

History of the General Assembly First Committee

The United Nations (UN) General Assembly (GA) was established in 1945 under the *Charter of the United Nations* and was designed to act as the main deliberative, policymaking, and representative body of the UN. All 193 Member States are included within the GA, allowing for topics to be discussed multilaterally. The GA contains six Main Committees, which each address a different theme and are allocated different agenda items according to that theme. The First Committee is tasked with addressing issues that pertain to disarmament and international security and will be further developed within this guide. The Second Committee is responsible for economic and financial matters. The Third Committee oversees topics in relation to social, humanitarian, and cultural matters. The Fourth Committee addresses special political and decolonization topics. The Fifth Committee is allocated subjects related to administrative and budgetary matters. Finally, the Sixth Committee oversees all legal matters for the GA.

The First Committee is mandated with addressing topics related to disarmament, the regulation of arms, and threats to international peace and security. It is tasked with finding solutions to global security threats and promoting stability through international cooperation between Member States. In addition, the First Committee may be called upon to address an immediate threat to peace and security if the Security Council is unable to take action due to a negative vote from one of the five permanent Member States.

In order to address a wider variety of topics, the First Committee also contains a number of subsidiary organs that are divided into five categories: boards, commissions, committees, councils and panels, and working groups and others. These bodies allow for specific discussions related to peace and security to be had outside of the First Committee; examples of such committees include: the Committee on the Peaceful Uses of Outer Space, the UN Scientific Committee on the Effects of Atomic Radiation, and the Open-ended Working Group on the Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa. All work produced by these subsidiary organs is then presented to a plenary meeting of the GA First Committee for further consideration.

Additionally, the First Committee works in close cooperation with other UN organs beyond those involved directly with the GA First Committee including the UN Disarmament Commission (UNDC) and the Conference on Disarmament (CD). The UNDC was created in 1978 and is composed of all Member States. It focuses on a limited amount of agenda items each session that pertain directly to the field of disarmament and produces an annual report to the GA First Committee. The CD was established in 1979 and was originally composed of 40 members. Membership has since grown to 65 Member States and the Conference itself covers a wide variety of topics including prevention of nuclear war, prevention of an arms race in outer space, and new types of weapons of mass destruction. Both these bodies remain extremely important to further the work of the GA First Committee because they allow Member States to debate in more depth topics related to issue areas that the First Committee may not otherwise be able to address due to the high volume of issues discussed at each session. As such, the reports produced by these bodies allow for more concrete action to be taken by the GA First Committee on vital security issues.

The First Committee remains the primary source of discussion on topics related to security amongst every Member State at the UN and, as such, remains vital to the maintenance of peace globally. Moreover, given the high priority in recent years in reaching consensus, it also has the potential to create lasting and far reaching resolutions to solve some of the world's biggest security threats, as is exemplified by the *Arms Trade Treaty* coming into force and the ramifications of the document on arms trafficking worldwide. Resolutions that are adopted by consensus also highlight areas of agreement within the international community, which can lead to the creation of new treaties or to the establishment of new international legal norms. As such, the First Committee remains at the forefront of the maintenance of international peace and security within the international system and will continue to provide a key forum for dialogue and cooperation in the future.

I. Curbing the Illicit Trafficking of Small Arms and Light Weapons

- How can the international community adequately address the challenges posed by SALW in conflict areas, including the difficulties related to data collection and differing national and regional processes?
- How can the international community help further regulate large borders, so as to minimize arms trafficking in these areas?
- What steps must be taken at a national and regional level to ensure consistent marking, tracking, and record-keeping of these types of weapons?

Small Arms and Light Weapons (SALW) are inexpensive to acquire, use, and maintain, and are produced by over 1,000 companies in over 100 countries around the world. The impact of these weapons on the peace and security of communities around the world is significant. From terrorist organizations and insurgent groups to pirates and gang members, the illicit trafficking of these types of weapons costs the lives of an estimated 500,000 people every year. However, the issue is difficult to address for many reasons. The term SALW is used to signify a wide variety of weapons, which includes anti-tank and anti-aircraft guns and missile launchers, assault rifles, handguns, grenade launchers, machine guns, revolvers, and rifles and mortars of less than 100mm caliber, although no official definition has been established by the international community. Additionally, a lack of data in relation to both the trade of SALW and the current number of weapons in existence poses a significant difficulty in establishing comprehensive tracking measures at the national and international level, and this causes additional difficulties in establishing measures to limit the flow of weapons globally. In fact, in comparison to other weapons systems, SALW are the least well tracked of any weapon, creating a unique security threat and leading the international community to focus a significant amount of attention on addressing this issue.

