

# **BITS MUN 2014**

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**UNITED NATIONS GENERAL ASSEMBLY SIXTH COMMITTEE (LEGAL)**

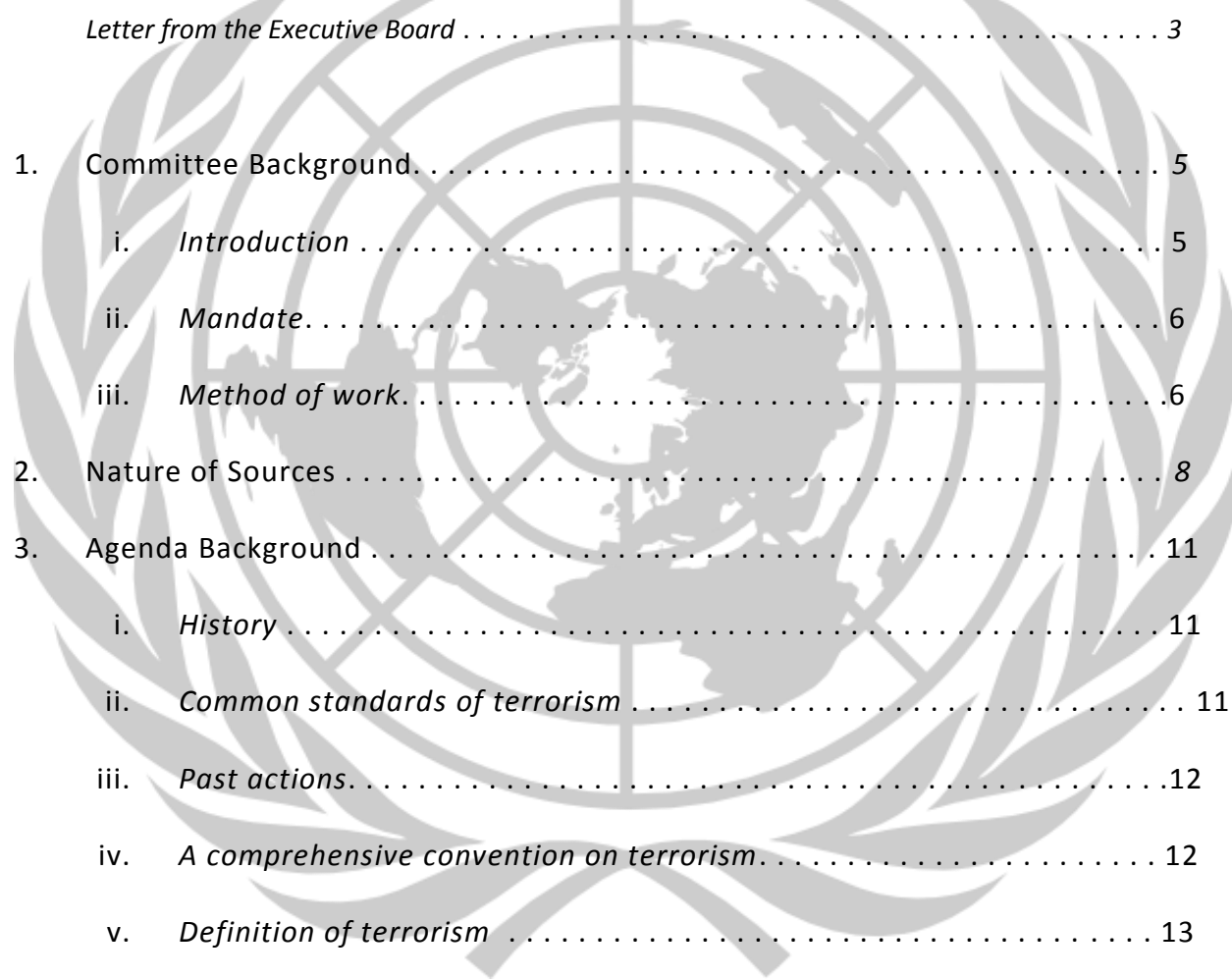


**‘MEASURES TO ELIMINATE  
INTERNATIONAL TERRORISM’**

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# LETTER FROM THE EXECUTIVE BOARD

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*Greetings, Delegates!*

We are very pleased to welcome you to the first ever simulation of the United Nations General Assembly Sixth Committee (Legal) of the Birla Institute of Technology Model United Nations Hyderabad, at BITS MUN 2014. It will be an honor and a privilege to serve as your Executive Board for the duration of the conference.

