



MBMUN - MUNBANK MODEL UNITED NATIONS

4th Session - Social, Humanitarian and Cultural Committee



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SOCHUM

Promotion and Protection of Rights of Humanitarian Aid

Workers in Non-International Armed Conflicts



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Welcome,

1. United States of America
2. China
3. United Kingdom
4. France
5. Russia
6. Norway
7. Syria
8. Afghanistan
9. Sudan
10. South Sudan
11. Germany
12. South Africa
13. Argentina
14. Venezuela
15. Bangladesh
16. Jordan
17. Kenya
18. Saudi Arabia
19. Sweden
20. Ukraine



Letter from the Executive Board

Dear Delegates,

It is with immense pleasure that we welcome you to this simulation of the SOCHUM at the Model Bank Mun 2020. We are indeed honoured to be serving as your Executive Board for entirety of this conference.

We have compiled this study guide to help you with your research for this council. However, this should not be in any way treated as a complete research material. This background guide, as the name suggests is only an introduction to the committee and the agenda at hand along with a few pointers from the Executive Board to aid in constructive debate.

First timers and experienced delegates alike, please go through the standard UNA-USA Rules of Procedure before coming to council. We will spend a part of the first session explaining the same to you, but it's always better to have a fair idea of how the council will function before you step in on Day One.

Since this will be an online MUN, many of the delegates might not be familiar with the working procedures. You can be rest assured of the executive board's guidance throughout.

Feel free to contact any member of the executive board should you have any queries.

Good luck & Godspeed

Executive Board –SOCHUM

Head Chairperson-Arvind Krishnan

Vice Chairperson- Huspi Anwar



Committee History

SOCHUM is one of the main GA committees; therefore, like the other main committees of the GA, it was established in 1947. And it follows the rules of the General Assembly, which is indicated in the Charter of the United Nations. The membership of the SOCHUM includes all 193 member states. In addition, non-member states and other entities recognized by the UN as permanent observers may attend and participate in meetings, but they cannot vote. As opposed to member states.

Committee Mandate

SOCHUM is a forum for UN Member States to discuss social, humanitarian, and cultural issues, especially those related to human rights. The SOCHUM and its subsidiary body, the Economic and Social Council (ECOSOC), take the lead in drafting general resolutions on these matters. According to the SOCHUM website, social, humanitarian, and cultural issues include, but are not limited to:

the advancement of women's rights, the protection of children, issues related to indigenous affairs, the treatment of refugees and economic migrants, the promotion of fundamental freedoms through the elimination of racism and racial discrimination, and the right to self-determination. The Committee also addresses important social development questions such as issues related to youth, family, ageing, persons with disabilities, prevention of heinous crime, criminal justice, and control over the international drug epidemic.

Unlike Security Council resolutions, resolutions passed within the context of a General Assembly are not binding, SOCHUM serves as no exception. Resolutions, by in large, is a set of recommendations for the member states to ratify and adjust accordingly.

SOCHUM Strategy

In my humble opinion, matters relating to social, humanitarian or cultural are more difficult to solve in compare to dilemmas pertaining to economic, financial or security. Culture, and social structure is often difficult and costly to change, because they are the factors which make a "community", or a "nation" unique and special. They are the web which connect nations and people to one another. That being said, a delegate must come up with a set of practical ideas and consider humanitarian facts while trying keeping in mind the ethics



and cultural norms of all parties the resolution is pertaining to. Truly all-encompassing ideas must address all three facets of the committee, which are the aforementioned social, humanitarian and Cultural.

Every committee requires a great amount of effort, but if you are planning to simulate SOCHUM; my advice to you would be to make your research more detailed and intricate than you would for most committees, direct your research towards sustainable and long lasting policy, as always ensure you have the financial resources to back up your creative ideas! Lastly, understand your government's views and policy on the national/international affairs. As you learn more, I am confident that you will be able to come up with realistic ideas that respect and takes into consideration the cultural, religious, social rights and the thousands of different lifestyles embraced by people all over the world.

Important Conventions, Treaties and Documents:

International Bill of Rights

- Universal Declaration of Human Rights
- International Covenant on Economic, Social and Cultural Rights
- International Covenant on Civil and Political Rights
- Optional Protocol to the International Covenant on Civil and Political Rights
- Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the abolition of the death penalty

Introduction to the Agenda

Under Article 3 common to the Geneva Conventions of 12 August 1949, non-international armed conflicts are armed conflicts in which one or more non-State armed groups are involved. Depending on the situation, hostilities may occur between governmental armed forces and non-State armed groups or between such groups only. As the four Geneva Conventions have universally been ratified now, the requirement that the armed conflict must occur "in the territory of one of the High Contracting Parties" has lost its importance in



practice. Indeed, any armed conflict between governmental armed forces and armed groups or between such groups cannot but take place on the territory of one of the Parties to the Convention.

