

CISMUN
2015 

SOCIAL, HUMANITARIAN AND
CULTURAL AFFAIRS
COMMITTEE
AGENDA: GENOCIDES



Greetings Delegates!

We welcome you to the General Assembly (SOCHUM) of CIS MUN 2015.

We are looking forward to working with you all, and having a wonderful experience. From our point of view, you are all winners already, for it takes a lot of guts to represent a nation as a delegate in a forum such as this, but for the purpose of the conference, the awardees from this committee will be the delegates who blend in high diplomatic courtesy, accurate foreign policy, strong research, effective lobbying and most importantly a clear understanding of the Rules Of Procedure.

This Background Guide is designed to be the beginning of your research process, and by no means should encompass the scope of your research. Utilize this to form the basis of your research, and then work on your countries foreign policy and the other aspects related to the agenda at hand very thoroughly. Research hard, and research well.

At all times, please remember that a clear understanding of the working, mandate, objectives, past actions etc. relevant to the agenda of the Committee is very important. Begin your research by getting hold of the intricacies of the UN as an organization.

Please keep in mind that you, the delegates, will make the committee. The Executive Board is a mere

facilitator. From our experience, the best committees are the ones that are not dominated by a few delegates, but are steered by a wide range of countries and opinions. We expect active participation from all the delegates. Diversity of opinions is always welcome, and is essential to a successful outcome of this conference.

Please keep in mind that we need to make the committee as fruitful as possible in terms of debate, solutions and substance. The Background guide is a mere introduction to what the agenda can be, however, there a myriad of topics which have been deliberately left untouched, for it is the delegates' choice to decide what

needs to be discussed. Please do not judge or anticipate the committee proceedings in accordance of the contents below.

We shall feel more than happy to clear any doubts that you may have, or any clarifications that you may seek. Please feel free to reach out.

Happy Researching!

Tushar Luthra

Nupur Arora

Parteek Sharma

Chair-Person

Vice Chairperson

ABOUT THE SOCHUM

The Social, Cultural and Humanitarian Affairs Committee (SOCHUM) is one of the six specialized subcommittees of the United Nations General Assembly and generally referred to as the Third Committee. It was established after the development of the Universal Declaration of Human Rights in 1948. The committee's main task is to strive for better compliance to human rights in every region of this world and thus promote international peace and security.

Due to SOCHUM's general mandate, the committee has the ability to discuss many topics presented to the UN. Most issues have a social or cultural aspect, allowing this committee to be involved in developing numerous solutions.

RULES & PROCEDURE

I. INTRODUCTORY REMARKS

Rule 1. Official and working languages

English shall be the official and working language of all committees during formal and informal debate.

Rule 2. Decorum

Delegates are to obey instruction given by UNA-USA MUN staff. Those who do not obey directions will be dismissed from the conference.

II. SECRETARIAT

Rule 3. Statements by the Secretariat

The Secretary-General or his representative may make oral as well as written statements to any committee concerning any issue.

Rule 4. General Functions of the Secretariat

The Chairperson shall declare the opening and closing of each meeting and may propose the adoption of any procedural motions to which there is no significant objection. The Chair, subject to these rules, shall have complete control of the proceedings at any meeting and shall moderate discussion, announce decisions, rule on points or motions, and ensure and enforce the observance of these rules. The Chair may temporarily transfer his or her duties to another member of the committee staff. All procedural matters in committee are subject to the discretion of the Chair. The Chair may undertake any action that is not covered in the Rules of Procedure in order to facilitate the flow of debate at the conference.

III. AGENDA

Rule 5. Agenda

The Secretary-General or his/her representative shall communicate the agenda to the delegates before the conference.

Rule 6. Revision of the Agenda

Additional items of an important and urgent nature may be placed on the agenda during a regular session by the Secretary-General who may add additional topics to the agenda at his/her discretion.

