

MESSAGE OF THE EXECUTIVE BOARD

The responsibility to oversee the functioning of the United Nations General Assembly Sochum in the ODM MUN' 19 has been delegated upon us by the organising committee of the conference. We are to ensure that delegates are provided a realistic and a pleasurable environment wherein they in the capacity of delegates can provide meaningful discussion pertinent to the agenda.

Delegates, we have mentioned the areas which are of importance to the agenda at hand however, you are in no way restricted to discuss these areas alone, remember you are sovereign in your authority and can discuss any issue which you may please although considering the agenda at hand.

This background guide has been prepared in order to give you a kickstart for the conference and this where your research should begin and not stop. You are suggested to identify the areas of importance and discuss the same in the conference.

Prior to the conference should you have any queries, feel free to contact either of us, we would be more than eager to help you, but do remember, your participation in the conference is to make you learn more, and for learning you need to research. Kindly research on the agenda and be ready to enjoy the conference.

On this note, we wish you all the luck in your research and preparation for the conference, and look forward to meeting you during committee session and hope that you come with great expectations and leave with greater experiences.

Shubham Swaraj

Chairperson

Sayantana Dey

Vice- chairperson

UNGA SOCHUM

Introduction (Function and Mandate)

The Social, Humanitarian and Cultural committee (SOCHUM), also the third committee of the United Nations General Assembly (UNGA), considers a variety of issues ranging from social, humanitarian affairs and human rights issues of all people around the world. Over the years, SOCHUM discusses questions relating to the advancement of women, the protection of children, indigenous issues, the treatment of refugees, the promotion of fundamental freedoms through the elimination of racism and racial discrimination, and the right to self-determination.

The Committee also addresses important social development questions such as issues related to youth, family, ageing, persons with disabilities, crime prevention, criminal justice, and international drug control. Alike other UNGAs, SOCHUM works closely with other UN and non-UN bodies, governmental or non-governmental. Together, they work according to the Charter of the United Nations. In addition, SOCHUM as a UNGA may request topic-specific reports from other UN agencies, such as the Human Rights Council. The UN Secretary-General reports annually to SOCHUM on different agenda items, and the committee vote on the important matters. At the end of the session, the committee reports to the plenary bodies of the GA.

UDHR, ICCPR & ICESCR

The Universal Declaration of Human Rights (UDHR) was adopted through a General Assembly Resolution on 10 December 1948, drafted by the Commission on Human Rights. Since it's a General Assembly resolution, the UDHR is not legally binding, even though the main purpose for the document was setting standards of human rights to be followed by the international community. Exploiting its non-binding nature, many countries came together and went ahead to adopt their own standards of human rights, regarding the UDHR as a biased document. For example, the Cairo Declaration on Human Rights in Islam serves as the document setting human rights standards for Islamic nations.

The UDHR sets out certain fundamental human rights which are guaranteed to each and every person, like right to freedom and equality, freedom from discrimination and so on. It has certain sub-categories, namely, civil and political rights and economic, social and cultural rights. In fact, this led to the creation of two new human rights documents, which were legally binding, to address the shortcomings of the UDHR. These were the- International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR). Together these three human rights documents constitute the International Bill of Human Rights.

At SOCHUM, our work is to ensure that these documents are upheld all the time, that people are in no way denied the basic fundamental birth rights. In short, we need to come up with practices and improvements, so that the UDHR, is adhered to as well, in some way.

AGENDA:

Preventing and Countering Violent Extremism and Radicalism in conflict zones.

Introduction to the Agenda

The agenda that we have decided upon for this session of the UNGA SOCHUM, is- Preventing and Countering Violent Extremism and Radicalization in Conflict Zones.

The first question that you will need to answer, before even delving into the details of the agenda, is that, exactly what aspect of the agenda are you supposed to discuss in this committee? The topic broadly has two aspects. First, is a security aspect, that is discussions from a security perspective. Second, a social and humanitarian aspect, that is basing your discussions on human rights in general, social aspects of the agenda like upliftment of women, protection of children, social welfare as a whole, cultural aspects, which basically refer to preserving the culture, or identity, of certain groups and economic aspects maybe included as well.

The second approach is what SOCHUM undertakes. Remember, making sure that the UDHR is upheld, is basically our job here. As a delegate in this committee, what you need to have as the basis of why each and every discussion is being held, is that, “human rights are being violated”, and not that, a country’s security interests are at stake. Keeping this in mind, now we shall move into the specifics of the agenda at hand.

