/RES/186)*, 1964, p. 3.

<sup>304</sup> Bellamy & Williams, *Understanding Peacekeeping*, 2010, p. 378.



Australia, New Zealand, Denmark, Sweden, and Austria supported local Cypriot police in small, district-based groups.<sup>305</sup> UN peacekeeping subsequently faced a decline in the years from 1964 to 1989, during which the Security Council authorized only seven new operations that did not prioritize policing.<sup>306</sup>

At the turn of the century, several events in combination precipitated a sudden rise in prominence for international policing. From 1989 to 1999, the Security Council authorized numerous peacekeeping operations characterized by progressively wider mandates for CIVPOL.<sup>307</sup> The UN Transition Assistance Group in Namibia assigned CIVPOL officers to carry out election monitoring, verification of compliance, and human rights tasks.<sup>308</sup> In El Salvador and Haiti, the UN attempted to assemble and train new local police forces for the first time.<sup>309</sup> The International Police Task Force, which was the largest component of the UN Mission in Bosnia and Herzegovina, “had a clear and unprecedented mandate aimed at developing the existing police into a democratic, multiethnic police service.”<sup>310</sup> In 1999, the Security Council equipped peacekeeping operations in Kosovo and Timor-Leste with sizable police contingents that were fully responsible for ensuring public security in the initial absence of national police services.<sup>311</sup> In light of these developments, the UN Police Division was founded in 2000 to give police officers a voice distinct from and equal to that of the military at the decision-making level.<sup>312</sup> Since 2001, the mandates of all UN peacekeeping operations have included provisions for rule of law or policing activities.<sup>313</sup> CIVPOL was rebranded as UNPOL in 2005, reflecting the institutional incorporation of international policing into the UN.<sup>314</sup>

The tasks currently assigned to UNPOL officers in modern peacekeeping operations fall broadly into three categories. First, UNPOL provides interim policing and other law enforcement.<sup>315</sup> After fighting formally ends, post-conflict states frequently exhibit insecurity and lawlessness, which result from widespread availability of small arms and the participation of former combatants in criminal activity.<sup>316</sup> UNPOL may fill any short-term gaps in capacity while local governments rebuild domestic security institutions.<sup>317</sup> Second, UNPOL offers operational support to host-state police and other law enforcement agencies.<sup>318</sup> Formed police units (FPUs), each of which comprises 140 armed officers, often help local forces with patrolling, dispersing riots, guarding refugee camps, and protecting government officials.<sup>319</sup> Joint operations between UNPOL and local police officers increase visibility and build public confidence.<sup>320</sup> Lastly, UNPOL contributes to the reform, restructuring, and rebuilding of the domestic rule of law sector.<sup>321</sup> Relevant projects include assisting in selection, recruitment, and vetting programs for law enforcement agencies; training of police and other officials; and implementing new policies, administrative procedures, and personnel management systems.<sup>322</sup> Through long-term institutional development, UNPOL has become instrumental to establishing “accountable, indigenous police force[s] and supporting criminal justice institutions capable of maintaining law, order, and public trust.”<sup>323</sup>

### **Contemporary Challenges**

Despite widespread acceptance of UNPOL’s indispensability, most Member States have been reluctant to contribute police personnel, who have a permanent domestic role and are valuable to their home governments.<sup>324</sup> As a result,

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<sup>305</sup> United Nations Department of Peacekeeping Operations, *UNPOL Magazine (6<sup>th</sup> edition)*, 2011, p. 9.

<sup>306</sup> United Nations Police Division, *United Nations Police: On Duty for Peace* [Bulletin], 2012, p. 12.

<sup>307</sup> Bellamy & Williams, *Understanding Peacekeeping*, 2010, p. 379.

<sup>308</sup> Linden, Last & Murphy, *Obstacles on the Road to Peace and Justice*, 2007, p. 151.

<sup>309</sup> Ryan, *Statebuilding and Police Reform*, 2011, p. 71.

<sup>310</sup> United Nations Department of Peacekeeping Operations, *UNPOL Magazine (6<sup>th</sup> edition)*, 2011, p. 13.

<sup>311</sup> United Nations General Assembly, *United Nations Police: Report of the Secretary-General (A/66/615)*, 2011, p. 4.

<sup>312</sup> Benner, Mergenthaler & Rotmann, *The New World of UN Peace Operations*, 2011, p. 71.

<sup>313</sup> Bellamy & Williams, *Understanding Peacekeeping*, 2010, p. 380.

<sup>314</sup> United Nations Department of Peacekeeping Operations, *UNPOL Magazine (6<sup>th</sup> edition)*, 2011, p. 15.

<sup>315</sup> United Nations Police Division, *United Nations Police: On Duty for Peace* [Bulletin], 2012, p. 13.

<sup>316</sup> Durch & England, *Enhancing United Nations Capacity to Support Post-Conflict Policing and Rule of Law*, 2010, p. 10.

<sup>317</sup> United Nations General Assembly, *United Nations Police: Report of the Secretary-General (A/66/615)*, 2011, p. 4.