Rule 7. Adoption of the Agenda

The first order of business for the committee shall be the adoption of the agenda. The only motion in order at this time will be in the form of “The nation of [country name] moves that [topic area x] be placed first on the agenda.”

- The motion requires a second and is debatable;
- A provisional speakers list shall be established with three people speaking for and three people speaking against the motion (speaking time for these remarks shall be one minute);
- After the provisional speakers list is exhausted the committee shall move into an immediate vote: a simple majority is required for the motion to pass;
- A motion to proceed to the second topic area is in order only after the committee has adopted or rejected a resolution on the first topic area or debate has been adjourned;
- In the event of a crisis or emergency, the Secretary-General or Director-General may call upon a committee to table debate on the current topic area so that the more urgent matter may be addressed. After a resolution has been addressed and voted upon, the committee will return to debate the tabled topic. If a resolution on the crisis topic fails, the committee may return to debate on tabled topic area only at the discretion of the Secretary-General or Director-General.

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IV. CONDUCT OF BUSINESS

Rule 8. Speakers List

The Chair shall open the speakers list for each topic to be discussed at the request of a delegate. Any delegate wishing to be added to the speakers list shall indicate so when asked by the Chair or shall submit such a request in writing to the dais.

Rule 9. Limitation of Speaking Time

The Chair may limit the time allotted to each speaker. However, delegates can motion to increase or decrease the speaking time, which will be voted upon by the committee or council. When a delegate exceeds his or her allotted time, the Chair may call the speaker to order without delay.

Rule 10. Speeches

No delegate may address the body without the previously obtained permission of the Chair. The Chair may call a speaker to order if his/her remarks are not relevant to the subject under discussion. The Chair shall enforce the time limit as described by Rule 9.

Rule 11. Yielding Time

The delegate, who has been recognized by the Chair to address the body on a substantive issue, may yield any time following their remarks after their speech. Yields may be made in three ways: to another delegate, to points of information (questions), or to the Chair.

- Yield to another delegate. His/her remaining time shall be given to another delegate.
- Yield to questions. Delegates shall be selected by the Chair to ask one question per speech. The Chair has the right to call order to any delegate whose question is, in the opinion of the Chair, not designed to elicit information. Answers to questions are limited to the time remaining in a delegate's speech.
- Yield to the Chair. Such a yield should be made if the delegate does not wish his/her speech to be subject to comments. The Chair shall then move on to the next speaker.

Once a delegate yields his/her time, the second delegate (the one who has been yielded to) may not yield any remaining time.

Rule 12. Right Of Reply

The Chair may recognize the Right of Reply only in instances of a grave personal insult. Rights of Reply must be submitted in writing to the Chair, and may only be granted after a speech is completed. The Chair shall inform the Secretary-General of the circumstances surrounding the Right of Reply. No ruling on this matter is subject to appeal.

Rule 13. Appeal to the Chair's Decision

An appeal is made when a delegate feels that the Chair has made an incorrect ruling. The delegate formally challenges the Chair in writing by sending a note to the dais, moving to appeal the Chair's decision. The appeal will be taken to the Deputy-Secretary General who will decide if the appeal will be considered. Once the motion is acknowledged, the Deputy-Secretary General will hear from both the delegate and the Chair before making a decision.

V. POINTS

Rule 14. Point Of Personal Privilege

During the discussion of any matter, a delegate may raise a Point of Personal Privilege, and the Chair shall immediately address the point. A Point of Personal Privilege must refer to a matter of personal comfort, safety and/or well being of the members of the committee. The Chair may refuse to recognize a Point of Personal

Privilege if the delegate has not shown proper restraint and decorum, or if the point is dilatory in nature.

Rule 15. Point Of Order

During the discussion of any matter, a delegate may raise a Point of Order and the Chair shall immediately consider the request. A Point of Order must relate to the observance of the rules of the committee or to the way the Chair is exercising his or her power. A delegate raising a Point of Order may not speak on the substance of the matter under discussion. The Chair may refuse to recognize a Point of Order if the delegate has not shown proper restraint and decorum governing the use of such a right, or if the point is dilatory in nature.

