

## **Legal Committee**

### **Topic 1: Stateless Peoples**

An estimated 12 million people are considered stateless worldwide. Statelessness of a person refers to, according to the United Nations, those who are “not considered as nationals by any State under the operation of its law,” and who “does not enjoy citizenship.” These persons generally are living in society without the simple rights guaranteed to them through the 1948 Universal Declaration of Human Rights; education, political participation, employment, and most importantly the right to a nationality. This population is without a country to call home, without a name to call themselves, and without any records made of their births. As far as the state is concerned, they are nonexistent. Due to the massive size of this population, this issue is a grave concern of the United Nations.

The United Nations first directed its efforts towards the problem of statelessness in 1951 with the creation of the 1951 Convention relating to the Status of Refugees, which described refugees who are stateless, and the criteria necessary for its definition complied with the definition of a refugee. However the United Nations Human Rights Council (UNHRC) redirected its consideration of this issue with the adoption of the 1954 Convention relating to the Status of Stateless Persons, which made it clear that the United Nations views refugees and stateless persons as two distinct groups. This was followed and further strengthened by the 1961 Convention on the Reduction of Statelessness. The 1961 Convention has allowed the UNHRC to assist stateless persons by investigating their respective situations and presenting claims to their respective national authorities. It is evident that the 1961 Convention provides means to solve this problem; however 12 million stateless people still remain.

While the United Nations has clearly taken some steps to address the issue of statelessness, 62 countries have only ratified the 1954 Convention Relating to the Status of Stateless Persons, and only 34 countries have ratified the 1961 Convention on the Reduction of Statelessness. Thus, the UNHRC suggests the first measure to be taken, in order to protect the right of stateless persons, is for all states to ratify the 1961 Convention on the Reduction of Statelessness. It has also been suggested that the UNHCR strengthen its efforts to address the problem of statelessness by working in coordination with not only other states, but UN agencies and non-governmental organizations.

#### **Questions:**

1. What measures should be taken by the United Nations to ensure the protection of the rights of stateless persons?
2. What type of procedures can be put into place that could prevent the problem? Would the creation of a universal birth registration system create a viable solution?

## Resources:

1. <http://www.un.org/events/tenstories/07/theexcluded.shtml>  
Article from the UN website, 10 stories the world should hear more about: The excluded: The hidden world of the Stateless
2. <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=links&skip=0&reftopic=STATELESS>  
Links to documents providing country-specific information on views of Statelessness.
3. <http://www.unhcr.org/pages/49c3646c155.html>  
The United Nations Refugee Agency's main page addressing Statelessness.
4. <http://www.refugeesinternational.org/who-we-are/our-issues/statelessness>  
In depth reports and field reports on Statelessness by Refugees International.
5. <http://www.reliefweb.int/rwarchive/rwb.nsf/db900sid/EGUA-79DPYC?OpenDocument&query=statelessness>  
The UN high commissioner for refugees and the UN high commissioner for human rights on Statelessness.
6. <http://www.refugeesinternational.org/policy/field-report/statelessness-international-blind-spot-linked-global-concerns>  
A site on explanation and policy recommendations for the issue.
7. <http://www.unhcr.org/protect/PROTECTION/3bbb237e7.html>  
Numerous and very helpful links to crucial UN Documents, Articles, UNHCR documents, and books regarding Statelessness.
8. <http://www.unhcr.org/cgi-bin/texis/vtx/home>  
Website of the UN Refugee Agency
9. <http://www.refugeesinternational.org/who-we-are/our-issues/statelessness>  
Refugees International organization's page concerning Statelessness
10. <http://www.britannica.com/bps/additionalcontent/18/37194605/Stateless-People-Violent-States>  
Article on Stateless people, violent states from Britannica Online

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### **Topic 2: Management of International Resources**

The United Nations has recognized a new environmental challenge in the dawn of a new century. Several countries have been abusing resources that are within international territories, with severe ramifications on the environment. The United Nations has found increasing levels of carbon dioxide, massive use of fertilizers and the exploitation of marine fisheries to be the cause of environmental problems, as well as a large depletion of international resources. Broadly, these resources are a part of the “global commons”, which generally refers to parts of international life that are beyond national jurisdiction. International life includes a plethora of spaces and things; and not just physical spaces. It refers to oceans, forests, the atmosphere, climate, public goods, and even culture. The Legal Committee, however, will narrow its efforts solely on the problems associated with international resources.