Furthermore, two requirements are necessary for such situations to be classified as non-international armed conflicts:

- The hostilities must reach a minimum level of intensity. This may be the case, for example, when the hostilities are of a collective character or when the government is obliged to use military force against the insurgents, instead of mere police forces.

- Non-governmental groups involved in the conflict must be considered as "parties to the conflict", meaning that they possess organized armed forces. This means for example that these forces have to be under a certain command structure and have the capacity to sustain military operations.

A variety of other actors have since adopted the same two criteria.

The two criteria are closely related. Both must be present. However, the presence of one criterion may indicate the presence of the other: if there are intense armed confrontations between groups or between state forces and an armed group, this may indicate that these groups have reached the required degree of organization.

If the criteria are not met by a situation, there is no armed conflict. Banditry, unorganized or short-lived insurrections or terrorist activities are thereby excluded from the applicability of the 1949 Geneva Conventions.

The question whether the requisite levels of intensity and organization have been met is assessed on a case-by-case basis.



Plausible Criteria for classifying Non-International Armed Conflicts

Intensity of Violence

Indicative factors to assess the intensity used by international jurisprudence include:

- The number, duration, and intensity of individual confrontations. This includes occupations, besieging or blocking of towns, the closure of roads, and the existence of front lines.
- The type of military equipment and weapons used, including the number and caliber of munitions fired. Efforts by an armed group to better arm itself can be taken into account.
- The number of persons and types of forces partaking in the fighting.
- The number of casualties and the extent of material destruction caused.
- The number of civilians fleeing the zone of hostilities.
- The frequency of fighting over time and the spreading over territory.
- The reaction by the government, e.g. an increase in the number of government forces or general mobilization, the use of its armed forces instead of the police, the claiming of the rights of a belligerent, the recognition of an armed group as a belligerent, the labelling of the situation as “civil war” or similar terms, the declaration of a state of emergency or the reliance on rules of international humanitarian.
- The reaction and involvement of the international community. This can include the situation being on the agenda of the Security Council or the General Assembly, the deployment of peacekeeping missions, calls of the international community for the respect of international humanitarian law; or whether attempts are made to broker ceasefire agreements



Organisation

Government authorities are presumed to have armed forces that satisfy the criteria of organization.

For armed groups, international jurisprudence has developed a series of indicative factors to assess their organization:

- The presence of some kind of command structure, e.g. having an identifiable leader, general staff or high command, identifiable ranks and positions; the using of spokespersons, fixed headquarters or a basic system of disciplinary rules and mechanisms; or the existence of internal regulations.
- The operational capacity of the group, e.g. the ability to engage in protracted armed violence; to plan, coordinate and carry out military operations; to exercise some kind of territorial control or challenge the state's control; or to operate within defined zones of responsibility.
- The logistical capacity of the group; e.g. the existence of supply chains to gain access to weapons and other equipment; the ability to recruit and train new members, to provide uniforms and weapons, and to organize and move a certain number of fighters.
- The ability to speak with one voice and to participate in the negotiation of agreements.
- The existence of some kind of internal disciplinary mechanism.

Irrelevance of purpose

The legal or political characterization of armed groups (e.g. as terrorists or criminal gangs) is irrelevant for assessing whether there is an armed conflict under international humanitarian law. Similarly, the purported aim or ideological motivation of the group is immaterial for the purposes of international humanitarian law. Just as in international armed conflicts the parties to a conflict do not need to have a particular political agenda or purpose for engaging in armed violence.

Furthermore, an armed group's willingness to comply or not with international humanitarian law is irrelevant for the classification of the conflict. The decisive factor is not which means and methods of warfare a group uses, but whether or not it is sufficiently organized to possess the capacity to comply with international humanitarian law.



CASE STUDIES

South Sudan

Considered as a perilous place, South Sudan has become one of the major challenges faced by the International Humanitarian Aid Workers. Until 2019 there has been at the very least 115 aid workers that becomes the victim in South Sudan since 2013. According to the Aid Worker Security Report, many criminal acts has been conducted that threatens the existence of humanitarian aid workers in South Sudan. Those criminal acts that has been recorded are shootings, kidnappings, assault, and even airstrikes.¹ The victims come from various institutions such as Humanitarian Aid Workers from UN, ICRC, INGOs, and LNGOs.

The latest case that has been reported is from 3 staffs of International Organization for Migration (IOM) due to a crossfire that occurred between the government forces and a rebel group. It needs to be mentioned as well that several others were injured. Aid workers have been victims of unlawful killings, abductions, sexual violence, and other abuses. Aid supplies and property have been looted and destroyed.² With such perilous situation and condition, HAWs are now really vulnerable to all threats, especially the HAW that comes from the local/national NGOs as they have become the target of persecution, sexual harassment, and others.