Rule 16. Point Of Information (question to other delegates)

After a delegate gives a speech, and if the delegate yields their time to Points of Information, one Point of Information (a question) can be raised by delegates from the floor. The speaker will be allotted the remainder of his or her speaking time to address Points of Information. Points of Information are directed to the speaker and allow other delegations to ask questions in relation to speeches and resolutions.

Rule 17. Point Of Inquiry

If there is no discussion on the floor, a delegate may raise a Point of Inquiry to request clarification of the present procedural status of a meeting. A Point of Inquiry may never interrupt a speaker.

VI. MOTIONS

Rule 18. Suspend Debate (Motion to Caucus)

Upon the recommendation of the Chair or any delegate, the committee may consider a motion to Suspend Debate for the purpose of a moderated or un-moderated caucus. This motion requires a majority vote.

- **Moderated Caucus:** The recommendation for a moderated caucus must include a time limit for delegate remarks and a time limit for the entire caucus (e.g. "The nation of [country name] moves for a five minute moderated caucus with a 30 second speaking time."). During moderated caucus, the chair shall recognize delegates for remarks without the use of a speakers list and yields shall be out of order.
- **Un-moderated Caucus:** The recommendation for an un-moderated caucus requires a time limit to be made (e.g. "The nation of [country name] moves for a

ten minute unmoderated caucus."). Unmoderated caucuses allow delegates to have informal discussions.

Rule 19. Motion to Table Debate

During the discussion of any matter, the committee may consider a motion to table debate on the item under discussion at the recommendation of the Chair or any delegate. If the motion is seconded, two representatives may speak in favor of and two against the motion. Then, the motion shall immediately be put to a vote. A two-thirds majority is required for passage. If a motion to table debate is passed, the topic is considered tabled and no further actions or votes will be taken on it. A topic may be reintroduced to the committee so that debate can resume through the same process. The motion to resume debate on a tabled topic shall also require a two-thirds majority for passage.

Rule 20. Closure of Debate

A delegate may at any time move for the closure of debate on the item under discussion, after which debate will end and all draft resolutions and amendments will be put to an immediate vote. Permission to speak on the closure of debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to a vote. This motion requires a two-thirds majority decision. Upon passage of this motion the Chair shall declare the closure of debate and immediately move into voting procedure on the substantive proposals introduced and pending before the committee. The committee shall also close debate and move into voting procedure when the speakers list has been exhausted.

Rule 21. Adjournment of the Meeting

During the discussion of any matter, a delegate may move for the adjournment of the meeting. Such a motion shall not be debated but shall be immediately put to a vote. After adjournment, the committee shall reconvene at its next regularly scheduled meeting time; adjournment of the final meeting shall adjourn the session.

Rule 22. Order Of Procedural Motions

The motions below shall have precedence in the following order over all other proposals or motions before the committee:

- a. Point of Personal Privilege
- b. Point of Order
- c. Point of Inquiry

- d. Point of Information
- e. Introduction of a Draft Resolution
- f. Motion to Suspend Debate
- g. Motion to Table Debate
- h. Motion for Closure of Debate
- i. Motion to Adjourn the Meeting
- j.

VII. RESOLUTIONS

Rule 23. Submission Of Working Papers, Draft Resolutions, and Amendments

Working papers, draft resolutions, and amendments shall be submitted to the Director typed and with the proper number of signatures. (see Resolutions Submission Process.) The Chair may permit discussion and consideration of proposals and amendments once approved, even if the documents have not been circulated through the committee.

Rule 24. Introducing Draft Resolutions

Once a draft resolution has been approved by the Director and has been copied and distributed, a delegate may raise a motion to introduce the draft resolution, which is automatically approved and does not require a vote. The content of the introduction shall be limited to summarizing the operative clauses of the draft resolution. Such an introduction shall be considered procedural in nature, hence yields and comments are out of order. Additional questions and comments regarding the resolution are encouraged to be raised through the speakers list and yields.