Both the ease of acquisition of SALW and their transport remain vital issues for the international community to address. Shipments of SALW often avoid detection and therefore render many border security initiatives inadequate. The means by which SALW enter Member States differ, however. Shipments of weapons from abroad are often limited in size to avoid detection or are transported through porous borders. Domestically, these weapons are often acquired through theft, leakages, divergence, pilferage, or resale. Decreasing access to, and trafficking of, this type of weapon will also lead to fewer attacks and help governments better control the weapons trade within their borders.

The presence of SALW in post-conflict zones in particular has led to difficulties in maintaining peace and security. As such, according to the 2005 Small Arms Survey, almost half of all states in post-conflict situations relapse back into conflict within five years of signing a peace agreement. Moreover, a lack of data in relation to both the trade of SALW and the current number of weapons in existence poses an added difficulty in establishing comprehensive tracking measures, as well as effective brokering mechanisms. The ease of access to these weapons around the world and their relatively easy to operate nature has also been linked to the rise in deaths among humanitarian and non-governmental worker in recent years, posing increased risk for aid workers particularly in conflict zones. In addition, as SALW are easy to conceal and transport, they have often been utilized as a means of aggression towards unarmed individuals and have been linked to a wide breadth of human rights violations, including rape and other forms of sexual violence, torture, and the forced recruitment of child soldiers. What is more, the United Nations (UN) Office for Disarmament Affairs has noted that SALW trafficking has also been associated with an increased level of poverty in regions plagued by armed conflict, as well as a heightened risk of food insecurity as resources are diverted away from attaining development goals, towards sustaining armed conflicts.

Given all of these problems associated with SALW, in recent years the UN General Assembly (GA) has taken several measures to address the illicit trafficking of SALW. One such example is the UN Programme of Action, which was adopted by all UN Member States in 2001. It provides a foundation for Member States to counter the unlawful trade of these types of weapons and step-by-step measures that must be followed. Such measures include the introduction of more robust laws and regulations of these weapons, as well as the implementation of a marking system on all weapons created within national borders. Since 2001, the GA has continued to address this issue at a national, regional, and international level by hosting a Review Conference in 2006, two biennial meetings of states in 2008 and 2010, one meeting of government experts in 2011, and a second Review Conference in 2012. These talks have led to measures being adopted to address the growing threat of SALW such as the International Tracing Instrument as well as the recommendations of a Group of Governmental Experts on arms brokering. Brokers are often utilized in order to assist in the legal trade of arms across borders, bringing all involved parties together, including buyers, sellers, transporters, financiers, etc. As such, more comprehensive measures that serve to regulate arms brokering, will directly affect all aspects of the legal trade of SALW.

In addition to these measures, the GA adopted the landmark *Arms Trade Treaty* (ATT) on 2 April 2013 by a vote of 154 in favor, three against, and 23 abstentions. This treaty serves to both establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms, and

to prevent and eradicate the illicit trade in conventional arms and prevent their diversion. Specifically, the treaty notes that each state must establish and maintain a national control system, including a national control list, which encompasses all possible items or technological advancements that the government has deemed as requiring oversight when being exported, as well as designate a competent national authority. Those states that have become parties to the ATT may also seek assistance from a voluntary trust fund, set up by and with funding contributed by these states, to begin implementing more robust regulations within their borders. At the present time, 118 states have signed onto the treaty, although only 41 have ratified it; 50 states must ratify the treaty before it is to enter into force.

Despite the significant progress that has occurred on this topic at the international level, several challenges must still be considered, including those associated with the implementation of the ATT. Although 80% of UN Member States voted in favor of the ATT, the remaining 20% that voted against or abstained demonstrate a significant need for continued efforts in promoting higher standards for weapon transfers. In regards to the abstentions, which include two of the largest weapons exporters in the world, China and Russia, several issues were raised including the notion that arms exporters were favored in this treaty over importers, and the document itself failed to specifically target arms transfers to rebel forces. More importantly, each Member State must self-verify that the weapons being transported from their state are not being used to commit serious violations of international human rights, terrorism, or transnational crime, an act that may be difficult for some states to truly commit to or execute. Additionally, in order to gain widespread support for the treaty, many expectations that were previously established through multilateral dialogue were not included in the final product, including specific difficulties states will have in meeting the measures established. As a result, continued development of the document itself, once states are able to amend the treaty within the next few years, as well as national implementation of the ATT, and other such measures to stem the illicit trafficking of SALW, will require continued efforts by both Member States individually and the collective effort of the international community.

