GA6

STUDY GUIDE

2024

COLOMBO MODEL UNITED NATIONS

2024

GENERAL ASSEMBLY 6 - Study Guide

About the Committee

The General Assembly 6, also known as the 'legal committee', is one of 6 committees of the General Assembly in the United Nations; with the purpose of consolidating the consideration of legal questions within International Law. This committee revolves around several principles, one of which is the application and formulation of International Law and legalities. Through its operations within the United Nations in creating non-binding recommendations, the General Assembly 6 plays a major role in the enforcement and initiation of changes to promote global principles of international cooperation, peace and development.

During the operations of the General Assembly 6, all member states and observer states of the United Nations have a right to vote, passing documents with a simple majority. Thus, facilitating equal influence between nations to change the course and feasibility of International Law and Instruments, making the GA6 one of the most influential committees to date.

Message from the Head Table:

Dear Delegates,

This year, in the 30th session of COMUN, we have identified that an international legal perspective is important to look back at three decades of diplomacy and change in the international community and keep up with the theme of our Conference.

As the Chairs of this committee, we ask all delegates to come to the Conference (and PDs!) with plenty of research. This committee is research-heavy, and as you go through the study guide, you will be able to realise the level of understanding and knowledge GA6 delegates are expected to possess. "Research is Power" are words any MUN enthusiast should live by, and this very much applies towards this year's edition of GA6.

We hope that all delegates enter committee with a positive mindset, anticipating fair and competitive debate. As representatives of the legal committee in this year's COMUN, we expect delegates to set a standard in terms of diplomacy–a core principle of international law.

As this is a general assembly, we will be open to novices. Although the topics may seem daunting at first, we promise to guide you to understand what's happening in debate throughout our three practice debates. It goes without being said that we expect you to do your part and come ready for committee.

See you at Conference!

Minara and Abdullah.

PRACTICE DEBATE 1:

International anti-terrorism legal instruments in combating transnational organised crime.

Transnational Organised Crime (TOC) poses a multitude of serious and interconnected threats to global security. To effectively combat this complex threat, international law can play a crucial role in setting the standards and forging the alliances needed to strike TOC at its core.

Delegates are expected to have an effective understanding of all 19 Universal Counter Terrorism Conventions and their potential application to the context of TOC. These Conventions, established at the UN's inception, stand as the centre of the international fight against terrorism, setting the global standards for anti-terrorism measures expected of countries. However, they're not universally applicable to all TOC threats. Therefore, delegates should also explore other relevant legal instruments, such as the UN Convention Against Transnational Organized Crime (UNTOC).

Furthermore, delegates will be expected to critically analyse the shortcomings of these conventions and propose potential improvements for the betterment of the international community. One potential avenue for exploration is incorporating procedures like the FATF's recommendations into international legal instruments, thereby expanding existing measures against TOC and terrorism.

Examining specific events where these instruments have fallen short will be crucial and expected of all delegates.

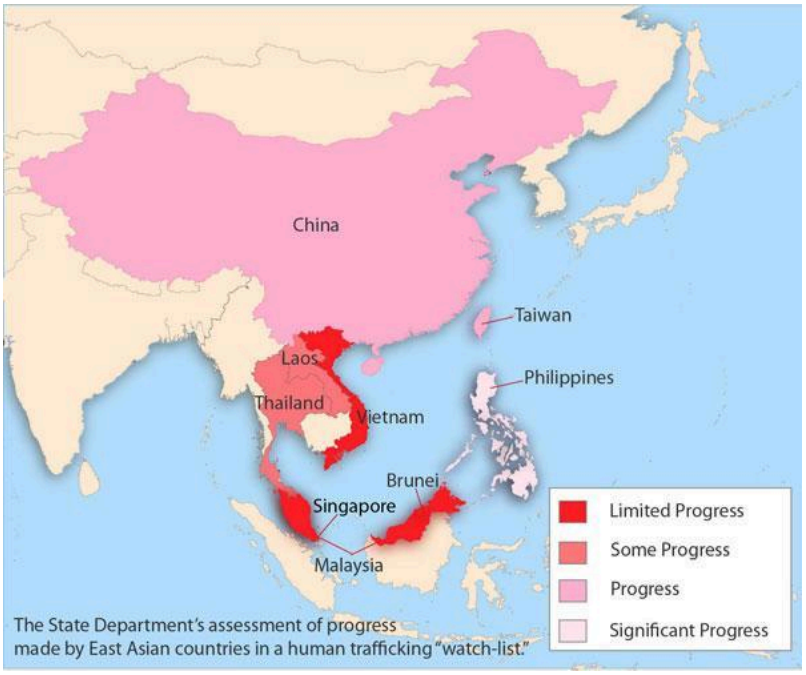
Case Study 1: Human Trafficking in Southeast Asia

