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Aristotelio College Model United Nations

HUMAN RIGHTS COUNCIL (HRC)

Protecting and Promoting Human Rights in Post-Conflict Societies Study Guide

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1. Introduction to the committee

The United Nations is a global organization which founded in 1945 and today is consisted by 193 member-countries. The mission and work of the United Nations are guided by the purposes and principles contained in its founding Charter. The founding Charter contains the purposes and principles for the goals and works of United Nations.

As it is said, the Founding Charter underlines its global character and its powers, in the purpose of taking action on these issues encountering humanity in the 21st century. These goals are about peace and security, climate change, sustainable development, human rights, disarmament, terrorism, humanitarian and health emergencies, gender equality, governance, food production, and more.

Moreover, a forum provided by the UN to its members-countries so as to state their points in the General Assembly, the Security Council, the Economic and Social Council, and other bodies and committees. UN achieved to be an engine for governments to find common ground and solve problems, by enabling dialogue for all member-states and by contracting negotiations. Negotiations are made in the main organs of UN, which are General Assembly, Security Council, Economic and Social Council, Trusteeship Council, International Court of Justice and Secretariat. The Human Rights Council is an inter-governmental body within the United Nations system with the care of enforcing the promotion and safeguard of human rights all over the world and for dealing with situations of human rights violations and find solutions for them. One of its powers is to discuss all about human rights issues and situations that demand its circumspection throughout the year. The meeting point is at the UN Office at Geneva.

Overall, 47 United Nations Member States participate in the Council and these states are elected by the UN General Assembly. On 15 March 2006 with Resolution 60/251 Human Rights Council was created by the United Nations General Assembly,¹ so as to replace the former United Nations Commission on Human Rights which had been established in 1946. The Council's first session took place from 19 to 30 June 2006 and on 2007 adopted its "*Institution-building package*" to guide its work and set up its procedures and mechanisms. With the resolution 22/16 at its 22nd session the protection of human rights in post conflict areas was adopted. To sum up United Nations Human Rights Council is a body that has been very active during its 10 years of operation and has discussed many important issues related to human rights.

2. Legal Framework

The **Convention on the Safety of United Nations and Associated Personnel of 1994 and its Optional Protocol of 2005** lay down a series of rules in order to strengthen their protection, as it is common for this group to be the target of a deliberate attack.² In addition to this, **the Charter of United Nations** (Articles 33-51) makes specific references to the role of the members of UN in the maintenance of international peace and security and the pacific settlement of a dispute.

¹ Ohchr.org. (2017). *OHCHR / Human rights in post-disaster and post-conflict situations*. [online] Available at: <http://www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/HRpostdisasterandpostconflictsituations.aspx> [Accessed 17 Nov. 2017].

² Un.org. (2017). *Convention on the Safety of United Nations and Associated Personnel*. [online] Available at: <http://www.un.org/law/cod/safety.htm> [Accessed 17 Nov. 2017].

Meanwhile, the **International Bill of Human Rights** consists of the fundamental covenants and protocols over the protection of human rights, including the **Universal Declaration of Human Rights**³ and has exercised a profound influence on the actions and the policy of the countries and the instruments of the United Nations. Finally, the **Convention on the Elimination of all Forms of Discrimination against Women** includes a general recommendation (No. 30), which is focused on women in conflict prevention, conflict and post-conflict situations and defines the role of non-state actors in the process of confronting their problems, such as the phenomenon of gender-based violence (Articles 1-3,5(a)) and trafficking (Article 6).⁴

3. Definition of key terms

- **Human rights**⁵:

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

- **Post-conflict areas**⁶:

The post-conflict areas are difficult to be defined, because in international wars it is a period after negotiations and peace treaty. But in civil-wars after the peace treaty, fighting must be continued at a low level or sporadically. So, we can say that it is the period after the peace agreement and after the end of armed conflict.

- **A non-governmental organization (NGO)**⁷:

A NGO is any non-profit, voluntary citizens group which is organized on a local, national or international level. Task-oriented and driven by people with a common interest, NGOs perform a variety of service and humanitarian functions, bring citizen concerns to Governments, and are organized around specific issues, such as human rights, environment or health.

4. History of the topic

The recovery of a society in a post-conflict period is a situation that concerns the leading actors throughout the centuries. Either in the ancient years or during the World War I and II, the lack of

³ Ohchr.org. (2017). *Cite a Website - Cite This For Me*. [online] Available at:

<http://www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf> [Accessed 17 Nov. 2017].

