

# OAKRIDGE MUN 2023



## BACKGROUND GUIDE

**Human rights, accountability, and justice:  
contributions to international peace and security**

# LETTER FROM THE EXECUTIVE BOARD

Greetings, dear delegates.

This is a concise guide designed with the purpose of providing you with a basic understanding of the agenda and the conduct of the simulation. Note that the perusal of this guide's content will be insufficient if you wish to enjoy a healthy and competitive debate. Use the information you find between these pages as just an accompaniment to your research efforts.

We shall be available to clarify any and all of your doubts before the conference. However, we would suggest you consider querying us as an option to be exercised as a last resort, not a first move.

Regards,

Executive Board,  
United Nations Security Council,

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# ABOUT THE UNSC

The Security Council (SC) is one of the six principal organs of the United Nations (UN). It has been tasked with the responsibility of maintaining international peace and security - which is its primary objective. It is composed of fifteen members in total, five of whom are permanent and the other ten being non-permanent. All Member States of the UN are obligated to comply with decisions of the SC.

The SC has been tasked with the duty to:

- i. Determine the existence of threats to international peace and security;
- ii. Evaluate breaches of international peace;
- iii. Examine any and all acts of aggression;
- iv. Take appropriate action to obviate or tackle the above.

Further reading:

1. [Chapter V, UN Charter](#)
2. [Pg. 1206 - 1210, International Law \(Sixth Edition\), Malcolm N. Shaw](#)
3. [Pg. 373 - 377, Akehurst's Modern Introduction to International Law \(Seventh Revised Edition\), Peter Malanczuk](#)
4. [The United Nations Security Council: A Primer, E.C. Luck](#)
5. [Chapter VII Powers of the United Nations Security Council, Erika De Wet](#)

For detailed research into the work of the UNSC, you can use:

- [Security Council Report](#)
- [What's in Blue](#)

## Voting in the UNSC

Each member of the SC has one vote.

All procedural voting within the Council is based on a simple majority i.e. half the number of total States present plus one.

In the case of resolutions, a 'yes' vote from all the permanent members and a 'yes' vote from at least four out of the ten non-permanent members is required if the resolution is to pass and be considered binding upon all the Member States of the UN.

Abstentions from permanent members do not have any bearing on the passage or binding nature of the resolution by itself.

If any of the five permanent members vote 'no' on a resolution's passage, the resolution will be considered vetoed. Even in the case where all the members of the SC vote 'yes' on a resolution except for one permanent member who votes 'no' on that resolution, the resolution is considered vetoed.

On all other substantive matters too, the assent of the permanent members of the Council is necessary.

Further reading:

- Article 27, UN Charter
- [Chapter 6, Pg. 295 - 372, The Procedure of the UN Security Council, Lorraine Sievers and Sam Daws](#)

## Types of outcome documents

### Resolutions

Resolutions are legally binding(\*) formal documents that convey the decisions taken by the SC. Through resolutions, a wide variety of actions and decisions can be taken by the SC such as the suggestion of a peaceful method of settling disputes, the establishment of a peacekeeping force, imposition of sanctions, authorisation of the use of force, etc.

\* - legally binding only if it satisfies the conditions present in Art. 27(3) of the UN Charter.

## **Presidential Statements**

These are statements issued by the President of the SC, on behalf of all members of the Council. They convey the position of the Council as a whole on the issue discussed at the meeting.

These documents are consensus-based id est, if any member of the Council votes 'no' on the passage of such document, it will not pass. If a member abstains from voting on the statement, their State is disassociated from it. However, abstentions do not affect the passage of the statement.

## **Press Statements**

These are statements that are provided to the international press, produced by either individual members of the Council or by a group of members, expressing the position of the authoring members on the issues discussed at the meeting.

They are usually issued at the end of a meeting and there's no limit on the number of press statements that a country can issue to the press. These documents are not subject to voting. However, if a statement is being issued on behalf of a group of delegates, all the delegates who are a part of that group are required to confirm that they do indeed agree with the contents of the statement.

Further reading:

- [Chapter 7, Pg. 373 - 459, The Procedure of the UN Security Council, Loraine Sievers and Sam Daws](#)

## **Foreign Policy Basics**

### **What is foreign policy?**

Foreign policy, in simple terms, is what your country aims to achieve with regard to the issue at hand or in general with its relations with other countries.

## **What role must foreign policy play in your research?**

Understanding the foreign policy of your country must be a checkbox that you tick off at the very beginning of your research.