Southeast Asia has become an unfortunate hub for some of the world's most notorious human traffickers, pulling millions of people into forced labour and multiple sorts of abuse. Vulnerable groups, particularly women and children, are the most affected as they are vulnerable to buying into false promises of better lives, which are used as a ruse by TOCs. These networks operate smoothly due to corruption, weak law enforcement, unreasonably high levels of demand for labour and most importantly- poverty.

Many expect the UNTOC to handle this level of unlawful trafficking. However, the UNTOC expects national implementation to enforce its provisions. Within the context of Southeast Asia, the diversity of legal systems and other priorities for governments in the region has led to very little effective implementation. It goes without saying that corruption plays an important role in the continuity of such groups' operations, with some TOC groups being so large that they often hold a grip on the local government itself.

Further, the UNTOC looks at organised crime itself and often overlooks the role of other individuals, such as corrupt officials and systemic factors which are prevalent in the case of Southeast Asia.

Delegates are expected to have a thorough understanding of the issues within the UNTOC portrayed by the Southeast Asian Human Trafficking Crisis and apply realistic and effective solutions to these issues.



Case Study 2: Middle Eastern Arms Trafficking

Countries within the Middle East are known throughout the international community for high arms trafficking indexes and as primal actors for sourcing and providing arms within the region. Said arms are distributed throughout conflict zones and surrounding nations, eventually reaching criminal groups and terrorist organisations, thereby inflicting international and local violence.

In the present, the arms trafficking in the region has led to several forms of organised crime, including the creation of human trafficking and smuggling networks, racketeering, hijackings and the heightening of combative used funding through illegal taxation and extortion.

In pursuit of international stability through the effectiveness of international judicial law and law enforcement cooperation, the international community has implemented several internationally funded projects, but the main legal instrument in power is the UN Convention Against Transnational Organised Crime.

Delegates are expected to be well versed on the UN Convention Against Transnational Organised Crime alongside several other global instruments, such as the Arms Trade Treaty, in order to identify aforementioned crimes and provide solutions and legal recommendations to better the arms race situation.

Further Reading:

1) https://www.un.org/counterterrorism/international-legal-instruments
2) https://www.kompas.id/baca/english/2023/11/22/en-korupsi-memfasilitasi-perdagangan-manusia-di-asia-tenggara
3) https://www.unodc.org/unodc/en/firearms-protocol/the-firearms-protocol.html
4) https://disarmament.unoda.org/convarms/arms-trade-treaty-2/

PRACTICE DEBATE 2:
Amending the UN Convention on the Law of Sea (UNCLOS)

Universally adopted in 1982 and effective from 1992, the UN Convention on the Law of the Sea (UNCLOS) is a legally binding instrument within international law that works towards setting defined responsibilities and rights of member states in regard to ocean space and maritime disputes. Its objectives include, but are not limited to, the promotion of the peaceful utilisation of maritime resources and the fostering and preservation of international communications, while defining maritime zones and national claims. The legitimacy of maritime claims made by states is subsequently determined by the regulations set by the UNCLOS.

Regardless, territorial maritime disputes have long been prevalent within the international community, only heightened through the implementation of several legal instruments and the ocean's privatisation. These disputes occur when sovereign nations stress claims over the territorial sea, the continental shelf and their exclusive economic zone (EEZ), leading to resource exploitation and diplomatic tensions furthering possible active conflicts. Similar situations are called upon by tensions within the Arctic Ocean, South and East China Seas, Eastern Mediterranean Sea, etc.

Delegates are expected to have a thorough knowledge of the UNCLOS and its respective powers and limitations, alongside the ability to identify shortcomings through detailed analysis to provide feasible solutions and amendments to the house. Said shortcomings are highlighted by, but not limited to, the case studies mentioned below, to which delegates are encouraged to implement the aforementioned solutions to solve and mediate international territorial maritime disputes.