This Background Guide is designed to give you an insight into the agenda at hand. Please refer to it carefully. Remember, a thorough understanding of a problem is the first step to solving it. However, bear in mind that this Background Guide is in no way exhaustive and is only meant to provide the delegates with enough background information to establish a platform for beginning research. Delegates are highly recommended to do a good amount of research beyond what is covered in the Guide.

A few aspects that delegates should keep in mind while preparing:

Mandate: Every committee of the United Nations has a very specific mandate. The discussion of an agenda and proposal of solutions should be within the mandate of the committee. Due to the various aspects of the agenda, and certain limitations of the committee's mandate, debates in the General Assembly Sixth Committee (Legal) are extremely nuanced and a fine balance of subjective and objective construct, interpretation and argumentation.

Procedure: The purpose of putting in procedural rules in any committee is to ensure a more organized and efficient debate. Kindly take note that the committee shall follow the UNA-USA Rules of Procedure, a link for which has been provided in the last section of this Guide. Although the Executive Board shall be fairly strict with the Rules of Procedure, the discussion of agenda will be the main priority. So delegates are advised not to restrict their statements due to hesitations regarding procedure.

Foreign Policy: Following the foreign policy of one's country is the most important aspect in a Model UN Conference. This is what essentially differentiates a Model UN from other debating formats. To violate one's foreign policy is one of the worst mistakes a delegate can make.

Role of the Executive Board: The Executive Board is appointed to facilitate debate. The direction and flow of debate shall be decided by the committee. The delegates are the ones who make the committee and hence must be uninhibited while presenting their opinions/stance on any issue.

In case you have any doubts or queries, please feel free to contact any member of the Executive Board at [bitsmun.unga@gmail.com](mailto:bitsmun.unga@gmail.com), and we will get back to you as soon as possible. We expect all delegates to be well-verse with the various nuances of the agenda, and geared up for three days of cutthroat diplomacy, intense debate and great fun.

*Looking forward to seeing you in action!*

**FURY JAIN**

Chairperson

**SRUJANA RAO**

Director

# COMMITTEE BACKGROUND

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## *Introduction*

The United Nations General Assembly<sup>1</sup> is one of the six principal organs of the United Nations and the only one in which all member nations have equal representation. It comprises of all 193 Members of the United Nations, and provides a unique forum for multilateral discussions of the full spectrum of international issues covered by the Charter of the United Nations<sup>2</sup>. The President for the 69<sup>th</sup> session of the United Nations General Assembly is Sam Kahamba Kutesa, from Uganda<sup>3</sup>.

The functions of the General Assembly include overseeing the budget of the United Nations, appointing the non-permanent members to the Security Council, receiving reports from other parts of the United Nations and making recommendations in the form of General Assembly Resolutions, etc<sup>4</sup>. It has also established a wide number of subsidiary organs<sup>5</sup>. The first session of the General Assembly was convened on 10 January 1946 in the Westminster Central Hall in London and included representatives of 51 nations.

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<sup>1</sup> United Nations General Assembly (Website)- <http://www.un.org/en/ga/>

<sup>2</sup> Charter of the United Nations- <http://www.un.org/en/documents/charter/>

<sup>3</sup> 'General Assembly elects Ugandan Foreign Minister as President of 69<sup>th</sup> session (United Nations News Centre)- <http://www.un.org/apps/news/story.asp?NewsID=48024#.VCDsmVdluzs>

<sup>4</sup> Chapter IV of the Charter of the United Nations.

<sup>5</sup> Subsidiary organs of the General Assembly- <http://www.un.org/en/ga/about/subsidiary/index.shtml>



The major part of the General Assembly's work occurs in its six functional committees, which deal with security and disarmament, finance and economics, social and cultural affairs, special political and decolonization affairs, administration and budget, and legal affairs<sup>6</sup>. The United Nations General Assembly Sixth Committee (Legal)<sup>7</sup> is one of the main committees of the United Nations General Assembly. It is the primary forum for the consideration of legal questions in the General Assembly. All of the United Nations Member States are entitled to representation on the Sixth Committee. It is led by a Chairperson, assisted by three vice-chairpersons and a rapporteur.

### ***Mandate***

The UN General Assembly has an express mandate to promote the progressive development of public international law. Article 13 of the UN Charter establishes, in particular, that the *'General Assembly shall initiate studies and make recommendations for the purpose of...encouraging the progressive development of international law and its codification'*<sup>8</sup>. While international law-making negotiations take place in a variety of specialized bodies of the United Nations, depending on their actual subject-matter, those negotiations related to general international law are usually held at the Sixth Committee. Most delegates on this committee are experienced international lawyers, who make recommendations on legal principles and issues before the United Nations. The Sixth Committee can initiate studies and make recommendations to promote the development and codification of international law, the realization of human rights and fundamental freedoms.