Rule 25. Amendments

Both friendly and unfriendly amendments require the approval of the Chair. An amendment is considered friendly if all of the sponsors of the initial draft resolution are signatories of the amendment. Such an amendment is adopted automatically. Unfriendly amendments are a decision of the Committee. An unfriendly amendment must have the approval of the Director and the signatures by 20% of the committee.

Amendments to amendments are out of order.

VIII. VOTING

Rule 26. Methods Of Decision

All procedural decisions, except for the closure and adjournment of debate, shall be made by a simple majority of the delegations present. Delegations physically

present in the committee may not abstain on procedural motions. Decisions on draft resolutions and amendments shall require a simple majority in favor. However, the passage of all resolutions and amendments in the Security Council requires nine affirmative votes and an affirmative vote or an abstention on the part of all permanent members (People's Republic of China, France, Russian Federation, United States of America and United Kingdom).

Rule 27. Voting Rights

Each present delegation shall have one vote. Observing nations and non-governmental organizations (NGOs) cannot vote on substantive matters. Each vote may be a Yes, No, or Abstain. On procedural motions, members may not abstain. Members “present and voting” shall be defined as members casting an affirmative or negative vote (no abstentions) on all substantive votes.

Rule 28. Conduct While In Voting Procedure

After the Chair has announced the beginning of voting, no representative may enter or leave the room, nor shall any representative interrupt the voting except on a Point of Personal Privilege, Point of Inquiry, or a Point of Order in connection with the actual conduct of the voting. Communication between delegates is strictly forbidden. A member of the staff shall secure the doors during voting procedure.

Rule 29. Method of Voting

Delegations may vote in favor of or against a proposal or may abstain from voting. The committee shall normally vote by show of placards, but any delegate may request a roll call vote on substantive matters. The roll call vote shall be taken in alphabetical order of the English names of the countries present. During a roll call vote, delegations may answer with an affirmative vote, a negative vote, an abstention (when appropriate) or may pass. Delegations passing in the first round of voting will be called upon alphabetically in a second round, at which time they may only answer with an affirmative or negative vote. Delegations that appear to be voting out of policy, while casting an affirmative or negative vote, may reserve the right to explain their vote by Voting with Rights. Delegations must announce that they are voting with Rights at the time they cast their vote. The Chair may permit delegations voting with Rights to explain their votes after voting has concluded but before the decision has been announced.

Rule 30. Order of Draft Resolutions

If two or more draft resolutions relate to the same question, the committee shall vote on the resolutions in the order in which they have been submitted.

Rule 31. Voting On Unfriendly Amendments

During the voting procedure on a substantive proposal, unfriendly amendments to a resolution shall be voted on first. When two or more amendments are proposed to a resolution concurrently, the committee shall first vote on the amendment that creates the greatest change to the draft resolution, as deemed by the Chair, and then the amendment that creates the second greatest change to the resolution. This process continues until all amendments are voted upon. Where, however, the adoption of the amendment necessarily implies the rejection of another amendment (as decided by the Chair), the latter amendment shall not be put to a vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. Amendment voting is a substantive procedure and adoption requires the simple majority consent of the delegations present.

Rule 32. Passage of Resolutions

If a vote does not result in a simple majority* in favor, the resolution shall be regarded as rejected. A simple majority requires fifty percent of the members present during the last roll call, plus one. Example: 99 members present requires $49.5 (50\%) + 1 = 50.5 = 51$ affirmative votes.

*Exceptions: The United Nations Security Council requires nine affirmative votes for the passage of resolutions and amendments. In addition to the nine affirmative votes, an affirmative vote or an abstention on the part of all permanent members (People's Republic of China, France, Russian Federation, United States of America and United Kingdom) is required for the passage of all resolutions and amendments.

IX. SUSPENSION OF THE RULES

Rule 33. Suspension of the Rules

These rules may only be suspended following a majority vote. Any motion to suspend the rules is subject to the Chair's discretion.