Case Study 1: Tensions in the South China Sea

One of the most prevalent and ongoing issues relating towards territorial maritime disputes is the rising tensions within the South China Sea. These tensions originate from China's claim to several land parcels and their adjacent waters, leading to near hostile agendas from several surrounding neighbour nations and members of the Association of South-East Asian Nations (ASEAN).

The People's Republic of China stresses their claims of territory through the recollection of the '9 dash line' alongside historical claims over the islands and its waters, which have been denied by several nations, specifically Vietnam. The United States of America also plays a vital role within the issue by furthering its presence within the South China Sea by Freedom of Navigation operations, utilising military ships and planes near the disputed islands. Additional actors within rising tensions include, but are not limited to, Taiwan, the Philippines and Japan.

In light of the stated tensions and issues, delegates are expected to revise the UN Convention on the Law of the Sea, providing suitable recommendations alongside many other factors of international law and its binding terms in order to mitigate issues that may arise, preventing further conflict and militarization. Delegates are also expected to take into consideration any international arbitration rulings in connection to the UNCLOS, identify the instruments' failures and shortcomings and thereby, present feasible recommendations to the house for the betterment of the international community.

Case Study: Troubled Waters - The Aegean Sea

The Aegean Sea, a cradle of civilization and a crossroads of cultures has become a contentious battleground in recent years. At the heart of the conflict lies the intricate web of territorial claims and resource rights, where sovereignty over islands, maritime borders, and seabed resources are fiercely contested. It serves as an example of an unresolved maritime dispute, calling for greater and more nuanced International Laws to navigate through such disputes.

The Aegean Dispute stems from a question of the sovereignty of several small islands in the Aegean. Greek sovereignty is constantly challenged by Turkey for some of these islands. The UNCLOS focuses more on maritime zones, leaving these islands in a legal grey area, increasing ambiguity and fuelling tensions. Both nations claim extensive EEZs and continental shelves, resulting in conflicting resource zones. Needless to say, Turkey not being a part of the UNCLOS complicates the issue further, reasoning their absence from Article 121 of the UNCLOS with regard to the sovereignty of small islands

Delegates will be expected to look at specific issues within the UNCLOS with regard to the Aegean Dispute and create well-rounded reforms for the betterment of the international community. Delegates will be expected to produce ideas for reform which could possibly incentivise countries such as Turkey to become a state part of the UNCLOS.

Further Reading:

1) https://www.tandfonline.com/doi/full/10.1080/00908320.2023.2271393?src=exp-la
2) https://www.mondaq.com/cyprus/marine-shipping/1173020/greece-v-turkey-maritime-conflict-over-the-aegean-sea-an-international-law-perspective
3) https://www.sciencedirect.com/science/article/pii/S0308597X20302426
4) https://sealawcentral.com/maritime-jurisdiction/maritime-dispute-settlement-mechanisms-review-international-law/#:~:text=International%20maritime%20disputes%20can%20arise%20from%20conflicting%20territorial,ocean%20resources%2C%20and%20safeguard%20the%20freedom%20of%20navigation.

CONFERENCE:

Crafting a new Principal Judicial System for the United Nations

As per Article 92-96 of the UN Charter, the International Court of Justice, established in 1945, is the principal judicial organ for the United Nations; thereby initiating all member states of the UN to be parties to the ICJ statute. Primarily held at the Hague, the ICJ comprises of 15 judges–each of unique nationality, elected to a term of 9 years by the UN General Assembly. Alongside maintaining and upholding principles and terms of international law, as presented through all international legal instruments, its primary objective lies within the solving and passing judgment on disputes between nations. Said verdicts proposed by the ICJ, alongside the ICJ's ability to propose legal consultations towards the UN and its specialised agencies as per request, are, in theory, legally binding to all consenting parties concerned

Unfortunately, as seen within several situations and called upon by the case studies mentioned, the ICJ has no enforcement power over its verdicts, thus showing poor advancements in holding nations accountable for crimes committed against international law. Several other issues brought up, such as lack of clarity within certain instruments, jurisdictional powers, etc., are expected to be touched upon and formulated by delegates within the debate. These issues, inevitability, have led to the discredibility and infeasibility of the ICJ itself.