<sup>318</sup> United Nations Police Division, *United Nations Police: On Duty for Peace* [Bulletin], 2012, p. 13.

<sup>319</sup> Hansen, *Policing the Peace: The Rise of United Nations Formed Police Units*, 2011, p. 2.

<sup>320</sup> United Nations General Assembly, *United Nations Police: Report of the Secretary-General (A/66/615)*, 2011, p. 3.

<sup>321</sup> United Nations Police Division, *United Nations Police: On Duty for Peace* [Bulletin], 2012, p. 13.

<sup>322</sup> United Nations General Assembly, *United Nations Police: Report of the Secretary-General (A/66/615)*, 2011, p. 3.

<sup>323</sup> Durch & England, *Enhancing United Nations Capacity to Support Post-Conflict Policing and Rule of Law*, 2010, p. 12.

<sup>324</sup> Durch, *United Nations Police Evolution, Present Capacity and Future Tasks*, 2010, p. 15.



the UN's "capacity to recruit and deploy in the rule of law areas still falls short of what is needed to meet present, let alone future, mission demands rapidly and effectively."<sup>325</sup> The Police Division has endeavored to increase the rapidity of deployment through initiatives such as the Standing Police Capacity (SPC), which was established in 2007 to provide startup capability for new peacekeeping operations and on-call support for existing missions.<sup>326</sup> Nevertheless, particularly in the crucial early stages of missions, personnel shortages will persist indefinitely without better incentives for Member States to contribute skilled and qualified police officers.<sup>327</sup>

Significant structural problems exist in selection and deployment. UNPOL officers generally serve abroad for six months to one year before returning home, generating a high turnover rate that creates "a very inexperienced overall staff."<sup>328</sup> In 2008, a human resources review of UN peacekeeping operations found that "44 percent of staff had less than one year's experience, while nearly 60 percent had fewer than two years of experience."<sup>329</sup> Poor selection practices have adversely affected the composition of UNPOL teams.<sup>330</sup> As late as 1998, the selection of nearly all UNPOL officers did not account for necessary skills or experience.<sup>331</sup> Many of the 3,000 officers who served under the UN Transitional Authority in Cambodia lacked basic policing skills, such as the ability to conduct investigations.<sup>332</sup> When the Police Division tested the proficiency of all deployed FPUs in 2008, only 14 of 38 units achieved adequate to good results in the categories of firearms, public order management, operability of equipment, and command and control.<sup>333</sup> Member States have sent officers without fluency in the language of the applicable mission or host country.<sup>334</sup> In 2006, only one-third of UNPOL officers deployed with the UN Stabilization Mission in Haiti spoke French, notwithstanding their mandate to mentor Haitian police and their regular verbal interaction with armed gangs in volatile situations.<sup>335</sup> Acknowledging its shortcomings, the Police Division has devoted its attention to applying best practices in human resources through Selection Assistance Teams and the creation of standard operating procedures for assessment.<sup>336</sup>

Lack of clear strategic guidance often negatively impacts UNPOL's work.<sup>337</sup> While the Security Council has significantly improved upon historically vague mandates, UNPOL still struggles routinely with interpretation.<sup>338</sup> Personnel with vastly divergent understandings of legal, judicial, and penal systems rarely share the same goals or outlook in relation to operational concepts, such as the procedures for lawful arrest; the use of force and firearms; and the handling of victims, refugees, detainees and prisoners.<sup>339</sup> During the ten months it took the UN Interim Administration Mission in Kosovo (UNMIK) to define a common legal code, individual police contingents applied varying legal standards, "some of which were highly authoritarian and involved practices commonly labeled in Europe as human rights abuses."<sup>340</sup> In several respects, the convergence of police and military functions has created confusion surrounding the division of responsibilities among different components of peacekeeping operations.<sup>341</sup> DPKO has attempted to standardize policing by releasing various handbooks and implementing pre-deployment curricula, but doctrinal inconsistencies remain.<sup>342</sup> A Strategic Guidance Framework for Police Peacekeeping will be released in late 2013 to "provide the international community with a common reference and tools for international

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<sup>325</sup> Durch & England, *Enhancing United Nations Capacity to Support Post-Conflict Policing and Rule of Law*, 2010, p. 1.

<sup>326</sup> United Nations Police Division, *United Nations Police: On Duty for Peace* [Bulletin], 2012, p. 23.

<sup>327</sup> Greener, *UNPOL: UN Police as Peacekeepers*, 2009, p. 117.

<sup>328</sup> Linden, Last & Murphy, *Obstacles on the Road to Peace and Justice*, 2007, p. 166.

<sup>329</sup> Benner, Mergenthaler & Rotmann, *The New World of UN Peace Operations*, 2011, p. 15.

<sup>330</sup> Linden, Last & Murphy, *Obstacles on the Road to Peace and Justice*, 2007, p. 162.

<sup>331</sup> Benner, Mergenthaler & Rotmann, *The New World of UN Peace Operations*, 2011, p. 67.

<sup>332</sup> Linden, Last & Murphy, *Obstacles on the Road to Peace and Justice*, 2007, p. 162.