LAWS OF THE WAR

International humanitarian law is part of the body of international law that governs relations between States. IHL aims to limit the effects of armed conflicts for humanitarian reasons. It aims to protect persons who are not or are no longer taking part in hostilities, the sick and wounded, prisoners and civilians, and to define the rights and obligations of the parties to a conflict in the conduct of hostilities. Because it is law, IHL imposes obligations on those engaged in armed conflict. Not only must they respect the law, they have an obligation to ensure respect as well. It is not acceptable to turn a blind eye. The cornerstone of IHL is the Geneva Conventions. The first was signed by 16 countries in 1864. For centuries before then, rules had applied to the conduct of war, but they were based on custom and ¹tradition, were local or just temporary. 1864 changed all that and began a process of building a body of law that is still evolving today.

The initiative for the first convention came from five citizens of Geneva. One of them, Henry Dunant, had, by chance, witnessed the battle of Solferino in 1859. He was appalled by the lack of help for the wounded and organized local residents to come to their aid. Out of this act came one of the key elements of the first convention – the humane treatment of those no longer part of the battle, regardless of which side they were on.

It was at this time, too, that a neutral protective sign for those helping the victims of conflict was adopted; a red cross on a white background, the exact reverse of the Swiss flag.

In the century and a half that followed the body of international humanitarian law grew. The Geneva Convention was extended, in 1906 and 1929 so as to improve the conditions of sick and wounded soldiers in the field and to define new rules on the protection of prisoners of war. In 1899 and 1907, the Hague Conventions, mainly aimed at regulating the conduct of warfare, were also adopted. In August 1949, the four Geneva Conventions as we know them today were adopted. This time they also included the protection of civilians, reflecting the terrible experience of World War II.

Protocols were added to the Geneva Conventions in 1977 and 2005, and a range of other international conventions and protocols covering specific areas such as conventional weapons, chemical weapons, landmines, laser weapons, cluster munitions and the protection of children in armed conflicts has developed the reach of IHL. So too has the codification of customary law.

The core, however, remains the Geneva Conventions and their additional Protocols. They combine clear legal obligations and enshrine basic humanitarian principles.

- Soldiers who surrender or who are hors de combat are entitled to respect for their lives and their moral and physical integrity. It is forbidden to kill or injure them.
- The wounded and sick must be collected and cared for by the party to the conflict which has them in its power. Protection also covers medical

personnel, establishments, transports and equipment. The emblem of the red cross, red crescent or red crystal is the sign of such protection and must be respected.

- Captured combatants are entitled to respect for their lives, dignity, personal rights and convictions.
- They must be protected against all acts of violence and reprisals. They must have the right to correspond with their families and to receive relief.
- Civilians under the authority of a party to the conflict or an occupying power of which they are not nationals are entitled to respect for their lives, dignity, personal rights and convictions.
- Everyone must be entitled to benefit from fundamental judicial guarantees. No one must be sentenced without previous judgment pronounced by a regularly constituted court. No one must be held responsible for an act he has not committed. No one must be subjected to physical or mental torture, corporal punishment or cruel or degrading treatment.
- Parties to a conflict and members of their armed forces do not have an unlimited choice of methods and means of warfare. It is prohibited to employ weapons or methods of warfare of a nature to cause unnecessary losses or excessive suffering.
- Parties to a conflict must at all times distinguish between the civilian population and combatants in order to spare civilian population and property. Adequate precautions shall be taken in this regard before launching an attack.
- The International Committee of the Red Cross is regarded as the “guardian” of the Geneva Conventions and the various other treaties that constitute international humanitarian law. It cannot, however, act as either

policeman or judge. These functions belong to governments, the parties to international treaties, who are required to prevent and put an end to violation of IHL. They have also an obligation to punish those responsible of what are known as “grave breaches” of IHL or war crimes.

VIOLENT EXTREMISM AND RADICALIZATION

The first keyword that we encounter in the agenda, is violent extremism. What does violent extremism mean? While there is no consensus on its definition, UN Security Council resolution 2178 (2014) defines it as something conducive to terrorism, sectarian violence and commission of terrorist acts. But what’s interesting here, is that there’s no universally accepted definition of terrorism either. Numerous deliberations have taken place, but the international community has failed to arrive at an acceptable definition. Neither will we concern ourselves with defining these terms. A basic understanding is all that’s needed. Within the last two decades, there has been a considerable rise in the number of violent extremist groups throughout the world, starting with the 2001 attacks on the United States. Since then, the UN framework has undergone substantial changes to address these, but only in terms of security aspects. Not humanitarian. And what could be seen, the humanitarian aspect has been neglected to such an extent, that its now difficult to differentiate between what’s extremism and what’s counter-extremism.