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<sup>6</sup> Six Main Committees of the UN General Assembly- <http://www.un.org/en/ga/maincommittees/index.shtml>

<sup>7</sup> United Nations General Assembly Sixth Committee- Legal (Website)- <http://www.un.org/en/ga/sixth/index.shtml>

<sup>8</sup> Article 13 of the Charter of the United Nations- <http://www.un.org/en/documents/charter/chapter4.shtml>

### ***Method of Work***

The Sixth Committee meets every year from late September to late November, in parallel with the General Assembly's annual session. At the beginning of the session, the General Assembly assigns to the Sixth Committee a list of agenda items to be discussed. Following a formal discussion and the negotiation of any proposals, any recommendation adopted by the Sixth Committee is then submitted to the Plenary of the General Assembly for its final adoption. If a particular issue is of great technical complexity, the Sixth Committee may refer it to the International Law Commission or it may create a special subsidiary body to discuss it. The Sixth Committee follows a 'mixed decision-making rule, where consensus is preferred but where a vote is still possible,' that is, that while the Committee may take its decisions by voting, most resolutions are adopted without a formal vote, by acclamation, unanimity, or consensus. The number of issues on the agenda of the General Assembly has been growing steadily from 1945 until today, due to the increasing number of problems and issues requiring cooperation among governments and non-State actors. However, while most committees are overwhelmed with issues to consider and struggle to meet the usual schedule, the Sixth Committee has maintained a relatively short agenda, discussing problems such as international terrorism, dispute settlement, peacekeeping and human cloning.

# NATURE OF SOURCES

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Evidence or proof is acceptable from the following sources-

## 1. **News Sources:**

- i. Reuters: Any Reuters article which clearly makes mention of the fact or is in contradiction of the fact being stated by a delegate in council.<sup>9</sup>
- ii. State operated News Agencies: These reports can be used in the support of or against the State that owns the News Agency. These reports, if credible or substantial enough, can be used in support of or against any Country as such but in that situation, may be denied by any other country in the council. Some examples are – RIA Novosti<sup>10</sup> (Russia), Islamic Republic News Agency<sup>11</sup> (Iran), British Broadcasting Corporation<sup>12</sup> (United Kingdom, Xinhua News Agency<sup>13</sup> (People's Republic of China), etc.

## 2. **Government Reports:**

These reports can be used in a similar way as the State Operated News Agencies reports and can, in all circumstances, be denied by another country. However, a nuance is that a report that is being denied by a certain country can

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<sup>9</sup> Reuters website- <http://www.reuters.com/>

<sup>10</sup> RIA Novosti Website- <http://en.ria.ru/>

<sup>11</sup> Islamic Republic News Agency (IRNA) Website- <http://www.irna.ir/en/>

<sup>12</sup> British Broadcasting Corporation (BBC News) Website- <http://www.bbc.com/>

<sup>13</sup> Xinhua News Agency Website- <http://www.xinhuanet.com/english/>



still be accepted by the Executive Board as credible information. Examples are Government Websites like-

- i. State Departments: Ministry of Defense of the Russian Federation<sup>14</sup>, Ministry of External Affairs of the Republic of India<sup>15</sup>, the French Republic<sup>16</sup>, etc.
- ii. Permanent Representatives: Reports of the Permanent Representatives of nations to the United Nations. Access the following link and click on a country's name to get the website of the Office of its Permanent Representative- <http://www.un.org/en/members/>

### **3. Multilateral Organizations**

Reports from regional organizations like the North Atlantic Treaty Organization<sup>17</sup> (NATO), Association of South East Asian Nations<sup>18</sup> (ASEAN), and the Organization of the Petroleum Exporting Countries<sup>19</sup> (OPEC), etc.

### **4. United Nations Reports:**

All UN Reports are considered as credible information or evidence for the Executive Board of the United Nations General Assembly.