<sup>333</sup> Durch, *United Nations Police Evolution, Present Capacity and Future Tasks*, 2010, p. 14.

<sup>334</sup> Linden, Last & Murphy, *Obstacles on the Road to Peace and Justice*, 2007, p. 162.

<sup>335</sup> Durch & England, *Enhancing United Nations Capacity to Support Post-Conflict Policing and Rule of Law*, 2010, p. 46.

<sup>336</sup> United Nations Police Division, *United Nations Police: On Duty for Peace* [Bulletin], 2012, p. 37.

<sup>337</sup> Greener, *UNPOL: UN Police as Peacekeepers*, 2009, p. 110.

<sup>338</sup> Durch & England, *Enhancing United Nations Capacity to Support Post-Conflict Policing and Rule of Law*, 2010, p. 36.

<sup>339</sup> Greener, *UNPOL: UN Police as Peacekeepers*, 2009, p. 110.

<sup>340</sup> Bellamy & Williams, *Understanding Peacekeeping*, 2010, p. 384.

<sup>341</sup> Last, *Blending through International Deployment*, 2010, p. 33.

<sup>342</sup> Durch & England, *Enhancing United Nations Capacity to Support Post-Conflict Policing and Rule of Law*, 2010, p. 34.

police peacekeepers.”<sup>343</sup> However, comprehensive standardization of police practices will have to be a long-term project for the Police Division’s comparatively small staff and limited resources.<sup>344</sup>

As the nature of conflict changes, UNPOL must construct new approaches to emergent challenges.<sup>345</sup> Intrastate conflicts have displayed rising rates of organized crime, drug trafficking, and terrorism that test UNPOL’s ability to defend against more insidious threats.<sup>346</sup> The proliferation of sexual- and gender-based violence has further emphasized the need to mainstream gender issues in all areas of international policing.<sup>347</sup> Women and children commonly feel more comfortable reporting crimes or abuse to female police officers, whose involvement in UNPOL leadership enhances the ability of peacekeeping operations to protect the most vulnerable segments of post-conflict societies.<sup>348</sup> The first all-female FPUs have been deployed in Liberia, Haiti, and the Democratic Republic of the Congo, and UNPOL has pledged to raise the proportion of female police to 20 percent by 2014.<sup>349</sup> Despite numerous reports of misconduct in the field, the Police Division has yet to formulate a method to maximize the accountability of UNPOL officers.<sup>350</sup> The increasing complexity of peacekeeping operations demands the identification of “useful indicators for measuring progress” toward mission goals, but the determination of consistently applicable benchmarks has become mired in contentious debate between peacekeeping experts.<sup>351</sup> However, “the most serious problem” restricting UNPOL’s success remains “the lack of commitment by the international community.”<sup>352</sup> The continued ability of UNPOL officers to provide effective rule of law support to peacekeeping operations depends upon the collective will of Member States.<sup>353</sup>

### **Case Study: Timor-Leste**

Formerly under Portuguese control, East Timor initiated a process for decolonization in 1974.<sup>354</sup> In December 1975, after a month of civil war between Timorese factions, Indonesia invaded and subsequently occupied East Timor in defiance of international condemnation.<sup>355</sup> In 1999, Portugal and Indonesia agreed to a process for self-determination that led to a referendum overwhelmingly in favor of Timorese independence.<sup>356</sup> The Democratic Republic of Timor-Leste declared independence on 20 May 2002, but instability prompted UN involvement through a series of peacebuilding missions in the early 2000s.<sup>357</sup> The last of these missions withdrew in 2005, with leadership proudly lauding Timor-Leste as a “safe and peaceful country, which was able to assume responsibility for its own security.”<sup>358</sup> The illusion of peace was soon destroyed, as lasting tension between army and police factions culminated in open violence throughout the spring of 2006.<sup>359</sup> Ironically, the conflict erupted in “the same security sector that was the focal point of international reform activities during the preceding years.”<sup>360</sup>

The Security Council had tasked the UN Transitional Administration in East Timor (UNTAET) with “rapidly establish[ing] a credible, professional and impartial East Timor police service.”<sup>361</sup> But without adequate capacity, CIVPOL on the ground was quickly overwhelmed by the impossible demands of its mandate.<sup>362</sup> Despite a complete lack of judicial infrastructure, the Security Council had authorized only 1640 CIVPOL officers, who were recruited

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<sup>343</sup> United Nations Police Division, *United Nations Police: On Duty for Peace* [Bulletin], 2012, p. 53.

<sup>344</sup> Goldsmith & Harris, *Out of Step: Multilateral Police Missions, Culture and Nation-Building in Timor-Leste*, 2011, p. 177.

<sup>345</sup> Greener, *UNPOL: UN Police as Peacekeepers*, 2009, pp. 116-17.

<sup>346</sup> United Nations General Assembly, *United Nations Police: Report of the Secretary-General (A/66/615)*, 2011, p. 1.

<sup>347</sup> United Nations Police Division, *United Nations Police: On Duty for Peace* [Bulletin], 2012, p. 64.