PROOF/EVIDENCE IN COUNCIL

Evidence or proof is acceptable from sources:

NEWS

SOURCES

a. 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. (<http://www.reuters.com/>)

b. 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, they can be denied by any other country in the council. Some examples are,

- RIA Novosti (Russia) <http://en.rian.ru/>
- IRNA (Iran) <http://www.irna.ir/ENIndex.htm>
- BBC (United Kingdom) <http://www.bbc.co.uk/>
- Xinhua News Agency and CCTV (P.R. China) <http://cctvnews.cntv.cn/>

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 still be accepted by the Executive Board as credible information. Examples are,

- Government Websites like the State Department of the United States of America (<http://www.state.gov/index.htm>) or the Ministry of Defense of the Russian Federation (<http://www.eng.mil.ru/en/index.htm>)
- Ministry of Foreign Affairs of various nations like India (<http://www.mea.gov.in/>), People's Republic of China (<http://www.fmprc.gov.cn/eng/>), France (<http://www.diplomatie.gouv.fr/en/>), Russian Federation (http://www.mid.ru/brp_4.nsf/main_eng)
- Permanent Representatives to the United Nations Reports <http://www.un.org/en/members/> (Click on any country to get the website of the Office of its Permanent Representative)

- Multilateral Organizations like the NATO (<http://www.nato.int/cps/en/natolive/index.htm>), ASEAN (<http://www.aseansec.org/>), OPEC (http://www.opec.org/opec_web/en/), etc.

UN REPORTS

All UN Reports are considered are credible information or evidence for the Executive Board of the Security Council.

- UN Bodies: Like the SC (<http://www.un.org/Docs/sc/>), GA (<http://www.un.org/en/ga/>), HRC (<http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>) etc.
- UN Affiliated bodies like the International Atomic Energy Agency (<http://www.iaea.org/>), World Bank (<http://www.worldbank.org/>), International Monetary Fund (<http://www.imf.org/external/index.htm>), International Committee of the Red Cross (<http://www.icrc.org/eng/index.jsp>), etc.
- Treaty Based Bodies like the Antarctic Treaty System (<http://www.ats.aq/e/ats.htm>), the International Criminal Court (<http://www.iccpi.int/Menu/ICC>)

***Sources like Wikipedia (<http://www.wikipedia.org/>), Amnesty International (<http://www.amnesty.org/>), Human Rights Watch (<http://www.hrw.org/>) or newspapers like the Guardian (<http://www.guardian.co.uk/>), Times of India (<http://timesofindia.indiatimes.com/>), etc. shall not be accepted as proof, but may be used for general information.**

INTRODUCTION

“Preventing genocide is a collective and individual responsibility. Everyone has a role to play: Governments, the media, civil society organizations, religious groups, and each and every one of us. Let us build a global partnership against genocide. Let us protect populations from genocide when their own Government cannot or will not.” - Secretary-General Ban Ki-moon on the occasion of the 13th anniversary of the Rwandan genocide.

The enormity of the crime of genocide poses great responsibilities and great problems for the international community. How best to prevent massive attacks on a group of people from ever occurring? And what are the responsibilities of the international community after such acts occur? The global horror at the Jewish Holocaust created a consensus on the need for action. But measures were slow to emerge until the genocide in Rwanda in 1994. Today the world has a legal basis for action in the 1948 Genocide Convention and the International Criminal Court, agreed in 1998. Such measures are essential, but not sufficient, as shown by the difficulty addressing the Darfur-Sudan genocide of 2002-04.

GENOCIDE

The 1948 Convention on the Prevention and Punishment of the Crime of Genocide (known as the "Genocide Convention") defines genocide as any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group:

- killing members of the group;
- causing serious bodily or mental harm to members of the group;
- deliberately inflicting on the group the conditions of life calculated to bring about its physical destruction in whole or part;
- imposing measures intended to prevent births within the group;
- forcibly transferring children of the group to another group.