More specifically, at the national level, several regions are finding the implementation of the ATT and other measures to curb the trafficking of SALW more difficult than others. One such example is in the case of Africa. African states will need to assess the resources they have available to implement the ATT, which will include amalgamating other reporting mechanisms already in place, such as those implemented by the United Nations Programme of Action and the International Tracing Instrument. Additionally, border security remains a significant problem for many African countries and increased levels of protection in these areas may not be economically feasible. Likewise, most African countries are not producing weapons but they are heavily affected by SALW due to the high-level of trafficking across their borders. Consequently, this issue remains endemic to a wider problem of violence and corruption within their borders. Strengthening border security will not be sufficient to address those states that already possess weapons within their own borders and increasing patrols and checkpoints along all borders may not be a viable option for all states; nor will it completely stem the flow of weapons into the country, as the violence that lead to the acquisition of these weapons must also be addressed.

Another example of a region having difficulties tackling this issue of SALW trafficking is Southeast Asia. This region contains large stockpiles of weapons stemming from past conflicts. Although Southeast Asia has an extensive weapons collection and confiscation program in place, it is estimated that between 273,000 and 600,000 weapons remain in civilian possession. The trafficking of SALW has led to these weapons being possessed by numerous anti-government groups in countries such as Indonesia, the Philippines, Thailand, Myanmar, Sri Lanka, and India, thus increasing security threats in the region. On the opposite side, pro-government organizations in the region have also acquired many SALW through trafficking. However, these groups are often seen as being positive forces for the governments they support in spite of the lack of formal training in both military matters and in human rights. Southeast Asia has no regional standards established to adequately monitor arms trading across borders and many states in the region have yet to establish robust measures to curb the illicit trafficking of SALW nationally. In terms of national policies, small arms policies vary extensively from very restrictive (Brunei, Cambodia, and Vietnam) to highly lenient (Laos, Myanmar, Philippines, and Thailand), which can also pose an added difficulty in addressing both the legal and illegal trade of weapons across borders, as different restrictions are placed on SALW, allowing some weapons transfers to fall into the hands of unlawful individuals, perpetuating the cycle of violence.

In conclusion, curbing the illicit trade of SALW remains a significant challenge for the international community to address. Although great strides have been made at the international level to reach consensus on measures to be implemented at the national level, the implementation of such procedures remains a daunting task in many regions of the world. Further strides must be made in order to tackle some of the challenges, including addressing lapses in border security, differing national policies in terms of arms manufacturing and trade, as well as addressing weapons stockpiles stemming from post-conflict areas. A regional focus may also need to be taken to adequately address the problems associated with border security, as well as the specific issues associated with conflict zones. The ATT, as the GA's landmark document on the arms trade, still also needs improvement, but, until it achieves full ratification, true improvements cannot be made. The areas of compromise within this document offer avenues for the GA to continue expanding upon this topic. The work then of the committee in addressing SALW is far from complete.

Annotated Bibliography

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The Nuclear Threat Initiative. (2013). *United Nations First Committee*. Retrieved from: <http://www.nti.org/treaties-and-regimes/un-first-committee/>

This resource provides a detailed assessment of recent developments that have come from the GA First Committee. It contains important information regarding the discussions that have occurred and issues raised by various Member States in chronological order. Moreover, this resource highlights many important issue areas that have been discussed by the committee and the work currently being done on each topic.

United Nations, General Assembly. (n.d.). *Main Committees*. Retrieved from: <http://www.un.org/en/ga/maincommittees/index.shtml>

This Website should serve as the main starting point for all research in relation to the GA First Committee, as it not only provides a background on the committee itself, but it also provides links to the other GA committees, subsidiary organs, and important documents that have come from the work done within the committee. As the main UN resource for this committee, it also highlights press briefings from the committee and the current agenda items to be discussed within the committee. Delegates should familiarize themselves with this source, as it provides easy access to important resources pertaining to the topics discussed.

United Nations, Office of Disarmament Affairs. (n.d.). *United Nations Disarmament Commission*. Retrieved from: <http://www.un.org/disarmament/HomePage/DisarmamentCommission/UNDiscom.shtml>

This resource provides a unique vantage point in understanding how the GA First Committee works with other UN bodies on similar topics. As the GA and the UN Office of Disarmament Affairs share a similar mandate, it remains important to understand what work is produced by organizations like the UN Office of Disarmament Affairs, and how that work is transmitted to the GA. In addition, this Website provides background information on the topic of disarmament and links to past sessions, as well as recommendations that have been made to the GA as a result of discussions on these topics.

United Nations, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. (2013). *Promotion and protection of human rights and fundamental freedoms while countering terrorism, Addendum, Mission to Chile (A/HRC/25/59/Add.2)*. Retrieved from: http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/25/59/Add.2

UN Special Rapporteur Ben Emmerson highlights many potential advantages and the current disadvantages of the use of drones in international counter-terrorism. He outlines several recommendations regarding the current shortcomings in the methodology used by the states involved with this form of warfare. This is a useful report as it outlines some of the positives of the weapon systems and how to improve their use.