<sup>348</sup> Olsson, *Gender Equality and United Nations Peace Operations in Timor-Leste*, 2009, p. 99.

<sup>349</sup> United Nations Police Division, *United Nations Police: On Duty for Peace* [Bulletin], 2012, p. 56.

<sup>350</sup> Sotomayor, *Top Contributors (2000-2010): Uruguay*, 2013, p. 329.

<sup>351</sup> Durch & England, *Enhancing United Nations Capacity to Support Post-Conflict Policing and Rule of Law*, 2010, p. 47.

<sup>352</sup> Linden, Last & Murphy, *Obstacles on the Road to Peace and Justice*, 2007, p. 166.

<sup>353</sup> United Nations General Assembly, *United Nations Police: Report of the Secretary-General (A/66/615)*, 2011, p. 17.

<sup>354</sup> Durch, *UN Police, Justice and Corrections Programming in Timor-Leste*, 2012, p. 3.

<sup>355</sup> Ballard, *Triumph of Self-Determination*, 2008, pp. 8-9.

<sup>356</sup> Durch, England & Mangan, *Understanding Impact of Police, Justice and Corrections Components*, 2012, p. 87.

<sup>357</sup> Peake, *Police Reform and Reconstruction in Timor-Leste*, 2009, 141.

<sup>358</sup> Benner, Mergenthaler & Rotmann, *The New World of UN Peace Operations*, 2011, p. 66.

<sup>359</sup> Durch, England & Mangan, *Understanding Impact of Police, Justice and Corrections Components*, 2012, p. 87.

<sup>360</sup> Hughes, Hunt & Curth-Bibb, *Forging New Conventional Wisdom beyond International Policing*, 2013, p. 2.

<sup>361</sup> Benner, Mergenthaler & Rotmann, *The New World of UN Peace Operations*, 2011, p. 67.

<sup>362</sup> Martin & Mayer-Rieckh, *The United Nations and East Timor*, 2005, p. 113.

and deployed extremely slowly in UNTAET's early stages.<sup>363</sup> The multilateral nature of CIVPOL forces created numerous operational challenges, including language barriers that impeded communication between officers and jeopardized the readiness and coherence of responses to emergencies.<sup>364</sup> Sergio Vieira de Mello, the head of UNTAET, observed in 2000 that "UN Police are slow to arrive and seldom effective. They are made up of police officers from up to 60 different countries, all with their own attitudes towards policing, uneven training standards and varying levels of individual competence."<sup>365</sup> Analysts ultimately attributed the "implosion" of Timorese police to "inadequate planning and deficient mission design arising from the dearth of institution-building expertise at UN headquarters."<sup>366</sup>

Upon the request of the Timorese government following the collapse of police command in Dili, Security Council resolution 1704 established the UN Mission in Timor-Leste (UNMIT) with a mandate:

(c) To ensure, through the presence of United Nations police, the restoration and maintenance of public security in Timor-Leste through the provision of support to the Timorese national police (PNTL), as outlined in the Secretary-General's report, which includes interim law enforcement and public security until PNTL is reconstituted, and to assist with the further training, institutional development and strengthening of the PNTL as well as the Ministry of Interior, and also assist in the planning and preparing of electoral-related security arrangements to adequately prepare the national police for performing their roles and responsibilities during the conduct of the 2007 elections;

(d) To support the Government of the Democratic Republic of Timor-Leste, to liaise on security tasks and to establish a continuous presence in three border districts alongside armed United Nations police officers assigned to district police stations, through the impartial presence of United Nations military liaison officers; [and]

(e) To assist the Government of the Democratic Republic of Timor-Leste in conducting a comprehensive review of the future role and needs of the security sector.<sup>367</sup>

Unlike previous missions in Timor-Leste, UNMIT included a broad mandate for UNPOL that specifically delineated intended goals and outcomes.<sup>368</sup> Accordingly, UNPOL was able to carry out the wide range of activities necessary to help Timor-Leste rebuild its rule of law institutions.<sup>369</sup> A Joint Development Plan shared by PNTL and UNMIT focused UNPOL's efforts in five key areas: legislation, training, administration, discipline, and operations.<sup>370</sup> Initially, UNPOL prioritized short-term efforts to provide interim public security while the National Police of Timor-Leste (PNTL) underwent reconstitution.<sup>371</sup> International FPU's guarded courthouses, supplied witness protection, and provided security during elections.<sup>372</sup> In March 2011, the PNTL assumed full control of the country's law enforcement and public security while UNPOL shifted its focus to capacity building.<sup>373</sup> As UNMIT worked to restore public confidence in the PNTL, UNPOL continued to provide operational support as required in some areas, including close protection, joint patrols, and border policing.<sup>374</sup> Through workshops, UNPOL trained the PNTL in the "technical aspects of policing, including legislation, domestic violence law, investigations, discipline, administration, report writing, arrest procedures, conflict resolution, public order management and intelligence gathering."<sup>375</sup> When UNMIT withdrew from Timor-Leste in December 2012, observers were far more confident in

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<sup>363</sup> Olsson, *Gender Equality and United Nations Peace Operations in Timor-Leste*, 2009, p. 99.