Your foreign policy should dictate everything from the arguments you make, the reasoning you give for making those arguments, and the actions you take in the Council.

## **Where do I look to find foreign policy?**

Most of the time, foreign policy is not explicitly stated. It must be inferred from the actions and statements issued by the country.

Pro tip: Start reading the meeting records from previous meetings of the UNSC (or any other UN body where your country might have spoken on the issue). If such records are unavailable, look for statements from your country's Foreign Ministry (or equivalent like Ministry of External Affairs, Ministry for Foreign Affairs, etc.) and top leadership (PM, president, Secretary of State, Defense Minister).

## **Provisional rules of procedure of UNSC**

We shall be adopting the Provisional Rules of Procedure (PRoP) of UNSC in lieu of the traditional UNA-USA rules of procedure.

The PRoP shall be explained in detail in the first session of the conference. However, for those of you who wish to know more about the same before the conference, please follow the links below.

Further reading:

- [Provisional Rules of Procedure in full](#)
- [Types of meetings](#)
- [Repertoire of UNSC practice and working methods](#)

# **AGENDA: HUMAN RIGHTS, ACCOUNTABILITY, AND JUSTICE: CONTRIBUTIONS TO INTERNATIONAL PEACE AND SECURITY**

## **Why this agenda?**

A common canard we hear in most MUNs is that the UNSC does not or should not discuss issues related to human rights. It is as false as the idea that the monarchy of the United Kingdom is ordained by God and is essential to the existence of their nation-state.

Human rights, along with accountability and justice, are central to the maintenance of international peace and security. Without the promotion and protection of human rights, there can never be any lasting peace - domestically or nationally.

Hence, this agenda was chosen by the Executive Board, inspired by a past meeting of the real UNSC, to:

Further reading:

- Defeat the myth that the UNSC cannot or should not discuss human rights or related issues.
- Encourage and enable delegates to learn and understand how human rights, accountability, and justice are integral to the maintenance of international peace and security.

## **Introduction**

There is no fixed definition of peace. However, no sensible conception of peace would ever exclude the idea of human freedoms and liberties.

In Public International Law (PIL), there are several instruments that define and enumerate different human rights. Below is a list of a few such instruments:

1. International Covenant on Civil and Political Rights (ICCPR)
2. International Covenant on Economic, Social, and Cultural Rights (ICESCR)
3. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
4. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

## 5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

All of these impose binding obligations on their State parties to protect the defined rights. However, when a State or a group of States systematically and/or deliberately engage in gross and grave violations of human rights, it is a direct threat to international security.

The UNSC always takes cognizance of such instances and acts proactively to address them. But a frequent and accurate critique of the UNSC's actions to address gross and grave human rights violations has been the inadequacy of its measures to prevent or stop such violations from occurring and the lack of accompanying measures to ensure accountability for perpetrators (especially if the perpetrator is a member State of the UN - even more so when it is one of the permanent members of UNSC) and justice for the victims.

As has been documented time and again, the lack of comprehensive and complete redressal of the gross and grave violations of human rights is a feature of unstable socio-political environments that destabilize the peace and security in that State or region with the potential for spill-over to an international level. A few instances of the same are the Arab Spring revolutions of the early 2010s and the constant international and non-international armed conflicts in several African countries such as Mali, Niger, Ethiopia etcetera.

As delegates, it is your duty to evaluate particular situations or identify common issues and aspects associated with gross and grave violations of human rights that amount to a threat to international peace and security and come up with a framework for addressing them comprehensively.

Further reading:

### **Guides**

- [International human rights law research guide](#)

### **Articles**

- [SC/12797](#)
- [Establishing Effective Accountability Mechanisms for Human Rights Violations](#)



## Research papers

- [Contesting human rights as a threat to international peace and security](#)
- [Human Rights and Sustaining Peace](#)
- [The Role of Human Rights in Global Security Issues](#)
- [Why the United Nations Underperforms at Preventing Mass Atrocities](#)

## Books

- [Securing Human Rights?: Achievements and Challenges of the UNSC](#)

## Questions to guide your research:

1. Do situations currently exist where human rights are being grossly or gravely violated with impunity? If yes, what has the UNSC done about it? In case the UNSC has not done anything about it yet, can the UNSC do anything about it? If they can, what should they do about it and how?
2. How, in international law, are such gross and grave violations of human rights dealt with? Under whose jurisdiction do they fall and why?
3. What were the steps taken in the past - by the UNSC or the UN's member States - to ensure accountability for gross or grave violations of human rights? How effective were those steps? How can the UNSC, moving forward, ensure that gross or grave violations of human rights are brought to account or justice?
4. What does 'justice' mean and look like for the victims of gross or grave violations of human rights? What basis in PIL does the concept of 'justice' have in relation to gross or grave violations of human rights?
5. What is the role of a State in protecting and promoting human rights? What happens when the State does not fulfill that role? Who holds the State to account when it violates its own people's human rights? What role does the UN play in addressing such situations for the sake of maintaining international peace and security?
6. Do institutions or mechanisms for accountability for gross or grave violations of human rights exist at an international level? If yes, what are they? If no, why do they not?