Delegates are expected to have complete, thorough knowledge of the ICJ and its respective statutes, jurisdictional and enforcement powers and so on, within the international community. Delegates are also further required to, through extensive research and analysis, identify key issues within the ICJ and formulate solutions to the issues–eliminating loopholes and vagueness whilst ensuring consensus within the international community in order to successfully craft a new and improved principal judicial organ for the UN, replacing the International Court of Justice. The successful implementation of the aforementioned judicial organ, through extensive research and analysis, would aim to strengthen the faults and downfalls of the ICJ, providing larger consensus and accountability within the international community.

Case Study 1: The South African Case of 'Genocide' against Israel

Claims of genocide within the conflict between the State of Palestine and Israel have been brought to the International Court of Justice by South Africa under the grounds of moral obligation through the UN 1948 Genocide Convention.

As per the launch of the Israeli military operation against Hamas, several casualties and fatalities have been drawn from each side, with the State of Palestine facing numbers past 23,000 people. In order to counteract the attacks by Israeli forces, the nation of South Africa has presented evidence in the form of an 84-page document to the ICJ, which claims their "acts and omissions" are "genocidal in character because they are intended to bring about the destruction of a substantial part of the Palestinian nation, racial and ethnic group." This was additionally presented alongside urgent requests for additional provisional measures to be enforced by the ICJ, such as the immediate ceasefire of military activities within Gaza.

Said claims have been firmly rejected by the nation of Israel, as they continued to release statements referring to the investigation and accusations as 'baseless' and a 'blood libel'. Further, the nation's

foreign ministry released statements accusing South Africa of cooperating and fueling the ‘terrorist organisation’, Hamas, and reiterating its commitment to international law. Due to the poor enforcement power and accountability presented by the ICJ’s rulings, it is extremely likely that Israel would refute an unfavourable ruling and an immediate ceasefire. Thus leaving the case and ruling completely redundant whilst adding to one of the many major failings of the ICJ. Delegates are expected to take reference of said case studies and other related examples while highlighting issues within the ICJ and formulating feasible solutions to be implemented within a new Principal Judicial Organ.

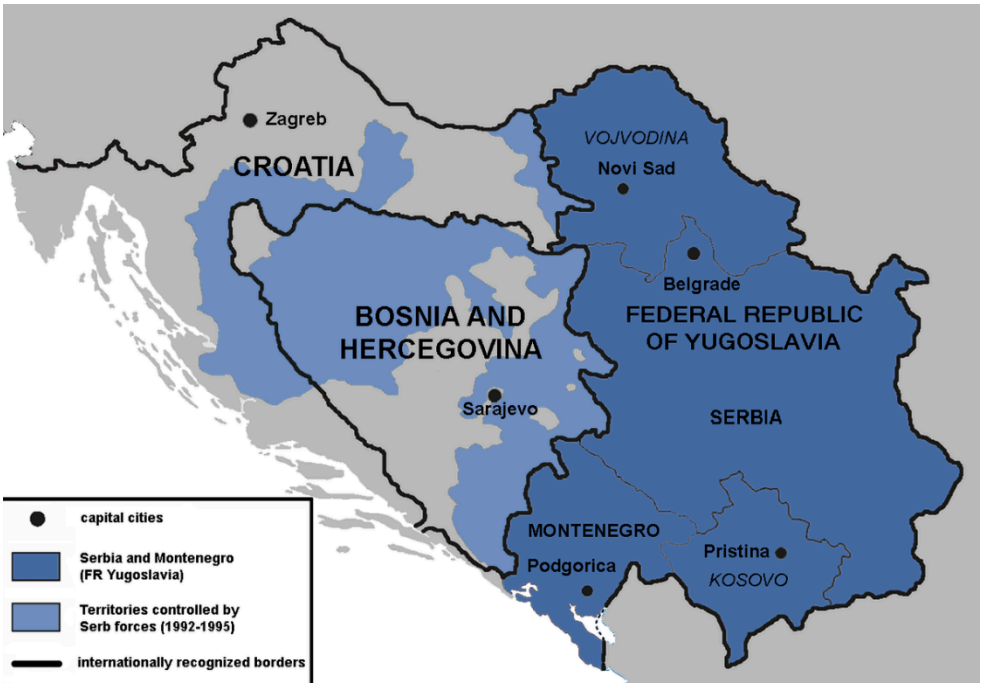
Case Study 2: Bosnia and Herzegovina and the Pursuit of Justice

The brutal war in Bosnia (1992-1995) witnessed horrific atrocities, including the Srebrenica massacre, where thousands of Bosniak men and boys were murdered by Serb forces. In 2008, Bosnia and Herzegovina, seeking closure and accountability, brought a case against Serbia to the International Court of Justice, accusing it of complicity in genocide.