Dominance in regions that are recognized as international territories, and thus of no ownership to a single nation, has, in part caused a depletion of international resources. The Arctic Ocean, a prime example, is bordered by five countries- Norway, Denmark, Russia, Canada, and the United States. All five countries have claimed parts of the international waters as their own territory. Due to the potential the region has of providing vast amounts of oil, gas, and more feasible routes of trade, claiming ownership of this territory has become an interest of these five states. Due to the acquisition of these resources, industrial development has been ignited circumventing the Arctic. This has led to an increase in pollution that affects not only wildlife, but the indigenous population surrounding the region, as well as severe climate changes in the region, causing the Arctic sea ice to begin melting steadily.

Not many measures have been taken by the United Nations in efforts to control these international resources. The main problem, besides the fact that the term lacks a clear definition, is the dispute over who has control over such resources. Currently, no country or international body (including the United Nations) has jurisdiction over the regulation of these international resources, thus there has been no monitoring of the activity that has occurred in regions such as the Arctic. However, due to the misuse of these resources and the resulting severe effects on the environment, all these matters must be resolved before the current state of the environment decreases dramatically.

#### **Questions:**

1. What should be defined as an “international resource”?
2. Who should have the ability to regulate these resources, and who should hold responsibility in monitoring their use?
3. Should such areas be protected by international or national law?
4. What types of measures should be taken to protect these international resources, if any?

## Resources:

1. [http://www.actnow.com.au/Issues/Global\\_commons.aspx](http://www.actnow.com.au/Issues/Global_commons.aspx)  
Explains what the global commons is, issues regarding its use and measures which can be used to maintain them.
2. <http://www.globalissues.org/article/740/dominance-in-the-arctic>  
Provides information specifically on the issue over fuel resources in the arctic, providing an example of the types of disputes over shared resources.
3. <http://www.stwr.org/land-energy-water/an-international-rescue-plan-for-water.html>  
This link is a specific page within the previous site, specifically on use and abuse of water.
4. [http://siteresources.worldbank.org/IDA/Resources/IDA-Water\\_Resources.pdf](http://siteresources.worldbank.org/IDA/Resources/IDA-Water_Resources.pdf)  
Explains the major issue of water security and other environmental issues which are linked to global use of resources.
5. <http://earthtrends.wri.org/#>  
Every link on the sidebar has a country profile option to learn about the specific issues affecting that nation in regards to the environment and specific resources.
6. <http://www.intlmgmt.com/portfolio/mancommons.html>  
Article explaining the reform of the United Nations, which discusses how the UN should tackle the management of the global commons
7. <http://www.unep.org/>  
The official website of the United Nations Environment Programme. This website provides detailed information on international resources, the global commons, and how it affects the environment
8. <http://www.protectionproject.org/?q=content/international-resources>  
A non-government organization that looks to establish a comprehensive worldwide network to address the concerns of international resources.
9. <http://www.unep.org/geo2000/english/0027.htm>  
2000 Global Environment Outlook- a study done by the UN Environment Programme.
10. [http://droughtsheatwaves.suite101.com/article.cfm/global\\_resource\\_crisis\\_to\\_hit\\_by\\_2030](http://droughtsheatwaves.suite101.com/article.cfm/global_resource_crisis_to_hit_by_2030)  
An article which anticipated a global resource crisis by the year 2030

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### **Topic 3: Criminal Accountability of UN Personnel**

In countries such as Sudan, Ivory Coast, and Haiti, reports concluded in 2008 that children in post-conflict areas were being abused by members of United Nations peacekeeping forces. In that same year, the United Nations Secretary General Ban Ki-moon reported that there have been cases of sexual abuse by peacekeepers in nearly all countries where the UN has peacekeeping missions overseas, including the Democratic Republic of Congo, Sierra Leone, Kosovo, Ivory Coast, and Liberia.