<sup>364</sup> Goldsmith & Harris, *Out of Step: Multilateral Police Missions, Culture and Nation-Building in Timor-Leste*, 2011, p. 168.

<sup>365</sup> Benner, Mergenthaler & Rotmann, *The New World of UN Peace Operations*, 2011, p. 67.

<sup>366</sup> *Ibid.*, p. 105.

<sup>367</sup> United Nations Security Council, *Resolution 1704 (2006) [The situation in East Timor] (S/RES/1704)*, 25 August 2006.

<sup>368</sup> Verdirame, *The UN and Human Rights*, 2011, p. 256.

<sup>369</sup> United Nations Department of Peacekeeping Operations, *UNPOL Magazine (10<sup>th</sup> edition)*, 2013, p. 9.

<sup>370</sup> Durch, *UN Police, Justice and Corrections Programming in Timor-Leste*, 2012, p. 3.

<sup>371</sup> Olsson, *Gender Equality and United Nations Peace Operations in Timor-Leste*, 2009, pp. 98-99.

<sup>372</sup> Durch, *UN Police, Justice and Corrections Programming in Timor-Leste*, 2012, p. 12.

<sup>373</sup> United Nations Department of Peacekeeping Operations, *UNPOL Magazine (10<sup>th</sup> edition)*, 2013, p. 5.

<sup>374</sup> United Nations Security Council, *Report of the Secretary-General on UNMIT (S/2012/765)*, 2012, p. 6.

<sup>375</sup> United Nations Department of Peacekeeping Operations, *UNPOL Magazine (10<sup>th</sup> edition)*, 2013, p. 5.

the PNTL's capacity to maintain peace and security without international assistance.<sup>376</sup> The UN's experience in Timor-Leste thus represents a full spectrum of potential outcomes following international intervention in domestic rule of law processes.

### **Conclusion**

The international community has come to accept that "justice, peace and democracy are not mutually exclusive objectives, but rather mutually reinforcing imperatives" supported by the rule of law.<sup>377</sup> UNPOL will remain central to rule of law efforts around the world, but its effectiveness will diminish if Member States refuse to act.<sup>378</sup> Delegates must address gaps in UNPOL's capacity, with particular focus on broadening the base of Member States contributing to peacekeeping operations. To devise a long-term process for force generation, delegates should analyze "the domestic politics of peacekeeping decisions in contributing countries and the ways in which [the UN] can influence those processes," in addition to considering methods for building strong bilateral relationships with individual Member States.<sup>379</sup> Lastly, delegates should formulate practical strategies to realize the enhanced "triangular cooperation" between the Security Council, the Secretariat, and troop- and police-contributing countries often espoused by C34.<sup>380</sup> The Fourth Committee must work with diligence in light of the paramount importance of rule of law in the "context of broader development goals, the promotion of human rights and the maintenance of peace and security."<sup>381</sup>

### **Annotated Bibliography**

Bellamy, A. J. & P. D. Williams. (2012, August). *Broadening the Base of United Nations Troop- and Police-Contributing Countries*. Retrieved 2 July 2013 from:

[http://www.ipinst.org/media/pdf/publications/ipi\\_pub\\_broadening\\_the\\_base.pdf](http://www.ipinst.org/media/pdf/publications/ipi_pub_broadening_the_base.pdf)

*The role of UNPOL in peace operations continues to expand. Consequently, the UN must address the pressing need to bolster recruitment from Member States in order to meet a growing demand for personnel. Bellamy and Williams identify trends in troop contributions, suggest rationales behind Member States' decisions to contribute troops or police, and analyze factors inhibiting contributions. Furthermore, the authors highlight the need of the UN to engage in public diplomacy campaigns to raise awareness of the contributions of peacekeeping operations.*

Bellamy, A. J. & P. D. Williams. (2010). *Understanding Peacekeeping* (2nd ed.). Cambridge, UK: Polity Press. *Bellamy and Williams provide a thorough overview of modern peacekeeping operations. The text begins with a historical perspective that ranges from the nineteenth century to the modern day, followed by a thematic perspective that examines types of peace operations in greater detail. Part IV of the text describes contemporary challenges, the last of which is policing.*

Benner, T., S. Mergenthaler & P. Rotmann. (2011). *The New World of UN Peace Operations: Learning to Build Peace?* Oxford, UK: Oxford University Press.

*UNPOL officers operate as components of peacekeeping operations, which have themselves undergone dramatic evolution in recent years. Benner, Mergenthaler, and Rotmann examine the nature of peacekeeping operations in the twenty-first century and argue for further organizational change. Chapter 4 focuses on the process of replacing and rebuilding local police forces in post-conflict environments as a means of achieving public order.*

Druckman, D. & P. F. Diehl, eds. (2013). *Peace Operations Success: A Comparative Analysis*. Leiden, Netherlands: Koninklijke Brill NV.