United Nations, Special Rapporteur on extrajudicial, summary or arbitrary executions. (2013). *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/23/47)*. Retrieved from: http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/23/47

Christof Heyns, the UN Special Rapporteur on extrajudicial, summary executions, outlines the current situation regarding the use of armed drones in combat. He outlines recommendations to the global community that can be used and cited in the development of resolutions on the issue. His recommendations revolve primarily around interpretations of human rights law and humanitarian law to develop a potential regulatory solution to the growing use of armed drones in conflict. Delegates should consider the humanitarian effect of drone strikes in any resolutions, as the impact will go beyond traditional parties at war.

Curbing the Illicit Trafficking of Small Arms and Light Weapons

African Union. (2011). *Peace and Security Agenda: Small Arms and Light Weapons*. Retrieved from: http://www.africa-union.org/root/au/AUC/Departments/PSC/Small_Arms.htm

The peace and security section of the African Union's Website allows readers to gain a better understanding of the illicit trade of small arms and light weapons worldwide, and more specifically within Africa. It highlights the difficulties in implementing widespread policies on weapons trafficking, as well as areas of focus for the future. It also notes progress that has been made on this topic in several parts of the

African Union, citing clear examples and areas of growth.

ArmsNetAfrica. (2013). *Small Arms and Light Weapons*. Retrieved from: <http://www.issafrica.org/armsnetafrica/?q=content/small-arms-and-light-weapons>

This resource should serve as a primary source of information regarding small arms and light weapons trafficking in Africa. It provides detailed information on the current situation, as well as links to major documents that have been drafted to address this issue. In addition, it provides a background on civil society's involvement within the region, as well as other major African organizations, such as the East African Community and the Economic Community of West African States, as well as their work in the area of small arms and light weapons trafficking.

Doermann, K. (16 April 2013). *Adoption of a Global Arms Trade Treaty: Challenges Ahead*. Chathamhouse. Retrieved from: <http://www.chathamhouse.org/sites/default/files/public/Research/International%20Law/160413summary.pdf>

Doermann presents a comprehensive overview of the challenges pertaining to the implementation of the Arms Trade Treaty. Prior to addressing the difficulties of such a treaty, a brief overview of how the treaty was established is noted. Further, the means by which the treaty gained such popularity is discussed. This document allows delegates to understand the history of the treaty and the concrete problems that must be addressed by the international community to establish effective national regulations in the arms trade.

Institute for Security Studies. (3 April 2013). *Making the Arms Trade Treaty Work in Practice is the Real Challenge for Africa*. Retrieved from: <http://www.issafrica.org/iss-today/making-the-arms-trade-treaty-work-in-practice-is-the-real-challenge-for-africa>

This article highlights the main challenges that Africa faces in addressing small arms and light weapons as well as in the implementation of the Arms Trade Treaty. The article also touches on problems surrounding the adoption of the treaty, which may pose future problems in terms of universal implementation. Several main issue areas are raised within this text. In particular, problems surrounding corruption and violence, which lead African states to be vulnerable to this type of illicit trade, are discussed. In addition, special geographical considerations are noted, leading to a better understanding of the specific problem of small arms and light weapons in Africa.

United Nations, Office for Disarmament Affairs. (2013). *The Arms Trade Treaty*. Retrieved from: <http://www.un.org/disarmament/ATT/>

The Arms Trade Treaty is considered to be a landmark document in the fight against weapons trafficking worldwide and, as such, the treaty itself should serve as a basis for future research and development in the field of small arms and light weapons trafficking. What is more, this particular source also has an up-to-date count on treaty ratification, a brief overview of the treaty's significance, as well as additional links to documents pertaining to the drafting of the treaty. This document also allows one to better understand the lapses that currently exist in terms of addressing the arms trade at the international level and should be used as a basis for future innovations in the field.

II. Combating Sexual Violence in Conflict Zones

Introduction

Recent years have seen unprecedented developments in warfare, including the absence of clear battlefields, the targeting of traditional safe havens such as hospitals, and the increased targeting of civilians by terrorist groups. Additionally, it has become increasingly complex to predict development of these new threats. A recent report from the United Nations (UN) Office of the High Commissioner of Human Rights (OHCHR), detailed the extreme nature of many conflict zones and the obstacles humanitarian efforts are faced with. In this report, OHCHR singled out atrocities in Libya as a way to highlight the increased use of these destructive and complex tactics. In these conflict zones the UN sees an increased number of unlawful killings by many armed militias and governments: indiscriminate attacks for the purpose of increasing of fear among the civilian population. OHCHR noted increased amounts of torture, arbitrary detentions, and disappearances of civilian and human rights personnel in these conflict zones.