⁴ Ohchr.org. (2017). *Cite a Website - Cite This For Me*. [online] Available at:

<http://www.ohchr.org/Documents/HRBodies/CEDAW/GComments/CEDAW.C.CG.30.pdf> [Accessed 17 Nov. 2017].

⁵ Ohchr.org. (2017). *OHCHR / What are Human Rights*. [online] Available at:

<http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx> [Accessed 17 Nov. 2017].

⁶ Soc.kuleuven.be. (2017). *Cite a Website - Cite This For Me*. [online] Available at:

<https://soc.kuleuven.be/web/files/12/80/wp01.pdf> [Accessed 17 Nov. 2017].

⁷ Ngo.org. (2017). *DEFINITION OF NGOS*. [online] Available at: <http://www.ngo.org/ngoinfo/define.html> [Accessed 17 Nov. 2017].

supplies, criminality, instability, the crisis of values was a difficult and a problematic procedure. Today it is a vital issue, because humanity is still undergoing wars with the distressing consequences, that we know. But wars are not new in the world, from the ancient years humans wanted to dominate and exert pressure with war. The problematic with the war is how this society can be reconstructed and how can people and their rights be safeguarded. Usually poverty and the unemployment rate are increased and there is political instability and corruption related to institutions. The countries development process is retarded, populations are decreasing and especially the human resources part that incarnates the workforce because of immigration and high mortality rates. Governments take unpopular and undemocratic measures in order to handle the situation in a precise way. Notwithstanding, we should remember the environmental damage and cost of conflicts. This situation is very grinding and it is very harmful for the human rights, because authorities are focused more on economic and security-related issues, throwing into secondary meaning, the human rights and the environment. Furthermore, police and soldiers are very violent in people who are considered as potential suspects. So, as we understand the problem is multi-faceted as there exist societies, in which the legal state has been collapsed and the human rights are not in the main priorities of new governments. The priority is how economic repercussions can be solved and the restoration of banking system, healthcare, education, system of transport and communications, which are partially or wholly damaged or suffered from the war.

4.1. Former Yugoslavia

One of the most known examples of post-conflict societies in the European region are those of the countries of Former Yugoslavia.

The tendency of many countries in the region to a nationalist approach in state-building reached its climax during this period and is considered as the main cause of these hostilities. According to official estimations, 140.000 people were killed, while the material damages were incalculable. Hospitals, schools, refugee camps, houses, a total of 210.000 buildings were damaged in Croatia from 1991 to 1993.⁸ It is profound that such events had an important impact on the humanitarian field. The United Nations General Assembly and the International Court of Justice referred to the cruelties between the countries of Montenegro, Serbia and Bosnia and Herzegovina as a form of genocide.⁹ Furthermore, under these circumstances, the method of war rape was used in order to foster the whole procedure of ethnic cleansing. The common vulnerable groups were women and children, while in the occasion of former Yugoslavia the religion played a crucial role, as the main target were Muslims. The expected consequence of the conflict, consisted of a serious number of refugees and internally displaced people occurred and called for legal humanitarian assistance. According to a UNHCR report, 316.000 refugees were registered only in Croatia.¹⁰

⁸ BBC News. (2017). *Balkans war: a brief guide*. [online] Available at: <http://www.bbc.com/news/world-europe-17632399> [Accessed 17 Nov. 2017].

⁹ Case concerning application of the Convention on the Prevention and Punishment of the Crime of genocide (Bosnia and Herzegovina v. Serbia and Montenegro). (2007). [La Haye]: Cour Internationale de Justice.

¹⁰ Uio.no. (2017). *Cite a Website - Cite This For Me*. [online] Available at: [http://www.uio.no/studier/emner/hf/ilos/BAL1500/v15/timeplan/post-conflict-yugoslavia\(1\).pdf](http://www.uio.no/studier/emner/hf/ilos/BAL1500/v15/timeplan/post-conflict-yugoslavia(1).pdf) [Accessed 17 Nov. 2017].

The economic instability, the prevalence of mistrust and the urgent need for the reconstruction of the infrastructure and the complete lack of efficient measures to prevent violation of human rights that described most of the countries, which were trying to recover from the unpropitious experiences of a war in the 20th century, made the involvement of the United Nations indispensable¹¹.