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<sup>376</sup> United Nations News Centre, *Drawing Down – The End of a UN Peacekeeping Mission in Timor-Leste* [Article], 2013.

<sup>377</sup> United Nations Security Council, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies: Report of the Secretary-General (S/2004/616)*, 2004, p. 1.

<sup>378</sup> Durch & England, *Enhancing United Nations Capacity to Support Post-Conflict Policing and Rule of Law*, 2010, p. 2.

<sup>379</sup> Bellamy & Williams, *UN Force Generation: Key Lessons and Future Strategies*, 2013, p. 447.

<sup>380</sup> United Nations General Assembly, *Report of the Special Committee on Peacekeeping Operations (A/66/19)*, 2012, p. 48.

<sup>381</sup> United Nations Security Council, *Measuring the Effectiveness of the Support Provided by the UN System for the Promotion of the Rule of Law in Conflict and Post-Conflict Situations: Report of the Secretary-General (S/2013/341)*, 2013, p. 15.



*Evaluating the effectiveness of a peace operation proves difficult in light of contested definitions, standards, and indicators, as well as the issues involved in procuring and analyzing information. Druckman and Diehl have spearheaded this specific effort to create a framework for assessing peace operations. The case studies present delegates with an opportunity to consider how international policing may contribute to or detract from the success of a given peace operation. Of particular interest is John Braithwaite's chapter on the Timor-Leste Peace Operation, which examines UNPOL's contribution in relation to international policing more generally.*

Durch, W. & M. England. (2010). *Enhancing United Nations Capacity to Support Post-Conflict Policing and Rule of Law*. Washington, DC: Stimson Center. Retrieved 10 August 2013 from:

[http://www.stimson.org/images/uploads/research-pdfs/Enhancing\\_United\\_Nations\\_Capacity\\_2010\\_revision.pdf](http://www.stimson.org/images/uploads/research-pdfs/Enhancing_United_Nations_Capacity_2010_revision.pdf)

*The Stimson Center's program on the Future of Peace Operations commissioned five studies on topics related to restoring post-conflict rule of law. This study focuses on police components of peacekeeping operations and ultimately offers proposals for improving UN capacity to deploy police rapidly and effectively. The first annex collates a selection of Security Council resolutions authorizing police actions in peacekeeping operations, allowing for easy access to and comparison of mandate language across all missions.*

Hughes, B., C. T. Hunt & J. Curth-Bibb. (2013). *Forging New Conventional Wisdom beyond International Policing: Learning from Complex, Political Realities*. Leiden, Netherlands: Koninklijke Brill NV.

*Hughes, Hunt, and Curth-Bibb object to the conventional approach to international policing, drawing attention to the need to reform methods of monitoring and evaluation. They focus especially upon the weakness of ethnocentric and state-centric paradigms currently at the heart of international policing. Part One contains a helpful overview of the historical evolution of police in peace operations, Parts Two and Three present ontological and epistemological rationales for a new approach to monitoring and evaluation, and Part Four discusses three relevant case studies.*

United Nations, Department of Peacekeeping Operations & United Nations, Department of Field Support. (2009). *A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping* [Non-Paper]. Retrieved August 10, 2012, from <http://www.un.org/en/peacekeeping/documents/newhorizon.pdf>

*Published by the Department of Peacekeeping Operations and the Department of Field Support, this non-paper summarizes the current approach and direction of United Nations peacekeeping. Intended as a contribution to a dialogue surrounding peacekeeping reform, it will be particularly useful for delegates who wish to develop greater familiarity with United Nations peacekeeping in general. A better understanding of the UN's trend towards peacebuilding will provide context for UNPOL's role in the rule of law community at DPKO.*

United Nations, General Assembly, Sixty-sixth session. (2011, December 15). *United Nations Police: Report of the Secretary-General (A/66/615)*. Retrieved 2 July 2013 from: <http://undocs.org/A/66/615>

*In 2011, the Special Committee on Peacekeeping Operations requested the Secretariat to prepare a report on the UN Police Division and the challenges faced by police components of peace operations. The resulting report provides a useful overview of UNPOL's mandates, structures, and functions; the organization of the Police Division; and the obstacles UNPOL faces. Part IV contains both general observations and suggestions for strengthening UNPOL's capabilities.*

United Nations, General Assembly, Fifty-fifth session. (2000, August 21). *Report of the Panel on United Nations Peace Operations (A/55/305)*. Retrieved 2 July 2013 from: <http://undocs.org/A/55/305>

*In 2000, the groundbreaking Brahimi report ushered in the modern age of peacekeeping. It notably recommended that the UN reform the manner in which it deployed civilian police officers to support rule of law components of peace operations. The UN Police Division was established in direct response to the report's proposals, which also foreshadowed the restructuring of the UN's rule of law apparatus.*



United Nations, Security Council. (2004, August 23). *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies: Report of the Secretary-General (S/2004/616)*. Retrieved 15 August 2013 from: <http://undocs.org/S/2004/616>