The Vienna Convention of 1961 defines the diplomatic immunity that all UN agents receive from the criminal jurisdiction of the receiving State while on a mission. However, some UN agents have abused this immunity and committed crimes in those nations in which they are deployed; such as the recent UN Peacekeepers accused of committing rape crimes while abroad. This leads to the return of the offenders to their own State, where it's up to that State to pursue criminal charges. The UN adopted a 'zero-tolerance' policy regarding the misconduct of its personnel, but has no legal or political authority to discipline the offenders themselves. Yet these offenders, once in their home states, often escape punishment when their governments ignore the crimes, refuse to act, or are slow to deal out justice.

When it became apparent that criminal accountability of officials and experts on mission was an escalating concern, the United Nations took measures in efforts to respond to these concerns. In 2003, former Secretary General Kofi Annan issued a "Secretary-General's Bulletin" which defined special measures to be taken in order to protect from sexual abuse and exploitation of UN officials. It also outlined preventative measures to be taken by senior UN officials in order to prevent such incidents from occurring. Because the bulletin was really only a suggestion of the Secretary General (not legally binding), its provisions were not very effective. Due to this ineffectiveness, in 2005 the Conduct and Discipline Team was created within the UN Department of Peacekeeping Operations (DPKO). Now referred to as the Conduct and Discipline Unit (CDU), this unit "provides overall direction for conduct and discipline issues in field missions, including formulating policies, training and outreach activities and handling allegations of misconduct." Although this measure has been successful, the problem of holding UN officials criminally accountable for their illegal behaviors has still persisted, as has been made evident in preceding years.

The General Assembly has made clear its goal to extend effective criminal jurisdiction over UN officials and experts on missions. It is imperative that accountability for criminal behavior amongst all UN personnel be ensured, for if recent events continue, the entire rationale for peacebuilding will become in jeopardy.

#### **Questions:**

1. What type of systems can be implemented to reduce the number of criminal acts that occur in UN missions overseas?
2. Does the UN have the power to hold these criminals accountable for their actions, instead of leaving such decisions to their respective states?

3. Does the UN administrative justice system need to be restructured in order to better hold UN officials criminally accountable?

**Resources:**

1. <http://www1.umn.edu/humanrts/instree/Sunactivities.html>  
Article 104 of the Charter of the United Nations outlining the rights and legal capacity on the UN and its members
2. <http://www.asiantribune.com/?q=node/12046>  
Article describing the UN's inability to fight sexual abuse within peacekeeping forces
3. [http://news.bbc.co.uk/2/hi/in\\_depth/7420798.stm](http://news.bbc.co.uk/2/hi/in_depth/7420798.stm)  
Article on sexual abuse acts committed by UN Peacekeepers
4. <http://www.humansecuritygateway.com/showRecord.php?RecordId=29894>  
A Human Security Report addressing Accountability and on ways of improving it
5. <http://www.un.org/ga/sixth/62/CrimAcc.shtml>  
A site detailing The United Nations Sixth Committee's (Legal) discussion on accountability of experts and officials on mission.
6. [http://www.un.org/News/briefings/docs/2008/080527\\_Lute.doc.htm](http://www.un.org/News/briefings/docs/2008/080527_Lute.doc.htm)  
United Nations Press Conference addressing reports of criminal acts committed by its members.
7. <http://www.icva.ch/doc00001188.html>  
The 2003 Secretary General Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse.
8. <http://cdu.unlb.org/AboutCDU/OurMandate.aspx>  
Main website for the UN Conduct and Discipline Team\
9. [http://www.humansecuritygateway.com/documents/STIMSON\\_ImprovingCriminalAccountability\\_UNPeaceOps.pdf](http://www.humansecuritygateway.com/documents/STIMSON_ImprovingCriminalAccountability_UNPeaceOps.pdf)  
"Improving criminal accountability in United Nations Peace Operations" Report from the United Nations
10. <http://www.un.org/apps/news/story.asp?NewsID=24290&Cr=general&Cr1=assembly>  
UN News Center article concerning a convention on criminal accountability