4.2.Sudan

Looking back at the history of Sudan, we will see that it has been tormented by civil wars. After Sudan gain its independence at 1956, the country has seen more and deadly civil conflicts than any country in the world. The first civil war began at 1955 and ended in 1972, with the *Addis Ababa Agreement*¹². However, the second civil war that marked the land of Sudan, was a war that resulted in to the participation of two and a half million people. Everything started in 1983, when the President, Jaafar Nimeiri, introduced Sharia Law and reneged with the *Addis Ababa Agreement*. The fight between North and South Sudan erupted once more. The leader was John Garang, with the Sudanese People's Liberation Movement (SPLM), a group of rebels that was based on South Sudan. They wanted to stop the oppression towards all Sudanese citizens and were mostly focused on creating a united Sudan.

In 1989 the two fighting parties, the SPLM and the Government of Sudan (GOS), finally decided to reach an agreement in order to establish peace. But unfortunately, the agreement was never implemented. The SPLA controlled many and quite large areas such as Bahr al Ghazal, Upper Nile provinces and a large part of Darfur and Kordofan. The government of the other hand, was in charge of many territories as well, such as Juba, Wau and Malakal.

Things escalated quickly, since in July 1992 government forces captured the SPLA and seized southern Sudan. In 1991, USA and Europe began to interfere more and more in Sudan. That was after the official Sudanese government pledged its support to Saddam Hussein during the Gulf War at that time. This had as a result the United States to ban all American investments to the country and supported financially countries close to Sudan in order to repel Sudanese incursions. Peace talks between the southern rebels and the government made substantial progress in 2003 and early 2004, although skirmishes in parts of the south continued. Notwithstanding, a *Comprehensive Peace Agreement* was signed on 9 January 2005 in Nairobi. The terms behind this agreement were many, among them that the South would be autonomous for a period of six years, that both sides of the conflict would have merged portions of their armed forces into a 39,000-strong force known as the Joint Integrated Units by the end of the agreed period, that oil revenues will be divided equally between the government and SPLA and that Islamic Sharia Law which applied only to the Northern part of the country, will be decided and of course for its extent in the society of the South by the elected assembly.

¹¹ Culturaldiplomacy.org. (2017). *Cite a Website - Cite This For Me*. [online] Available at:

<http://www.culturaldiplomacy.org/academy/content/pdf/participant-papers/academy/Tonka-Kostadinova-Cultural-diplomacy-in-war-affected-societies.pdf> [Accessed 17 Nov. 2017].

¹² BBC News. (2017). *South Sudan profile*. [online] Available at: <http://www.bbc.com/news/world-africa-14019202> [Accessed 17 Nov. 2017].

5. Discussion of the topic

A post-conflict period is deemed as extremely crucial for a country, as it tries to re-establish its state mechanism and its fundamental administrative functions, while the economic and political circumstances are commonly unstable and at the same time, the population itself is exposed to distress, confronted with inability of satisfying its essential needs.¹³ Obviously, the protection of human rights, in such a period, experiences difficulties as well. The judicial and executive authorities do not operate properly and as a result, it is not unexpected that violence and criminality prevail, whilst a series of war crimes have been conducted, cultivating the necessity of their official condemnation. Taking into consideration all these factors, combined with the lack of infrastructure, manpower and supplies, demand the aid by external actors.

It is essential for the analysis of this topic to specify the term vulnerable group. In this occasion women, children, refugees, Muslims were considered vulnerable groups. A vulnerable group is defined by gender, religion, a different nationality etc. Both in Yugoslavia and in Sudan these categories suffered from the conflicts and needed special protection. It is also, common, that these groups are exposed to discriminatory treatment during the post-conflict period as well.

In the case of the countries of Former Yugoslavia, the solution to a variety of problems, was given with the creation of the International Criminal Tribunal for the former Yugoslavia (ICTY).¹⁴ It was a body of the UN with the mandate of undertaking the prosecution of the war crimes during the Yugoslav Wars, including genocide and crimes against women, children, minorities. This way, the victims of such crimes were given the opportunity to bring into justice the culprits of the heinous actions against these categories of people. Meanwhile, the contribution of the Security Council in providing legal framework for humanitarian operations is undeniable, as well.

Of course, the bloodiest conflict since the 2nd World War could not be ignored by the United Nations. The UN Security Council, as it was recommended by the Secretary-General, established the resolution 1547 (2004) of 11 June 2004, which involved a special political mission, the United Nations Advance Mission in the Sudan (UNAMIS). Its goal was to start communication between the two parties and prepare an introduction of an envisaged UN peace support operation.