*The Security Council fully committed to promoting the rule of law in post-conflict environments only after Secretary-General Kofi Annan released this report in 2004. It emphasizes the need to prioritize rule of law throughout all UN activities, including peacekeeping operations. UNPOL's rise in prominence was partially a response to Annan's call for the UN to "help fill the rule of law vacuum evident in so many post-conflict societies."*

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## **Rules of Procedure of the General Assembly Fourth Committee (GA 4<sup>th</sup>)**

### ***Introduction***

1. These rules shall be the only rules which apply to the General Assembly Fourth Committee (hereinafter referred to as “the Committee”) and shall be considered adopted by the Committee prior to its first meeting.
2. For purposes of these rules, the Director, the Assistant Director(s), the Under-Secretaries-General, and the Assistant Secretaries-General, are designates and agents of the Secretary-General and Deputy Secretary-General, and are collectively referred to as the “Secretariat.”
3. Interpretation of the rules shall be reserved exclusively to the Deputy Secretary-General or her/his designate. Such interpretation shall be in accordance with the philosophy and principles of the National Model United Nations (NMUN) and in furtherance of the educational mission of that organization.
4. For the purposes of these rules, “President” shall refer to the chairperson or acting chairperson of the Committee, which can be any member of the Secretariat or their designate.
5. The practice of striving for consensus in decision-making shall be encouraged. NMUN also acknowledges it may sometimes be necessary for a Member State to abstain or vote against a resolution it cannot support for policy reasons.

### **I. SESSIONS**

#### **Rule 1 - *Dates of convening and adjournment***

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

#### **Rule 2 - *Place of sessions***

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

### **II. AGENDA**

#### **Rule 3 - *Provisional agenda***

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

#### **Rule 4 - *Adoption of the agenda***

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

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

### **Rule 5 - Revision of the agenda**

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

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

### **Rule 6 - Explanatory memorandum**

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

## **III. SECRETARIAT**

### **Rule 7 - Duties of the Secretary-General**

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

### **Rule 8 - Duties of the Secretariat**

The Secretariat shall receive and distribute documents of the Commission to the Members, and generally perform all other work which the Committee may require.

### **Rule 9 - Statements by the Secretariat**

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

### **Rule 10 - Selection of the President**

The Secretary-General or her/his designate shall appoint, from applications received by the Secretariat, a President who shall hold office and, *inter alia*, chair the Committee for the duration of the session, unless otherwise decided by the Secretary-General.

### **Rule 11 - Replacement of the President**

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



## IV. LANGUAGE

### **Rule 12 - Official and working language**

English shall be the official and working language of the Committee during scheduled sessions (both formal and informal) of the Committee.

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

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

*This rule does not affect the total speaking time allotted to those representatives wishing to address the body in a language other than English. As such, both the speech and the interpretation must be within the set time limit. The language should be the official language of the country you are representing at NMUN.*

## V. CONDUCT OF BUSINESS

### **Rule 14 - Quorum**

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

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

### **Rule 15 - General powers of the President**

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

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

### **Rule 16 - Authority of the Committee**

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

### **Rule 17 - Voting rights on procedural matters**

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

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

### **Rule 18 - Points of order**

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

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

### **Rule 19 - Speeches**

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

*In line with the philosophy and principles of the NMUN, in furtherance of its educational mission, and for the purpose of facilitating debate, the Secretariat will set a time limit for all speeches which may be amended by the Committee through a vote if the President, at his or her discretion, decides to allow the Committee to decide. In no case shall the speakers time be changed during the first scheduled session of the Committee. Consequently, motions to alter the speaker's time will not be entertained by the President. The content of speeches should be pertinent to the agenda as set by the Committee.*

### **Rule 20 - List of Speakers**

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

*The decision to announce the list of speakers is within the discretion of the President and should not be the subject of a motion by the Committee. A motion to close the speakers list or reopen (if the list has already been closed) is within the purview of the Committee and the President should not act on her/his own motion.*

### **Rule 21 - Right of reply**

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

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

**Rule 22 - Suspension of the meeting**

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

*This motion should be used to suspend the meeting for lunch or at the end of the scheduled committee session time. Delegates should properly phrase this motion as "suspension of the meeting," and provide a length of time when making the motion.*

**Rule 23 - Adjournment of the meeting**

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

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

**Rule 24 - Adjournment of debate**

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

**Rule 25 - Closure of debate**

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

**Rule 26 - Order of motions**

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

1. To suspend the meeting;
2. To adjourn the meeting;
3. To adjourn the debate on the item under discussion;
4. To close the debate on the item under discussion.

**Rule 27 - Proposals and amendments**

Proposals and amendments shall normally be submitted in writing to the Secretariat. Any proposal or amendment that relates to the substance of any matter under discussion shall require the signature of twenty percent of the members of the Committee [sponsors].

The Secretariat may, at its discretion, approve the proposal or amendment for circulation among the delegations. As a general rule, no proposal shall be put to the vote at any meeting of the Committee unless copies of it have been

circulated to all delegations. The President may, however, permit the discussion and consideration of amendments or of motions as to procedure, even though such amendments and motions have not been circulated.