7. What role do the international instruments on human rights play in protecting and promoting human rights? What provisions do they have for bringing perpetrators of gross or grave violations of human rights to justice? Do they have any means through which justice can be delivered to the victims of gross or grave violations of human rights?

8. At what level should international involvement in matters relating to human rights violations be entertained? Who decides that and on what basis?

9. Is there any instance where State violations of human rights on a large scale have been brought to account by an international body? If yes, when, where, how, and why?

10. Within the confines and bounds of the Charter of the United Nations, what is the relationship of the UNSC to the protection and promotion of human rights? Has the UNSC fulfilled its obligations in relation to the protection and promotion of human rights per the Charter? If it has failed in any instance, when or where was it? How should the UNSC deal with its own lapses in dealing with situations of gross or grave violations of human rights?

## **Specific contentious rules**

This section covers the Executive Board's views on some of the contentious rules that usually create confusion, conflict, and consternation when not explicitly stated in advance. The judgment and scoring during the MUN will be based on the views expressed here.

## **Regarding this guide and evidence**

Just because a resource has been mentioned in the background guide, **does not mean that it can surely be used as evidence to your argument in the Council.** Why? Because:

## **Eclectic nature of the resources:**

The guide has resources of wide variety. Some of the resources could be opinion-based articles, some may be from sources sympathetic to one party in the conflict, some could be outdated (we will try our best to not share such resources but we cannot control for things such as emergence of new facts post guide publication).

## **Foreign policy commitments:**

To explain this point, we'll be using an example. Pakistan claims Kashmir is legally theirs. India claims, contrary to Pakistan, that Kashmir is theirs. Both sides, many times, use the same evidence to argue their case but still derive completely different conclusions. In such cases, the Executive Board cannot accept the claims of one country while rejecting the claims of the other when both of those claims are backed by acceptable and equivalent evidence.

## **Hierarchy of evidence:**

Evidence can be presented from a wide variety of sources but not all sources are treated as equal. Here's the hierarchy in which evidence is categorised:

### **Tier 1:**

Includes: any publication, statement, resolution, or document released by any of the United Nations' official organs or committees; any publication, statement, or document released by a UN member state in its own capacity.

The evidence falling in this tier is considered the most reliable during the simulation.

### **Tier 2:**

Includes: any news article published by any official media source that is owned and controlled by a UN member state. E.g.: Xinhua News (China), Prasar Bharti (India), BBC (United Kingdom), etc. The evidence falling in this tier is considered sufficiently reliable in case no other evidence from any Tier 1 source is available on that particular fact, event, or situation.

### **Tier 3:**

Includes: any publication from news sources of international repute such as Reuters, The New York Times, Agence-France Presse, etcetera.

The evidence falling under this tier is considered the least reliable for the purposes of this simulation. Yet, if no better source is available in a certain scenario, it may be considered.

## **Plagiarism**

Any and all drafts submitted to be published as outcome documents for the Council shall be checked for plagiarism. Due to the nature of UN legal writing, a 20% plagiarism rate will be tolerated. But plagiarism of any higher rate will render the draft outcome document inadmissible.

If the draft outcome document is a draft resolution, only the operative clauses will be checked for plagiarism.

## **Outcome document**

This Executive Board is not necessarily expecting the delegates to produce a resolution at the end of the simulation. But this does not mean that we do not want any outcome document at all - we do expect the delegates to come up with an outcome document just not necessarily in the form of a resolution. UNSC has a wide variety of outcome documents that it produces, which include: press statements, resolutions, presidential statements, communiqués, etcetera. We expect the delegates to exercise their judgment wisely and choose the appropriate type of document for the Council's outcome.

## **Personal pronouns**

This particular Executive Board does not care very much about whether a delegate uses personal pronouns to refer to herself/himself. As long as the language employed by the delegate is diplomatic in both tone and content, we will not mind the usage of personal pronouns.