Another resolution was established by the Security Council, the resolution 1556 (2004) in order to deal with the crisis that kept growing in Darfur. The United Nations had a close cooperation with the African Union, and those two bodies led negotiations with both SPLA and GOS. Also, the United Nations and many non-governmental organizations had many humanitarian operations in Darfur in order to respond to the needs of an increasing number of people displaced by violence. During the ending of the civil war, on 24 March 2005, the Security Council by its resolution 1590 (2005) established the United Nations Mission in the Sudan (UNMIS). The UN have been monitoring the situation in Sudan ever since, attempting to ensure the stability over the area.

¹³Un.org. (2017). *Cite a Website - Cite This For Me*. [online] Available at:

http://www.un.org/en/development/desa/policy/wess/wess_bg_papers/bp_wess2008_panic.pdf [Accessed 17 Nov. 2017].

¹⁴Icty.org. (2017). *Home | International Criminal Tribunal for the former Yugoslavia*. [online] Available at:

<http://www.icty.org> [Accessed 17 Nov. 2017].

The UNHCR, was one of the leading actors of the provision of humanitarian aid in the region of former Yugoslavia and contributed essentially to the recovery of the situation in the post-conflict era. Also, the effect of the projects that occurred from the cooperation between UNHCR, UNICEF and WHO in former Yugoslavia have ever since set up the basis for further collaborations on this field. Also, WHO in Sudan provides technical support to priority national health programs which include, fielding experts and consultants, fellowships, national training activities, provision of supplies and equipment, research support and particularly operational research, inter-state and regional meetings organization, information exchange and technical support.

Several organizations and instruments, such as the Human Rights Watch, the International Center for Transitional Justice (ICTJ) and the Helsinki Watch, provided the international community with accountable data and information and made efforts to promote the importance of human rights. Nevertheless, in our days where misinformation and the disorientation prevail on daily basis, it is extremely important to have access to reliable sources. The raise of public awareness works, undoubtedly, as a very useful weapon against this threat and in accordance to that, a variety of non-state actors, mainly NGOs created campaigns in order to motivate. The Inter-Entity bus lines organized by the UNHCR constitute as a demonstrative example in the mass information projects of the Agency.

As it was mentioned before, the accumulation of refugee populations in densely populated areas, constitutes as a common phenomenon during a conflict period, so one of the main responsibilities of the Government and relevant institutions is to ensure the safety and protection of these people and make sure that they will receive the treatment that is predicted by the provisions of the international law. The UNHCR has contributed meaningfully to the negotiations over the return of refugees and displaced people, that were forced to abandon their homes in Croatia and Bosnia and Herzegovina, ensuring their repatriation and their integration by assisting them with collective accommodation and the development of professional skills. Until now, almost 2 million people have returned to their homes thanks to the work of UNHCR. The latter, has also made attempts for the implementation of property laws in citizens of other nationality and moreover for the construction of proper facilities for the service of asylum seekers. A Repatriation Information Center (RIC) was also established in 1997, in Sarajevo, to join the efforts of UNHCR and the International migration policy development center.

The International Committee of the Red Cross (ICRC) is a profound example of a traditional actor that contributed essentially to the improvement of the situation in Bosnia. Both UNHCR and ICRC serve the humanitarian needs of the civil society and, therefore, have established a strong cooperation since their creation. The assistance by national NGOs and the cooperation with neighboring countries and instruments is extremely useful in limiting the consequences of a conflict. In the case of former Yugoslavia, for instance, many states expressed their eagerness to support the efforts of the United Nations in the region, by providing humanitarian assistance and funding for the operation of projects, seminars, campaigns and welfare services addressing the basic needs of the local population. The contribution of the Red Cross was also quite meaningful during the two Sudanese civil wars. They have been offering humanitarian assistance to Sudan for many years, since the country was hampered by many armed conflicts through its history. During this long civil war, they offered food and medical supplies to those in need, since isolating a territory of the enemy and leaving civilians to starve to death was a common practice in the land.

Undoubtedly, the condemnation of violation of human rights by the international community is of utmost importance in a post-conflict period. The historical examples show that even the countries that were not affected by the war conflicts, expressed their sympathy towards the victims and exercised criticism towards the responsible actors for their actions. Even though, this stance did not have direct impact on the situation, it established the right basis, so as for proper solutions to be found.