Now moving on to the second term- Radicalization. Again, there’s no universally accepted definition, but, one definition has been adopted by UNESCO, which is as contains 3 key features-

- "The individual person’s search for fundamental meaning, origin and return to a root ideology;
- "The individual as part of a group’s adoption of a violent form of expansion of root ideologies and related oppositionist objectives;

- "The polarization of the social space and the collective construction of a threatened ideal 'us' against 'them,' where the others are dehumanized by a process of scapegoating."

Now, preventing radicalization has become one of the biggest challenges for the world, mainly because present counter-extremism tactics end up assisting the process of radicalization. Disregard for the humanitarian aspect being the sole reason.

The above information is just an explanation of the first two key terms to help you understand the agenda in details. We are breaking down the agenda into key terms for this purpose.

CONFLICTS AND THE GENEVA CONVENTIONS

The next key word in the agenda is “CONFLICT”. For this agenda, we basically mean armed conflicts. In international law, the word “Armed Conflict” has a separate definition and this definition is what will govern a lot of things for us. International armed conflict involves armed hostilities between two or more sovereign States, regardless of whether a ‘state of war’ has been declared or accepted. This is the definition adopted in 1949 with Common Art. 2 of the Geneva Conventions (I–IV). That brings us to the next question, what are the Geneva Conventions of 1949? It basically comprises of four treaties, along with three Additional Protocols. These documents, simply put, specify the legal, international standards of humanitarian treatment (of Prisoners of War, civilians, certain specific aid workers, etc.), during any international or non-international conflict. From these documents the International Humanitarian Law (IHL) has been adopted, which comes into effect during an armed conflict. The UDHR, ICCPR and ICESCR comprise the International Human Rights Law (IHRL). The IHL has been adopted, because, conflict situations demand the setting of certain special standards, which are complemented by IHRL. While undertaking counter-extremism tasks, the IHL must always be respected by the State, so that humane treatment can be assured. Also, IHRL can be suspended in case a State declares emergency, but, IHL will be applicable always, as long as a conflict is there, doesn’t matter whether it’s a state of emergency or not. (Further research on this subject is encouraged for clearer understanding)

In the contemporary world, international armed conflicts are no longer that relevant. Its mainly non-international armed conflicts that we need to worry about for this agenda. For a long time, discussions were held as to what kind of conflict falls under this category as well so that the applicability of IHL could be decided. Again, we won't be delving into when where it could be applied but, how it should be applied and how it can be improved as well, to cover the humanitarian aspects better.

JUS IN BELLO AND JUS AD BELLUM:

The clear distinction between *jus in bello* and *jus ad bellum* is comparatively recent. The terms did not become common in debates and writings about the law of war until a decade after World War II. The concepts they cover certainly did feature in legal debate before then, but without the clear distinction the adoption of the terms has brought about.

The purpose of international humanitarian law is to limit the suffering caused by war by protecting and assisting its victims as far as possible. The law therefore addresses the reality of a conflict without considering the reasons for or legality of resorting to force. It regulates only those aspects of the conflict which are of humanitarian concern. It is what is known as *jus in bello* (law in war). Its provisions apply to the warring parties irrespective of the reasons for the conflict and whether or not the cause upheld by either party is just.

The *jus ad bellum* (law on the use of force) or *jus contra bellum* (law on the prevention of war) seeks to limit resort to force between States. Under the UN Charter, States must refrain from the threat or use of force against the territorial integrity or political independence of another state (Art. 2, para. 4). Exceptions

to this principle are provided in case of self-defence or following a decision adopted by the UN Security Council under chapter VII of the UN Charter.

In the case of international armed conflict, it is often hard to determine which State is guilty of violating the United Nations Charter. The application of humanitarian law does not involve the denunciation of guilty parties as that would be bound to arouse controversy and paralyse implementation of the law, since each adversary would claim to be a victim of aggression. Moreover, IHL is intended to protect war victims and their fundamental rights, no matter to which party they belong. That is why *jus in bello* must remain independent of *jus ad bellum* or *jus contra bellum*.