Along with an ongoing struggle to provide consistent humanitarian assistance in these areas, there has been a disturbing rise in sexual violence in areas of conflict since the 1990s, including rape, human trafficking, forced marriage, sexual slavery, and other forms of sexual violence. On the International Day for the Elimination of Sexual Violence in Conflict on 19 June 2015, the forum recognized sexual violence as way to “terrorize and control the civilian populations in conflict zones.” Sexual violence as a tool of war has become increasingly visible and of the most viable means of destabilizing a region. Sexual and Gender-based Violence (SGBV) against women and girls accounts for the majority of sexually-based violence; however, reporting on sexual violence against men and boys has become more frequent. There is a strong international framework and much global attention to sexual violence as a tool of war, but reporting and prosecuting sexual violence still proves to be difficult due the fear of retaliation or family pressure due to social or religious norms. One of the main functions of the General Assembly (GA) First Committee is seeking out solutions to global security issues, which includes sexual violence due to the instability it causes in already unstable situations. The increasing visibility of the issue of sexual violence during times of conflict has led to increased attempts in establishing concrete and lasting frameworks and policies to help prevent instability in conflict zones. The goal of the GA First Committee is to stabilize these areas during and after conflict to prevent these regions from falling back into instability.

International and Regional Framework

The GA First Committee, in strengthening its role in preventing and ending sexual violence, looks first to the frameworks the UN has already established. These include the *Universal Declaration of Human Rights* (1948) which declares the “right to life” and the end of slavery, and also to the *Geneva Conventions* (1949) which prohibit sexual violence in a non-discriminatory manner. Both the *Universal Declaration of Human Rights* and the *Geneva Conventions* created a legal framework for recognizing human rights, but neither document holistically addresses SGBV. It wasn’t until the 1970s that the UN and Member States began to establish legal frameworks specific to gender-based issues. One of the first documents that addressed gender-specific issues was the *Convention on the Elimination of All Forms of Discrimination against Women* (1979). While this convention established the equal rights of women, it wasn’t until the *Declaration on the Elimination of Violence Against Women* was adopted by the GA as resolution 48/104 in 1993 that the UN began to discuss SGBV. *The Declaration* established definitions for what constitutes sexual violence and aimed to expand beyond acknowledging the issue to taking concrete action. This particular framework is unique because it recognizes that sexual violence is more than just a physical act and requires mental and physical support for all survivors. This declaration emphasizes the importance of legal deterrents, including prosecution by state and local government and sanctions against countries that are not proactive in prosecuting war crimes. It also outlines the role of governments in preventing sexual violence and holding offenders accountable. Recognizing the importance of the *Declaration on the Elimination of Violence Against Women*, the Fourth World Conference on Women was held in Beijing, China in 1995 and adopted the *Beijing Declaration and Platform for Action*. *The Beijing Declaration* aims to eliminate all obstacles that prevent women from participating in all elements of government and economic and social structures. The declaration also discusses women and poverty and addresses the need for institutional mechanisms for the advancement of women. *The Beijing Declaration* discusses in detail the status of violence against women and women and armed conflict, including the issue of sexual violence being used as a means of war and terrorism. The Platform for Action established in the *Beijing Declaration* includes studying the consequences of violence against women and eliminating forced prostitution and trafficking. In conjunction with the *Beijing Declaration* and its significant emphasis of the role women must have in preventing conflict and promoting peace

building, the GA adopted resolution 68/303 on *Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution* in 2014. This resolution encourages the Secretary-General (SG) to give women a lead role as mediators to act as leaders in UN-sponsored peace processes.

Additionally, the Security Council's (SC) role in creating a strong legal framework is imperative to the work of the GA. The SC has recently devoted a substantial amount of time to addressing the issue of sexual violence. SC resolution 1820 (2008) specifically addresses how sexual violence is becoming more pronounced as a tactic of war used to instill an atmosphere of fear in a community. While work has been done to strengthen prevention and support, there is less attention given to men and boys who survive sexual assault. SC resolution 2106 (2013) acknowledged sexual assault is committed against women and girls in larger numbers, but also stated that men and boys who have survived sexual assault need to be given the same access to the resources and support available to women. In resolution 1960 (2010) the SC sought to end continued impunity for perpetrators of sexual violence and to have greater prosecution of genocide, crimes against humanity, and sexual violence. SC resolution 1888 (2009) outlined how impunity can be curtailed through whatever legal means are at the disposal of governments, including criminal courts, tribunals, and truth and reconciliation commissions. This is a way to recognize the rights of survivors and of victims and to help aid in prosecution of these crimes when a government may have a weak legal framework due to ongoing conflict. The SC has recognized the importance of women in addressing the issue of sexual violence. In resolution 1889 (2009) the SC acknowledged that too often women in armed conflict are seen only as victims while not recognizing their important role in peace building. It discussed the need for women to participate in all stages of the peace building process and reaffirmed "the key role women can play in re-establishing the fabric of a recovering society."