Afghanistan

With an approximate of 10 million people are in need of humanitarian aid, thus it becomes a major concern that Afghanistan has become one of the country that is in an urgent of needs of international humanitarian support towards its people, but also become one of the most-dangerous country considered for journalist and humanitarian aid worker. According to one INGO, Safety Organization, there were 24 aid workers killed in 2019, with more than 30 aid workers were being abducted and more than 50 of them were injured during their mission.

UN-OCHA (United Nations Office for the Coordination of Humanitarian Affairs) Spokesperson, beside of an insecurity that spreads across the region, mine contamination has

¹ Aid Worker Security. 2018. *Aid Worker Security Report 2018*. Retrieved from www.aidworkersecurity.org

² Human Rights Watch. 2019. *More Aid Workers Killed in South Sudan*. Retrieved from <https://www.hrw.org/news/2019/11/01/more-aid-workers-killed-south-sudan>



become the main challenges for the aid workers to adapt with the environment of Afghanistan.³ Due to this situation as well, UN's department for safety and security in Afghanistan has declared a *white status*---a lockdown for staff--- more frequently in Afghanistan.⁴ Another factor that needs to be considered that many of the belligerent that comes from Taliban side, might having a security dilemma where they considered the activities from the international humanitarian aid workers as part of the threats towards them as they called it as "harmful Western activities".

International Community must find a proper solution as well as due to several cases within Afghanistan, more international Humanitarian Aid Workers are being vulnerable, however, if many INGOs or even HAW that comes from UN are retracting themselves from this area, it will become a heavy burden for the local HAW. This challenge still remains until recently as this imbalance is rising as aid groups increasingly rely on local staff and local organizations in high-risk areas.⁵

Syria

According to the **Aid Worker Security**, there had been 238 HAW being killed until February 2020. The recent attacks occurred in February in which an unidentified armed group had killed two of its staff in a vehicle travelling to al-Yadudah.

With Bashar Al-Assad in charge of the current regime, there are several things that becomes international concerns as he made a decision to prohibit caring for the sick and wounded in rebel-held areas.⁶ With that law in place, the regime and Russian warplanes targeted such medical personnel for intimidation, torture and killing.⁷ Another challenges that have risen in Syria is that as numerous agencies report working remotely and sending funds into Syria, they are unable to oversee those funds' distribution or use. The international community has demanded that the humanitarian aids, especially regarding the funds to Syria must be closely being monitored at this moment.

³ The New Humanitarian. 2019, *Afghanistan attacks spur fresh concerns over aid worker safety*. Retrieved from <https://www.thenewhumanitarian.org/news/2019/12/12/Afghanistan-Attacks-aid-workers-instability-casualties>

⁴ The New Humanitarian. Loc,cit.

⁵ Loc, cit.

⁶ Scott. EKM. 2019. *Yes, aid workers are getting killed more often. But why?*. Retrieved from <https://www.washingtonpost.com/politics/2019/12/06/yes-aid-workers-are-getting-killed-more-often-why/>

⁷ Scott. EKM. Loc,cit.



CONCLUSION

As many conflicts and political-social unrest has been arising all around the world, it affects the people within those areas to be increasing in humanitarian assistance. Ever since many conflict has emerges, humanitarian industry has grown dramatically as governments rely more on nongovernmental organizations to deliver aid during long-lasting conflicts.⁸ Aforementioned international actions has provided us with an insight on how international community actually strives to ensure the rights of Humanitarian Aid Workers with a better preparation such as a good training programmes, pre-deployment training, etc. However, there are still many Humanitarian Aid Workers that are still vulnerable on doing their mission or even still traumatize as an aftermath of doing it. Beside of that, The legal status of Humanitarian Aid Workers under international law still remains unclear and unresearched, thus we need to fathom and scrutinize what are the loopholes in regards of the legal basis of the protection towards Humanitarian Aid Workers that must be made in the international level, so that it will gives a clear standard on how every related actors should act, especially on how we could bring justice towards the perpetrators and control the non-state actors as well, if necessary.

Questions A Resolution Must Answer (QARMAs)

1. Along with lack of international laws that could encompass all of the fundamental rights of the Humanitarian Aid Workers, how the member states and/or the council address this issue to brings better protection to Humanitarian Aid Worker?
2. With the aforementioned international actions, is it necessary for any innovations that the member states should bring to have a better action in accordance with the protection of Humanitarian Aid Workers? If not, what kind of enhancement or evaluation that must be made within the current actions?
3. How the member states could bring the perpetrators into justice? Besides of many perpetrators comes from the non-state actors, it also comes from the Government personnel, thus, how can the member states also try to identify the perpetrators?
4. Is it necessary for member states should ensure the aftermath of the mission does not affects the Humanitarian Aid Workers? If yes, please identify and address what kind of

⁸ Alexander Cooley & James Ron. 2002. *The NGO Scramble : Organizational Insecurity and The Political Economy of Transnational Action*. MIT Press.



treatment and rights that the member states should ensure and how can the member states give the guarantee to them?