The accurate definitions of genocide as stated in Articles II and III of the 1948 convention for the prevention and punishment of genocide are as follows: According to Article II, the definition of genocide comprises of two parts: 1) the mental element, meaning the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such", and 2) The physical element which

includes five acts described in sections a, b, c, d and e. A crime must include both elements to be called "genocide." Article III however, describes five punishable forms of the crime of genocide: genocide; conspiracy, incitement, attempt and complicity. In simple words, genocide could be defined as the complete, deliberate eradication of racial, political or cultural groups.

The Convention confirms that genocide, whether committed in time of peace or war, is a crime under international law which parties to the Convention undertake "to prevent and to punish." The primary responsibility to prevent and stop genocide lies with the State in which this crime is committed.

8 STAGES OF GENOCIDE (By Gregory H. Stanton, President, Genocide Watch)

Classification Symbolization Dehumanization Organization Polarization Preparation Extermination Denial

Genocide is a process that develops in eight stages that are predictable but not inexorable. At each stage, preventive measures can stop it. The process is not linear. Logically, later stages must be preceded by earlier stages. But all stages continue to operate throughout the process.

1. CLASSIFICATION: All cultures have categories to distinguish people into "us and them" by ethnicity, race, religion, or nationality: German and Jew, Hutu and Tutsi. Bipolar societies that lack mixed categories, such as Rwanda and Burundi, are the most likely to have genocide. The main preventive measure at this early stage is to develop universalistic institutions that transcend ethnic or racial divisions, that actively promote tolerance and understanding, and that promote classifications that transcend the divisions. The Catholic church could have played this role in Rwanda, had it not been riven by the same ethnic cleavages as Rwandan society. Promotion of a common language in countries like Tanzania has also promoted transcendent national identity. This search for common ground is vital to early prevention of genocide.

2. SYMBOLIZATION: We give names or other symbols to the classifications. We name people "Jews" or "Gypsies", or distinguish them by colors or dress;

and apply the symbols to members of groups. Classification and symbolization are universally human and do not necessarily result in genocide unless they lead to the next stage, dehumanization. When combined with hatred, symbols may be forced upon unwilling members of pariah groups: the yellow star for Jews under Nazi rule, the blue scarf for people from the Eastern Zone in Khmer Rouge Cambodia. To combat symbolization, hate symbols can be legally forbidden (swastikas) as can hate speech. Group marking like gang clothing or tribal scarring can be outlawed, as well. The problem is that legal limitations will fail if unsupported by popular cultural enforcement. Though Hutu and Tutsi were forbidden words in Burundi until the 1980's, code-words replaced them. If widely supported, however, denial of symbolization can be powerful, as it was in Bulgaria, where the government refused to supply enough yellow badges and at least eighty percent of Jews did not wear them, depriving the yellow star of its significance as a Nazi symbol for Jews.

3. DEHUMANIZATION: One group denies the humanity of the other group. Members of it are equated with animals, vermin, insects or diseases. Dehumanization overcomes the normal human revulsion against murder. At this stage, hate propaganda in print and on hate radios is used to vilify the victim group. In combating this dehumanization, incitement to genocide should not be confused with protected speech. Genocidal societies lack constitutional protection for countervailing speech, and should be treated differently than democracies. Local and international leaders should condemn the use of hate speech and make it culturally unacceptable. Leaders who incite genocide should be banned from international travel and have their foreign finances frozen. Hate radio stations should be shut down, and hate propaganda banned. Hate crimes and atrocities should be promptly punished.

4. ORGANIZATION: Genocide is always organized, usually by the state, often using militias to provide deniability of state responsibility (the Janjaweed in Darfur.) Sometimes organization is informal (Hindu mobs led by local RSS militants) or decentralized (terrorist groups.) Special army units or militias are often trained and armed. Plans are made for genocidal killings. To combat this stage, membership in these militias should be outlawed. Their leaders should be denied visas for foreign travel. The U.N. should impose arms embargoes on

governments and citizens of countries involved in genocidal massacres, and create commissions to investigate violations, as was done in post-genocide Rwanda.