If the sponsors agree to the adoption of a proposed amendment, the proposal shall be modified accordingly and no vote shall be taken on the proposed amendment. A document modified in this manner shall be considered as the proposal pending before the Committee for all purposes, including subsequent amendments.

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

#### **Rule 28 - Withdrawal of motions**

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

#### **Rule 29 - Reconsideration of a topic**

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

#### **Rule 30 - Invitation to silent prayer or meditation**

Immediately after the opening of the meeting and immediately preceding the closing of the final meeting, the President shall invite the representatives to observe one minute of silence dedicated to prayer or meditation with the motion to do so by a representative.

## **VI. VOTING**

#### **Rule 31 - Voting rights**

Each member of the Committee shall have one vote.

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

#### **Rule 32 - Request for a vote**

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

*For purposes of this rule, proposal means any draft resolution, an amendment thereto, or a portion of a draft resolution divided out by motion. Just prior to a vote on a particular proposal or motion, the President may ask if there are any objections to passing the proposal or motion by acclamation, or a*

*member may move to accept the proposal or motion by acclamation. If there are no objections to the proposal or motion, then it is adopted without a vote. Adoption by “acclamation” or “without a vote” is consistent not only with the educational mission of the conference but also the way in which the United Nations adopts a majority of its proposals.*

**Rule 33 - Majority required**

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

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

**Rule 34 - Method of voting**

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

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

2. When the Committee votes by mechanical means, a non-recorded vote shall replace a vote by show of placards and a recorded vote shall replace a roll-call vote. A representative may request a recorded vote. In the case of a recorded vote, the Committee shall dispense with the procedure of calling out the names of the members.
3. The vote of each member participating in a roll-call or a recorded vote shall be inserted in the record.

**Rule 35 - Explanations of vote**

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

*All explanations of vote must be submitted to the President in writing before debate on the topic is closed, except where the representative is of a member sponsoring the proposal, as described in the second clause, in which case the explanation of vote must be submitted to the President in writing immediately after voting on the topic ends. Only delegates who are sponsors of a draft resolution that has been adopted with an unfriendly amendment, whom subsequently voted against the draft resolution may explain their vote.*

**Rule 36 - Conduct during voting**

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

*For purposes of this rule, there shall be no communication among delegates, and if any delegate leaves the Committee room during voting procedure, they will not be allowed back into the room until the Committee*



*has convened voting procedure. Should a delegate who is also serving as Head Delegate leave the room, they may reenter but they may not retake their seat and participate in the vote.*

**Rule 37 - Division of proposals and amendments**

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

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

**Rule 38 - Amendments**

An amendment is a proposal that does no more than add to, delete from, or revise part of another proposal. Permission to speak on the amendment shall be given only to two speakers in favor and two speakers against.

*An amendment can add, amend, or delete entire operative clauses, but cannot in any manner add, amend, delete, or otherwise affect preambular clauses or sub-clauses of operative clauses. The President may limit the time to be allowed to speakers under this rule. These speeches are substantive in nature.*

**Rule 39 - Voting on amendments**

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

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

**Rule 40 - Order of voting on proposals**

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

**Rule 41 - The President shall not vote**

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

**VII. CREDENTIALS**

**Rule 42 - Credentials**

The credentials of representatives and the names of members of a delegation shall be submitted to the Secretary-General prior to the opening of a session.

**Rule 43 - Authority of the General Assembly**

The Committee shall be bound by the actions of the General Assembly in all credentials matters and shall take no action regarding the credentials of any member.

**VII. PARTICIPATION OF NON-MEMBERS OF THE COMMITTEE**

**Rule 44 - Participation of non-Member States**

The Committee shall invite any Member of the United Nations that is not a member of the Committee and any other State, to participate in its deliberations on any matter of particular concern to that State.

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

*If the Committee considers that the presence of a Member invited, according to this rule, is no longer necessary, it may withdraw the invitation. Delegates invited to the Committee according to this rule should also keep in mind their role and obligations in the Committee that they were originally assigned to. For educational purposes of the NMUN Conference, the Secretariat may thus ask a delegate to return to his or her committee when his or her presence in the Committee is no longer required. Delegates may request the presence of a non-member of their committee simply by informing the President that this is the desire of the body, there is no formal procedural process.*

**Rule 45 - Participation of national liberation movements**

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

*National liberation movements are only represented at NMUN in two ways: (1) if their delegation has been assigned explicitly the national liberation movement itself; or (b) should the Security Commission wish to hear from a representative of the movement in their deliberations, the Secretariat shall provide the appropriate representative.*

**Rule 46 - Participation of and consultation with specialized agencies**

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

*NMUN does not assign delegations to Specialized Agencies.*

**Rule 47 - Participation of non-governmental organization and intergovernmental organizations**

Representatives of non-governmental organizations/intergovernmental organizations accorded consultative observer status by the Economic and Social Council, may participate, with the procedural right to vote, but not the substantive right to vote, in the deliberations of the Committee on questions within the scope of the activities of the organizations.

*NMUN will assign delegations an NGO instead of a Member State upon request.*