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<sup>14</sup> Ministry of Defense (Russian Federation)- <http://eng.mil.ru/>

<sup>15</sup> Ministry of External Affairs (Republic of India)- <http://www.mea.gov.in/>

<sup>16</sup> Ministry of Foreign Affairs (French Republic)- <http://www.diplomatie.gouv.fr/en/>

<sup>17</sup> North Atlantic Treaty Organization (NATO) Website- <http://www.nato.int/cps/en/natolive/index.htm>

<sup>18</sup> Association of South East Asian Nations (ASEAN) Website- <http://www.asean.org/>

<sup>19</sup> Organization of the Petroleum Exporting Countries (OPEC) Website- [http://www.opec.org/opec\\_web/en/](http://www.opec.org/opec_web/en/)

- i. UN Bodies: Reports from various organs of the United Nations like the General Assembly<sup>20</sup> (UNGA), the United Nations Human Rights Council<sup>21</sup> (UNHRC), the United Nations Security Council<sup>22</sup> (UNSC), etc.

1. UN Affiliated bodies: Organizations affiliated to the United Nations like the International Atomic Energy Agency<sup>23</sup> (IAEA) the World Bank Group<sup>24</sup>, the International Monetary Fund<sup>25</sup> (IMF), the International Committee of the Red Cross<sup>26</sup> (ICRC), etc.
2. Treaty Based Bodies: Bodies like the Antarctic Treaty System<sup>27</sup>, the International Criminal Court<sup>28</sup>, etc.

*Note-* Under no circumstances will sources like Wikipedia, or newspapers like the Guardian, Times of India etc. be accepted.

<sup>20</sup> United Nations General Assembly Website- <http://www.un.org/en/ga/>

<sup>21</sup> United Nations Human Rights Council Website- <http://www.ohchr.org/en/hrbodies/hrc/pages/hrcindex.aspx>

<sup>22</sup> United Nations Security Council Website- <http://www.un.org/en/sc/>

<sup>23</sup> International Atomic Energy Agency (IAEA) Website- <http://www.iaea.org/>

<sup>24</sup> World Bank Website- <http://www.worldbank.org/>

<sup>25</sup> International Monetary Fund (IMF)- <http://www.imf.org/external/index.htm>

<sup>26</sup> International Committee of the Red Cross (ICRC) Website- <https://www.icrc.org/en>

<sup>27</sup> The Antarctic Treaty System Website- <http://www.ats.aq/e/ats.htm>

<sup>28</sup> International Criminal Court Website- [http://www.icc-cpi.int/en\\_menus/icc/Pages/default.aspx](http://www.icc-cpi.int/en_menus/icc/Pages/default.aspx)

# AGENDA BACKGROUND

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## *History*

The question of terrorism has been on the United Nations agenda since the 1960s when the spread of aircraft hijacking incidents drove states to draft conventions on international terrorism. The Convention on Offences and Certain Other Acts Committed On Board Aircraft (Tokyo, 1963), the Convention for the Suppression of Unlawful Seizure of Aircraft (Hague, 1970) and the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal, 1971) were the first treaties to deal with the problem of international terrorism.

## *Common standards of terrorism*

In 1972 the General Assembly decided to establish an Ad Hoc Committee on International Terrorism which held its sessions in 1973, 1977 and 1979 and reported to the General Assembly. The Committee adopted a subject matter approach to the terrorist acts in its work because an agreement seemed to be impossible to reach on a comprehensive definition of international terrorism. The major Western powers sought to limit terrorism to individual and small group attacks, excluding police and military operation of states, irrespective of their legitimacy. Other states, especially the non-aligned states wished to include terror-acts of states, illegitimate state conduct and state sponsored violent activities, especially that of the armed forces, and sought to establish individual responsibility of the agents of states for the acts.

Between 1963 and 2002 the United Nations its specialized agencies drafted several conventions to address terrorist attacks upon civil aviation, civil maritime navigation and sea based platforms, upon persons, including hostages, diplomats, UN personnel and other internationally protected persons, as well as to fight the financing of terrorism and the use of bombing and explosive devices against civilian installations and persons.

### ***Past actions***

In 1996 the General Assembly, in resolution 51/210 of 17 December, decided to establish an Ad Hoc Committee to elaborate an international convention for the suppression of terrorist bombings and, subsequently, an international convention for the suppression of acts of nuclear terrorism, in order to supplement related existing international instruments, and thereafter to address means of further developing a comprehensive legal framework of conventions dealing with international terrorism. This mandate continued to be renewed and revised on an annual basis by the General Assembly.

The General Assembly adopted two conventions on international terrorism which were elaborated by the Ad Hoc Committee- the International Convention for the Suppression of Terrorist Bombings, adopted on 15 December 1997 and the International Convention for the Suppression of the Financing of Terrorism, adopted on 9 December 1999.

### ***Comprehensive convention on terrorism***

In its resolution 55/158 adopted on 12 December 2000 the General Assembly requested the Ad Hoc Committee to continue to elaborate on a *comprehensive*

*convention on international terrorism* and continue its efforts to resolve the outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism, and keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism.