5. POLARIZATION: Extremists drive the groups apart. Hate groups broadcast polarizing propaganda. Laws may forbid intermarriage or social interaction. Extremist terrorism targets moderates, intimidating and silencing the center. Moderates from the perpetrators' own group are most able to stop genocide, so are the first to be arrested and killed. Prevention may mean security protection for moderate leaders or assistance to human rights groups. Assets of extremists may be seized, and visas for international travel denied to them. Coups d'état by extremists should be opposed by international sanctions.

6. PREPARATION: Victims are identified and separated out because of their ethnic or religious identity. Death lists are drawn up. Members of victim groups are forced to wear identifying symbols. Their property is expropriated. They are often segregated into ghettos, deported into concentration camps, or confined to a famine-struck region and starved. At this stage, a Genocide Emergency must be declared. If the political will of the great powers, regional alliances, or the U.N. Security Council can be mobilized, armed international intervention should be prepared, or heavy assistance provided to the victim group to prepare for its self-defense. Otherwise, at least humanitarian assistance should be organized by the U.N. and private relief groups for the inevitable tide of refugees to come.

7. EXTERMINATION begins, and quickly becomes the mass killing legally called "genocide." It is "extermination" to the killers because they do not believe their victims to be fully human. When it is sponsored by the state, the armed forces often work with militias to do the killing. Sometimes the genocide results in revenge killings by groups against each other, creating the downward whirlpool-like cycle of bilateral genocide (as in Burundi). At this stage, only rapid and overwhelming armed intervention can stop genocide. Real safe areas or refugee escape corridors should be established with heavily armed international protection. (An unsafe "safe" area is worse than none at all.) The U.N. Standing High Readiness Brigade, EU Rapid Response Force, or regional forces -- should be authorized to act by the U.N. Security Council if the

genocide is small. For larger interventions, a multilateral force authorized by the U.N. should intervene. If the U.N. is paralyzed, regional alliances must act. It is time to recognize that the international responsibility to protect transcends the narrow interests of individual nation states. If strong nations will not provide troops to intervene directly, they should provide the airlift, equipment, and financial means necessary for regional states to intervene.

8. DENIAL is the eighth stage that always follows a genocide. It is among the surest indicators of further genocidal massacres. The perpetrators of genocide dig up the mass graves, burn the bodies, try to cover up the evidence and intimidate the witnesses. They deny that they committed any crimes, and often blame what happened on the victims. They block investigations of the crimes, and continue to govern until driven from power by force, when they flee into exile. There they remain with impunity, like Pol Pot or Idi Amin, unless they are captured and a tribunal is established to try them. The response to denial is punishment by an international tribunal or national courts. There the evidence can be heard, and the perpetrators punished. Tribunals like the Yugoslav or Rwanda Tribunals, or an international tribunal to try the Khmer Rouge in Cambodia, or an International Criminal Court may not deter the worst genocidal killers. But with the political will to arrest and prosecute them, some may be brought to justice.

SOME IMPORTANT CASE STUDIES

Rwanda

In 1994, as the international community watched, more than 800,000 Rwandans, mostly ethnic Tutsi, were massacred by Hutu militia and government forces over a period of just 100 days. The killings began the day after a plane carrying the presidents of Rwanda and Burundi was shot down as it prepared to land in Kigali, the capital of Rwanda. The presidents were returning from peace talks aimed at shoring up a fragile peace agreement and ending the conflict between the largely ethnic Hutu-dominated government and the largely Tutsi rebel army. The crash reignited the war. Retreating government forces joined ethnic Hutu militia in inciting civilians to kill ethnic Tutsis.

They alleged that civilians were helping the Tutsi rebels and used this to justify the mass targeting of innocent peoples. A small peacekeeping force which had been sent by the United Nations to monitor the peace accord was not authorized to intervene. A warning that genocide was planned was not acted upon.