The ICJ, in a landmark 2007 verdict, declared Serbia not directly responsible for the genocide but guilty of failing to prevent it, despite possessing the knowledge and means to do so. This finding, while significant in acknowledging Serbian culpability, fell short of addressing the full extent of the Bosnian people's desire for justice.

Serbia, while accepting the verdict, contested its interpretation and emphasised its own efforts to apprehend Serb perpetrators. Meanwhile, Bosnian victims felt the ICJ's decision, lacking in punitive or preventive measures, offered limited solace. The complex political landscape further impeded meaningful reconciliation and reparations.

This case highlights the challenges of pursuing justice through existing judicial mechanisms. While the ICJ's ruling brought clarity to historical responsibility, it did not translate into tangible consequences for Serbia or provide closure for Bosnian victims. Any new judicial organ would be expected to overcome such obstacles in ensuring justice for those affected by the worst of crimes.



Case Study 3: Bahrain and Qatar's Maritime Dispute

In the oil-rich Persian Gulf, a long-standing territorial dispute between Bahrain and Qatar exists beneath their now warm realm. The core of the conflict lies in overlapping claims over maritime boundaries and ownership of the Hawar Islands, strategically located in the resource-rich Gulf waters.

In 1999, tensions peaked, leading Qatar to file a case with the International Court of Justice regarding these contested areas. After years of deliberation, the ICJ delivered a verdict in 2001, awarding Bahrain sovereignty over Hawar Island and adjacent shoals, while granting Qatar control over other disputed territories.

While the ICJ's ruling provided legal clarity, it didn't fully resolve the underlying complexities of the dispute. The aftermath witnessed years of frosty relations, with both countries having lingering reservations about the verdict's implications for resource rights and maritime boundaries.

This case exemplifies the limitations of current judicial mechanisms in addressing intricate territorial disputes. While the ICJ offered a definitive legal solution, it couldn't fully address the historical grievances, strategic anxieties, and economic concerns plaguing both nations.

The Bahrain-Qatar maritime dispute serves as a cautionary tale, calling for innovative solutions within the international judicial system. As GA6 delegates, building a judicial framework that fosters not just legal pronouncements but also lasting peace and equitable outcomes for all parties involved remains absolutely crucial.

Case Study 4: Namibia vs South Africa

In 1915, the nation of South Africa occupied Namibia after the escalation of political tensions and territorial disputes between the two countries. This occupation continued for over 55 years, during which international bodies and other countries voiced opinions on the unrest and dispute, including the International Court of Justice, which stressed upon the extreme colonial abuse of power towards the Namibians and the violations of International Humanitarian Law on grounds of discrimination.

Whilst this dispute was taking place, members of the United Nations Security Council were in the process of implementing immediate and harsh economic sanctions on the nation of South Africa, to deter further escalation and bloodshed. However, this was vetoed by the United States of America and the United Kingdom in support of South Africa. An explanation was provided for the veto based on the possible ineffectiveness of said sanctions and the threat posed to the economies of neighbouring nations.

Originally, the ICJ provided an advisory opinion deeming the South African occupation of Namibia as illegal under international law, and in 1971, called for the immediate withdrawal of the South African administration and upon members of the international community to recognise the illicit occupation of Namibia. Further instructions provided by the ICJ to member nations refuting the provision of aid and assistance to South Africa only heightened international tensions and pressure, leading to further bloodshed and disputes between the two nations. Delegates are expected to view the inability of the ICJ and its shortcomings in directly imposing rulings on the nations involved, alongside its lack of enforcement and jurisdiction, to formulate feasible solutions for stated and additional failures.

Further Reading:

1) https://www.justsecurity.org/83723/the-international-court-of-justice-a-bright-light-in-dark-times/
2) https://www.reuters.com/article/idUSKBN1ZM1HP/
3) https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1000&context=hrbrief
4) https://www.icj-cij.org/case/87
5) https://www.theguardian.com/world/2024/jan/12/israel-accuses-south-africa-of-profound-distortion-at-icj-genocide-hearing
6) https://www.icj-cij.org/case/53