Currently the member states are still negotiating the draft comprehensive convention on international terrorism on the basis of the text submitted by India in 1996 and the draft international convention for the suppression of acts of nuclear terrorism.

### ***Definition of Terrorism***

One of the most problematic issues concerning the elaboration of the comprehensive convention is the definition of terrorism. Some delegations are of the view that the definition should be extended to *state-sponsored terrorism* and acts of state terrorism. They consider state terrorism acts such as American strikes against Iraq and Sudan or Israeli activities in the occupied territories. Other delegations hold that certain acts of state-sponsored terrorism might be covered by the convention, however, other types of state conduct, referred to as state terrorism is beyond the scope of the convention and subject to other norms, such as the law governing state responsibility and the prohibition of the use of force under Article 2, paragraph 4 or Chapter VII of the UN Charter.

Some delegations stressed the need for a definition which differentiated between terrorism and the legitimate struggle in the exercise of the right to *self-determination and independence* of all peoples under foreign occupation. Delegations supporting the proposal argue that the legitimacy of the armed

struggle had been reaffirmed by several General Assembly resolutions and the right to self-determination had reached the status of *jus cogens* in international law. Other delegations, expressing objection to this proposal, claim that peoples' right to struggle was legitimate and accepted under international law but could not be carried out by any means, only within the confines of the rules of armed conflict. A legitimate armed struggle could not be an exception to the laws of armed conflict and peoples' struggle should be dealt within the context of international humanitarian law, not in the context of the comprehensive convention.

An important task for the committee would be to discuss the possibility of a unanimous definition and certain common standards to be set while dealing with international terrorism, keeping in mind the divergent opinions voiced by various stakeholders and the already existing obligations under the Charter of the United Nations and other sources of International Law.

### ***Role of Armed Forces***

Some states wish to bring the activities of the armed forces under the scope of the convention. However, other states support the exclusion of the activities of the military forces of a state from the scope of the Convention by arguing that these activities undertaken in exercise of the official duties of the armed forces inasmuch as they are governed by other rules of international law, should be not covered by the convention.

### ***Relationship with other conventions***

The relationship between the comprehensive convention and the sectoral conventions on specific forms of terrorism is another highly debated issue. The aim of the comprehensive convention is to complement the existing



conventions, to fill in the gaps by covering terrorist acts not yet covered by the other conventions and by providing a framework for cooperation with regard to acts already covered by the sectoral conventions if the states parties to the comprehensive convention are not all parties to the specific convention concerned.

Some states are making efforts to reshape the system of conventions on international terrorism by subordinating the sectoral conventions to the comprehensive convention. Several of these states have not become parties to these conventions and by ratifying the comprehensive convention they would make up for their backlog in the field of combating international terrorism.

States opposing this attempt did not wish to change the current system of international conventions on terrorism or to impose different obligations on the states which would lead to a double-regime in the field of combating terrorism. They maintain that having the same acts covered by both the comprehensive and the sectoral conventions would be a disincentive for states to ratify the sectoral treaties. The sectoral conventions also have the advantage of containing specific and more elaborate provisions on the terrorist acts than the comprehensive convention would. These states are parties to almost all specific conventions and had also adopted the necessary implementing legislation.

At its sixty-eighth session, the General Assembly decided, taking into account the recommendation of the Ad Hoc Committee that more time was required to achieve substantive progress on the outstanding issues, to recommend that the Sixth Committee, at the sixty-ninth session of the Assembly, establish a working group with a view to finalizing the process on the draft comprehensive

convention on international terrorism as well as discussions on the item included in its agenda by Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations (resolution 68/119).



# LINKS FOR FURTHER RESEARCH

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1. UNA-USA Rules of Procedure

<http://www.unausa.org/global-classrooms-model-un/how-to-participate/model-un-preparation/rules-of-procedure>

2. United Nations General assembly Sixth Committee (Legal)

<http://www.un.org/en/ga/sixth/>

3. Measures to eliminate international terrorism- 68<sup>th</sup> session of the UN General Assembly (Legal)

<http://www.un.org/en/ga/sixth/68/ElimIntTerror.shtml>

4. Measures to eliminate international terrorism- 69<sup>th</sup> session of the UN General Assembly (Legal)

[http://www.un.org/en/ga/sixth/69/int\\_terrorism.shtml](http://www.un.org/en/ga/sixth/69/int_terrorism.shtml)

5. The Ad Hoc Committee

<http://www.un.org/law/terrorism/>