The Economic and Social Council (ECOSOC) has also devoted time to addressing the issues of sexual violence. In resolution 2010/15, *Strengthening crime and criminal justice response to violence against women*, ECOSOC stressed the importance of providing support for survivors and victims of sexual violence, while ECOSOC resolution 2005/20, *Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime*, gave special attention to the vulnerable position of children who are witnesses to sexual violence. It further recommended special protections and assistance given to children in order to prevent further trauma that may arise during any reporting of these crimes or legal prosecution of perpetrators. The frequently inadequate response of governments and organizations to these crimes led the United Kingdom to create the *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict Zones* (2014). The UN sought collaboration with the United Kingdom's Department of Foreign and Commonwealth Affairs due to its extensive research in conflict areas in order to create detailed solutions to close the gaps in documenting and pursuing sexual assault cases. This international protocol details methods to properly train teams to gather information, take necessary precautions when working with child survivors, and make sure all documentation and witness testimony is gathered within the legal mechanisms. Implementation of the protocol has been difficult with reports of sexual assault still being low, minimal cooperation from governments, and lack of access to medical and legal personnel.

Role of the International System

There has been a more concentrated effort in recent years to address sexual violence. The UN Action against Sexual Violence in Conflict (UN Action) is the combined membership of 13 UN entities, including the Joint UN Programme on HIV/AIDS, the UN Entity for Gender Equality and the Empowerment of Women (UN-Women), and the UN Children's Fund (UNICEF). UN Action is built on country-level programs where regional UN teams are deployed to help the work of UN bodies already on the ground, such as UN-Women, UNICEF, and peacekeeping operations. They are tasked with creating and maintaining a functional operation system so any work done by UN Action can work in harmony with other UN bodies, non-governmental organizations (NGOs), and civil society working in these areas. UN Action advocates for raising public awareness of sexual violence and building framework for effective response to sexual assault. Many cases of sexual assault are reported by persons fleeing conflict or forced out of their homes by conflict. In response to this issue, the Office of the UN High Commissioner for Refugees (UNHCR) created two documents as a means to create standards for helping internally displaced persons (IDPs). The first is *Sexual Violence Against Refugees: Guidelines on Prevention and Response*, released in 1995. Following these guidelines UNHCR established a protocol called *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons*. These guidelines and protocol has been a benchmark in helping various UN agencies manage sexual assault cases during and after conflict. This protocol also includes guidelines for helping IDPs who are experiencing a change in environment. IDPs are frequently unable to seek proper and consistent medical treatment, due to both their movement to new locations and their frequent settlement in areas with little to no infrastructure. The World Health Organization (WHO) released a document on *Strengthening the Medico-Legal Response to Sexual Violence* which outlines the importance of conducting full investigations into sexual assault cases. This protocol also gives an outline of how to conduct investigations in areas of conflict where there are few resources available. WHO specifies the necessity of proper medical examinations and a commitment to forensic science in collecting, cataloging, and using this evidence in any potential prosecution. WHO gives recommendations on standardizing the practice of collecting and testing evidence but also

recognizes the issue of technological access, such as the ability to properly store or test DNA collected in a rape kit, for many governments, NGOs, and civil society while operating in conflict zones.

While this international framework has created a way for regional entities to respond to these issues more effectively, most work is done on the national level. The annual UN Action *Progress Report* (2010-2011) highlighted several countries' attempts to increase visibility and prevention of sexual violence. In 2011, the Democratic Republic of the Congo received funding from Denmark to focus on the elimination of SGBV in the northern provinces. While funding can increase the effectiveness of some support programs, capacity growth is still significantly needed for the UN, civil society, and state and local governments. Ongoing instances of SGBV are widespread. In Liberia, rape is one of the most reported crimes. During the Bosnian war from 1992 to 1995, the UN estimates there were between 20,000 and 50,000 victims of SGBV in Bosnia and Herzegovina. In these cases, adequate support during and after these conflicts for survivors was very low, in part due to lack of training on how to manage sexual assault cases. Inadequate cooperation between governments, the UN, and other organizations led to poor handling of cases overall.