If we want to refer to the Convention on the Safety of UN and Associated Personnel of 1994, we should provide a thorough mention to the staff of UNHCR that was working in the region of former Yugoslavia, as the risk of their lives was considered symptomatically, and needed further examination and analysis. It is true that humanitarian workers suffered during the post-Cold War era and were in dire need of special protection. The case of former Yugoslavia, along with other ones resulted in the realization by the United Nations and establishment of a proper legal framework basis.

It should be clear that the actions of UNHCR and NGOs are tightly connected and impactful towards the political regime of a region. Naturally, the humanitarian assistance always was and will be the first priority, yet the Dayton Peace Agreement of 1995 and the Ohrid Agreement of 2001 are only some of the examples that can prove that these activities cannot be strictly separated from the political development. The history has shown that the political aspect can display strong influence in this type of situation and especially after a war period. Thus, non- state actors, that are occupied with the humanitarian assistance should consider the political circumstances of the specific country and region as well before they operate.

The increasing number of crimes, such as human trafficking and sexual violence and exploitation are definitely one of the main consequences of hostilities. The vulnerable groups are, usually, children and women, whose exposure to such physical and psychological torture should, undoubtedly, be prevented, addressed and criminalized. Relating to children, apart from the medical treatment, the accommodation, the food supplies and the psychological support is of fundamental value. Therefore, governments and non-state actors should provide them with an environment encompassed with high quality education, that enables them to develop their personality and their judgement, while it underscores to them the importance of law enforcement, humanitarian values, such as solidarity, peace, teamwork, so as to assist them in their effort to overcome the difficulties and the general feeling of insecurity due to the outbreak of the war.

Especially for women, it is essential to participate in the recovery process, and this was the aim of Bosnian Women's Initiative (BWI) of 1996. The memories of war rape methods motivated the UNHCR, local organizations and other actors to pay attention to this specific target group and reinforce their position and means of protection. Therefore, assistance programs focusing on the psycho-social and rehabilitation need of war-affected women were developed and still undergo efforts for their amelioration.¹⁵

The latest years the UNHCR has implemented integrated operations, which include political, military and humanitarian activities to reach in more concrete solutions over conflicts. It has been ascertained that this combination has more effective results. The United Nations Protection Force (UNPROFOR) has assisted to its work in former Yugoslavia, strictly in Croatia, Bosnia and

¹⁵ Refugees, U. (2017). *Update on regional developments in the former Yugoslavia*. [online] UNHCR. Available at: <http://www.unhcr.org/excom/standcom/3ae68d0c8/update-regional->

Herzegovina and the Former Republic of Macedonia, through the reconstruction of essential infrastructure, the provision of Air Force assets in order to implement humanitarian aid air into Sarajevo and air drops of humanitarian aid into other inaccessible areas.

6. Conclusion

As clearly proven by the aforementioned, the actions of UN in post-conflict areas, especially in Former Yugoslavia and Sudan were more than a typical operation. UN tried to solve the crisis in the area, especially to protect human and their rights in many ways, with the existing committees and with new organizations that were focused on those areas. The instability and insecurity that there is in our world has made humanitarian assistance a required tool that is increased and a tool for the survival of millions of people. Even though the principles of humanity, neutrality, impartiality and independence characterize the modern communities, humanitarian personnel are viewed as a possible enemy by local populations and therefore are exposed to a series of risks and dangers.

7. Points to be addressed

- How can the Geneva Conventions of 1949 be efficiently enforced?
- How can we use The Convention on the Safety of United Nations and Associated Personnel and its Optional Protocol in order to enhance their protection in post-conflict areas?
- Despite, post-conflict rehabilitation many societies still acquire a hostile attitude against religious and ethnic groups that reside in the areas, oftenly fearing them. How can that be addressed?
- Should women and children as a group, be provided with further support to ensure the enjoyment of their basic human rights?
- Are states following practices of intolerance and discrimination at the post-conflict era?
- Which are the biggest human rights violations in an occurring and longstanding conflict?
- How can humanitarian assistance be distributed into affected areas, which are characterized by unsteadiness and violence?
- What should be the response of the international community in order to protect human rights in post-conflict areas?
- Is the rebuilding of state institutions a first step towards consolidating a more stable, political environment for the people in post-conflict areas?
- It is known that international organizations have contributed extensively to the post-conflict development of societies, however is their aid considered adequate in today's world, which is engulfed by conflicts?

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