SOCIAL AND CULTURAL ASPECTS-

While the Geneva Conventions deal with the humanitarian part, what we need to focus on as well, are the 3 abovementioned aspects. The social aspects can improve a number of things, that might end up happening during a counter-extremism operation. Firstly, it might lead to discrimination against certain specific groups, for example, the problem of Islamophobia. The inherent bias against the Muslim population in most nations has led to them being the first ones to be questioned, in case of any attack. Secondly, the use of sexual violence and exploitation as a weapon of war. It has been found that in many cases it has not only been the extremists that have taken part in such activities, but also the troops from countries fighting against such groups have indulged in the same. The third area of social aspects include the development of the area as a whole. Often what ends up happening is that the countries undertake certain operations, but do not plan ahead about how they will reconstruct or redevelop the area after the operation ends. Two particular cases that arise here are that of Libya and Afghanistan (Can be taken up as case studies for better understanding of the entire topic). This point is particularly important, because it pretty much determines the proliferation of newer groups, arising in the power vacuum created by the removal of the previous group in power. If a reconstruction plan

is not adopted ahead of the operation, the operation is deemed to fail, from a social perspective.

When talking about cultural aspects, its mainly about respecting the unique identity of certain groups. What mostly happens in the operations undertaken by different nations, is that, these concepts of “identity”, “culture” and so on, are not respected at all. What does it lead? Emergence of even more militias, now on the basis of cultural identity. Thus, worsening the situation, leading to even more human rights violations. So, instead of bringing the conflict to a stop, it fuels it.

This is just a basic overview of what other aspects a counter-extremism plan should take into consideration. In no way are the problems limited to only these. It just sets the pathway for the delegates to follow, for researching. Our work in this committee is going to be along the lines of the aspects mentioned in the this and the last page. Simply put- how we can improve the our prevention and countering plans, in terms of all these factors.

WHY SPECIFICALLY DISCUSS CONFLICT ZONES?

A question that you should be having by now is that why are we discussing this agenda? Why specifically countering violent extremism in conflict zones, and not in general? The answer is that, violent extremism and conflict zones seem to have quite a nexus. Recent studies do suggest that whenever there’s a conflict going on, there’s a rapid increase in the number of violent extremist groups present there. Let’s take for example, Syria. Ever since the rebellion started, a number of extremist groups arose. It also created the chance for ISIS to expand and create a stronghold. The latest example is the case of Yemen- Completely torn apart by the war between two factions, lead to the rise of certain other groups which then formed a third party to the conflict.

What we need to understand is exactly what facilitates the rise of these groups in conflict zones. At the very ground level, it’s the absence of Rule of Law and Democracy, that allows easy rise of such groups. There’s no stronghold government, no proper laws, no proper services available that would actually

inhibit the rise. There are certain socioeconomic reasons as well, like the increase in the number of people below the poverty line, lack of availability of food, shelter, increased instances of sexual violence on women, child kidnappings and so on. All these factors push people to the very edge, and thus, certain drastic actions follow suit. And counter-terrorism operations are the biggest challenge in a conflict zone. There might be violent-extremist groups committing human rights violations in the zone, but certain violations are carried out even by the State's forces fighting against those groups. This is another reason as to why we are discussing conflict zones- to come up with frameworks that'd actually help in reduction of these violations, while ensuring smooth working of the forces.

The above information more or less set the premise as to why we need discussion on this agenda. What we would recommend to the delegates is to take up certain case studies, and understand them thoroughly, to have a clearer idea of what the problems are. Case studies could be Syria, Yemen, Mali and Nigeria mainly. But further research is always encouraged.

IMPORTANT DOCUMENTS AND PAST ACTIONS

- The Secretary-General's Plan of Action to Prevent Violent Extremism (PoA) is one of the landmark documents with respect to this agenda. It covers the causes, the methodologies and possible frameworks which could be adopted to address the same.
- Resolution 1325: This resolution deals with protection/safety of women during a conflict situation, it provides comprehensive frameworks and underlines responsibilities of all parties in a conflict to adopt special measures to protect women from gender-based violence.
- Resolution 2143/2225/2427: All 3 of these resolutions are vital in providing a framework for mainstreaming protection, rights, well-being and empowerment of children throughout the conflict cycle, as well as in sustaining peace efforts. They have created guidelines and precedents on protection of schools, criminalising abductions and ensure safety of children.

- In 2004, the High-level Panel on Threats, Challenges and Change reported that recruitment by international terrorist groups was aided by grievances nurtured by poverty, foreign occupation, and the absence of human rights and democracy.
- Factsheet 32- Human Rights, Terrorism and Counter-Terrorism: It explores the various spheres of human rights that come into play whenever a counter-terrorism operation is undertaken.