Medical Response in Conflict Areas

While the increase in attention to sexual violence is leading to action, there is a need to strengthen access to medical care for victims of sexual assault, which is often difficult to provide in an unstable region. A report by the Physicians for Human Rights (PHR), *Enhancing a Regional Response to Crimes of Sexual Violence*, discusses the challenges of collaborating and coordinating medical responses among organizations such as the UN, NGOs, and civil society. The PHR established the Program on Sexual Violence in Conflict Zones, a training and advocacy initiative dedicated to creating stronger coalitions between medical care workers, law enforcement, and legal personnel at local, national, and regional levels. Beyond the ability to effectively coordinate medical responses, there is the need to properly recognize and fund the various methods of addressing SGBV. Pregnancy as a result of sexual assault presents the problem of how to provide long-term care for a survivor, often in unstable areas. A lack of reliable reproductive health care can lead to increased mortality rates, dangerous abortions and transmission of sexually transmitted infections. Areas of conflict often experience an increase in HIV/AIDS infection rates due to the prevalence of SGBV. During the Rwandan genocide, an estimated 70% of female SGBV survivors were infected with HIV/AIDS. Additionally, the migrant populations in conflict zones often increase the number of people who are victims of human trafficking. The United Nations Population Fund estimates 700,000 to two million women are trafficked every year. However, there is a lack of reliable statistics on these issues, which could lead to an underestimation of the actual resources needed to meet the medical needs of the population.

Strengthening Legal Protocols

While there have been a number of recommendations regarding this issue, the legal framework for implementing these recommendations was not developed until 1998. *The Rome Statute of the International Criminal Court* (ICC), which came into force in 2002, specifically identifies "rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity" as crimes against humanity. *The Rome Statute* not only declares these acts "crimes against humanity," but specifically qualifies that when these acts are perpetrated in the midst of conflict they constitute "war crimes." The statute acknowledged the establishment of some legal standards, including prosecution and convictions of these crimes, but did not establish standards for consequences for those convicted. In many instances, survivors of sexual violence who are able to report and name the perpetrator of these crimes never see any charges brought against their attacker. While the *Rome Statute* creates solid precedence for prosecution of crimes of sexual violence sanctioned by governments or militant groups, the ICC does not supersede the sovereignty of government courts and their requirement to prosecute individuals. One method for holding offenders accountable is to create, in cooperation with governments, a concrete method for prosecuting offenders. This includes creating stronger laws against sexual violence.

A frequent recommendation is annual reporting of sexual violence in conflict zones and in areas experiencing ongoing instability before and after conflict. In 2015 the UN SG gave a report to the SC entitled *Conflict-related sexual violence* which gives detailed accounts of the work the UN has taken in eliminating sexual violence. While efforts to eliminate SGBV are increasing there are still many shortfalls in government responses to sexual assault. In Afghanistan, organizations such as the Afghan Independent Human Rights Commission and the UN Assistance Mission for Afghanistan have been able to increase the amount of data collected on sexual assault; however, there have been few responses to these findings and the government has been slow to recognize sexual assault as a serious crime. In the Central African Republic, the Transitional Government is in talks to create a stronger response to the ongoing sexual violence in the region, such as creating a special unit for the prosecution of human rights violations including "conflict-related sexual violence;" however, lack of rule of law has inhibited implementation.

Much attention was given to UN peacekeeping forces and the issue of sexual assault in early 2016. While peacekeeping remains an important element in stabilizing conflict zones, accusations of misconduct by peacekeepers

has become an important issue. In response the SC adopted resolution 2272 recognizing the misconduct and sexual assault perpetrated by members of peacekeeping operations, most notably in the Central African Republic. The resolution acknowledges the lack of adequate framework for how to manage cases of sexual misconduct and assault by peacekeeping forces. The resolution also takes steps in making a clear mandate for how to manage cases of sexual assault perpetrated by peacekeepers, including suspending countries from being supplying peacekeeping forces, but a strong legal framework for how a peacekeeper may be held accountable is lacking.

Conclusion

Addressing SGBV during conflict continues to be a very complicated issue. In recent years the increase of attention by the UN, governments, and civil society has led to greater emphasis on the need to provide better support for survivors of sexual assault and for legal means to prosecute those accused of sexual assault. The increase in visibility of these crimes has yet to translate into significant coordination of medical responses, especially when dealing with pregnancy, HIV/AIDS, and mental health. Sexual assault is still one of the most underreported crimes committed and provides many challenges which are heightened during the instability of conflict.