PROGRAMME OF WORK

Now with all the information provided above, probably the only question left to answer is what kind of an approach would be suitable for this committee, or what is the Executive Board looking forward to? Well, what we are looking forward to, is a solution- based approach. We want constructive debate on the agenda at hand, that is, at the end of the discussion, there shall be some progress with respect to what the real-world scenario was, when we started the session.

A solution-based approach can be broken down into 3 stages basically-

The first stage is identifying the problems. So far in the study guide, we have already discussed a number of problems in different categories. But what we have given, is just a premise and what we expect from you is much more detailed research on the same to make and support your arguments. For

example, in the case of the cultural aspects, we just made the point that they are not being respected and that leads to the rise of newer militias. The important basic human right, mentioned in the ICCPR or the ICESCR, that can be linked to this argument, is the right of self-determination. So, does this mean that any whenever the people of any area start making claims on the grounds of this, the nation hosting this group will accept their demands, and grant them the right to form their own independent nation? It probably doesn't happen that simply. And that is exactly what we expect you to explore. When you are identifying the problem, be it from a social, or humanitarian, or cultural perspective, what you need to first understand is why is it a problem? Which international instruments is it not adhering to, that makes you designate it as a problem?

Once you do this, and arrive at the conclusion that "this is a problem because of these reasons", delve into the present available frameworks that could actually address this problem. What you need to keep in mind, is that there's always the possibility that such a problem has been raised before, and the international community, in its attempt to answer it, has come up with certain frameworks. For example, whenever any issue regarding funds might arise in the case of reconstruction plans being created or governments needing assistance in the conflict zones for improving the humanitarian conditions, the UN Development Program's (UNDP) present models and working structure could be explored to find out relevant programs, which could be implemented.

After exploring the available frameworks, the next step is to understand what the problems with these frameworks might be., what loopholes it might have that have maybe not covered quite a few important aspects. The Geneva Conventions, for one, do offer certain comprehensive articles for humanitarian support, but fail to cover quite a few categories or give more importance to certain other groups. For example, the Third Geneva Convention on the Treatment of Prisoners of War, does not cover mercenaries, who are categorized as unlawful combatants (understand the Geneva Conventions in detail for this). So, would that mean that killing a mercenary is always justified? From a legal point of view, yes. But from a humanitarian point of view, probably no. Then exactly how would you go forward with answering this ambiguity? The question of protection of NGO aid workers in conflict zones is another vital one. Only members of the Red Cross/ Red Crescent are provided high levels of protection by the Conventions, but, what about the other workers? Will the host country be taking responsibility for them, or will the UN have to bear the same? Just like that, a number of drawbacks or problems with the present frameworks are quite common.

And the final and fourth step in this approach, would be coming up with solutions. Solutions in SOCHUM will basically be recommendatory in nature. By solutions, what we expect you to provide us with is exactly how would you reform the present frameworks, or would you propose any new frameworks to address the scenario? We understand that coming up with innovative solutions to a problem, which could not be solved by the international community till date, is a difficult challenge. We don't expect your solutions to be perfect, but it should reflect your country's policy, first and foremost, on the agenda and should also reflect your understanding of the agenda and other relevant information. We would also recommend a thorough understanding of the UN systems, as it can really help you understanding how practically feasible your solutions are. Keep a practical approach to the problem at hand, not an idealistic one.

Other approaches to discussing the agenda might be possible, like holding thematic discussions on the different sub-topics and not focusing on solutions at all. Instead posing different questions, and exploring country policy on that. But, since this is a beginner's committee, such an approach would be policy-centric and difficult to carry out. But, nevertheless, we expect a proper policy understanding as well.

Thus, in short, themes which could be considered for discussion-

- Factor leading to rise of violent extremist groups specifically in conflict zones (factors relevant to SOCHUM, that is)
- Challenges posed by present counter-extremism operations, from a social and cultural viewpoint (can include economic as well, if you can link with the other two)
- Present frameworks available, which could be experimented with in different areas which need attention.
- Questions not answered by the present humanitarian frameworks in conflict zones.
- Alternate proposals or improvement in the present frameworks.

These are the broad themes that the committee could discuss. But, the sub-topics for discussion under these themes, are something that you, as delegates need to come up with. Different case studies as recommended throughout the guide are, are one way to go about it.

Hope that this guide will help guide your research in the proper direction. Once again, the guide's meant to give you just a basic idea, and the direction for research. Details are something you'll have to find out for yourself.

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