Further Research

When examining the complicated environment of conflict zones and war zones, how can governments better supply survivors of sexual assault with support during and after times of conflict and war? How can this support be implemented regionally and globally? When considering frameworks for assisting survivors, the role of governments cannot be underrepresented. What are some of the major hurdles governments face in implementing legal framework aimed at prosecuting those accused of sexual assault? Are there ways for governments to prevent or deter sexual assault beyond the existing framework?

Annotated Bibliography

United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court. (1998). *Rome Statute of the International Criminal Court*. Retrieved from: https://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf

The Rome Statute is one of the first international legal frameworks that gives specific details of what SGBV in conflict is. The Rome Statute expands on the definition of sexual assault to include situations such as forced pregnancy, forced prostitution, and human trafficking. The Rome Statute contains a legal definition that also includes men and boys as potential victims of sexual assault and also recognizes the large number of cases against women and girls. The Rome Statute recognizes that sexual assault is not only a "crime against nature," but also a "war crime" when used in times of conflict and war. This can be an important tool for delegates in understanding the legal norms of what can be prosecuted by international law and the International Criminal Court. This is a tool for delegates to understand the legally binding definition of sexual assault and the legal means for international courts to prosecute those accused of these crimes.

Stop Rape Now. (2014). *UN Action Against Sexual Violence in Conflict 2013-2014*. Retrieved from: http://www.stoprapenow.org/uploads/docs/UN_Action_Progress_Report_2013-2014.pdf

This report gives the latest updates on proposals and implementation to help those who have been victims of sexual violence in conflict zones. Specifically, it outlines some countries currently going through conflict or transitioning out of conflict and the measures the UN, Member States, NGOs, and civil societies are taking to support victims of sexual violence. The report outlines many of the policies including media campaigns, legal frameworks, or social supports including counseling and ongoing, affordable medical care. Additionally, it highlights the ongoing shortcomings in some of these conflict areas including the inability to reach regions where sexual violence is still very high and there is low government involvement in supporting victims or promoting deterrents. The continuation of conflict makes it difficult to implement much needed safety protocols. This resource will assist delegates in understanding the far-reaching effects of sexual violence and the contemporary works of the global community in combating this issue.

United Nations, General Assembly, Forty-eighth session. (1993). *Declaration on the Elimination of Violence against Women (A/RES/48/104)* [Resolution]. Retrieved from: <http://www.un.org/documents/ga/res/48/a48r104.htm>

This declaration is one of the first major frameworks for recognizing the large number of women and girls who suffer violence during times of conflict and war. It establishes ways in which the UN

and governments can aim to protect women and girls from physical and sexual violence. The dialogue of how to support survivors of sexual assault, beyond the initial crimes, includes reflections on ongoing counseling and medical care. It spotlights the severity of physical and sexual violence perpetrated on women and girls and how this is exasperated by conflict. This is one of the first frameworks of its kind to give specific cadence to the amount of violence women and girls suffer during times of conflict. This is a good resource for delegates to understand what many of the frameworks the UN produced are based on. This is also a good way to compare and contrast what steps have been taken when thinking about how to best address the multitude of issues faced when dealing with sexual assault in conflict zones by the UN, governments, and many organizations.

United Nations High Commissioner for Refugees. (2003). *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons* [Report]. Retrieved from: <http://www.unhcr.org/3f696bcc4.html>

This report was published in response to the growing number of reports from conflict zones where sexual violence has been used as “tools of war.” This report aims to structure the definition of sexual violence to include more than rape and to discuss how issues such as underage marriage, forced prostitution, and other modes of sexual violence is to be included in what is considered. The report also seeks ways to include greater government involvement, especially after the conclusions of conflict to create safe spaces for victims of sexual violence to seek counseling or to return home in safety. The proposed frameworks include stronger legal measures against those accused of sexual violence as well as stronger social care for those dealing with the aftermath of sexual violence. This can be used as a good resource for delegates to understand the complicated definitions of what sexual violence is. This can be a great tool for understanding some of the gaps in programmatic action for helping victims seek support and it a beginning knowledge of international laws on the subject of sexual violence.

United Nations, Security Council. (2015). *Conflict-related sexual violence: Report of the Secretary-General (S/2015/203)*. Retrieved from: <http://www.undocs.org/S/2015/203>

The SG outlines in this report specific measures being taken by governments, the UN, and NGOs to prevent sexual violence in conflict zones and support survivors. There are detailed case studies within the report spanning one to three years and giving updates on independent human rights group’s efforts, joint task forces, and any legal frameworks being update or created to stem any more cases. This is important to delegates due to the various case studies in the report that are specific to Member States or governments involved in ongoing conflict or war. This report gives recommendations for all the case studies as an example of the work the UN does on the ground in these locations. It is also a good example of the recommendations needed to be implemented directly by Member States or governments.