Today, the effects of the genocide in Rwanda are still felt in many different ways both inside the country and in neighbouring states, including in the eastern regions of the Democratic Republic of the Congo, where large areas of South Kivu province are still controlled by Hutu militia from Rwanda and their local allies. Alongside other fighters in the Congo war, they continue to commit serious human rights violations, including abductions, killings and rape. Sexual violence, particularly against women and children, is widespread.

Cambodia

The Khmer Rouge, led by Pol Pot, Ta Mok and other leaders, organized the mass killing of ideologically suspect groups, ethnic minorities such as ethnic Vietnamese, Chinese (or Sino-Khmers), Chams and Thais, former civil servants, former government soldiers, Buddhist monks, secular intellectuals and professionals, and former city dwellers. Khmer Rouge cadres defeated in factional struggles were also liquidated in purges. Man-made famine and slave labor resulted in many hundreds of thousands of deaths. Craig Etcheson suggested that the death toll was between 2 and 2.5 million, with a "most likely" figure of 2.2 million. After 5 years of researching 20,000 grave sites, he concluded that "these mass graves contain the remains of 1,386,734 victims of execution." However, some scholars argued that the Khmer Rouge were not racist and had no intention of exterminating ethnic minorities or the Cambodian people; in this view, their brutality was the product of an extreme version of communist ideology.

On 6 June 2003 the Cambodian government and the United Nations reached an agreement to set up the Extraordinary Chambers in the Courts of Cambodia (ECCC) which would focus exclusively on crimes committed by the most senior Khmer Rouge officials during the period of Khmer Rouge rule from 1975 to 1979. The judges were sworn in in early July 2006.

The investigating judges were presented with the names of five possible suspects by the prosecution on 18 July 2007.

- Kang Kek Iew was formally charged with war crimes and crimes against humanity and detained by the Tribunal on 31 July 2007. He was indicted on charges of war crimes and crimes against humanity on 12 August 2008. His appeal was rejected on 3 February 2012, and he continued serving a sentence of life imprisonment.
- Nuon Chea, a former prime minister, was indicted on charges of genocide, war crimes, crimes against humanity and several other crimes under Cambodian law on 15 September 2010. He was transferred into the custody of the ECCC on 19 September 2007. His trial began on 27 June 2011.
- Khieu Samphan, a former head of state, was indicted on charges of genocide, war crimes, crimes against humanity and several other crimes under Cambodian law on 15 September 2010. He was transferred into the custody of the ECCC on 19 September 2007. His trial also began on 27 June 2011.
- Ieng Sary, a former foreign minister, was indicted on charges of genocide, war crimes, crimes against humanity and several other crimes under Cambodian law on 15 September 2010. He was transferred into the custody of the ECCC on 12 November 2007. His trial began on 27 June 2011. He died in March 2013.
- Ieng Thirith, wife of Ieng Sary and a former minister for social affairs, was indicted on charges of genocide, war crimes, crimes against humanity and several other crimes under Cambodian law on 15 September 2010. She was transferred into the custody of the ECCC on 12 November 2007. Proceedings against her have been suspended pending a health evaluation.

Some of the international jurists and the Cambodian government disagreed over whether any other people should be tried by the Tribunal.

Darfur, Sudan

The ongoing racial conflict in Darfur, Sudan, which started in 2003, was declared genocide by United States Secretary of State Colin Powell on September 9, 2004 in testimony before the Senate Foreign Relations Committee. Since that time however, no other permanent member of the UN Security Council has followed suit. In January 2005, an International Commission of Inquiry on Darfur, authorized by UN Security Council Resolution 1564 of 2004, issued a report to the Secretary-General stating that "the Government of the Sudan has not pursued a policy of genocide." Nevertheless, the Commission cautioned that "The conclusion

that no genocidal policy has been pursued and implemented in Darfur by the Government authorities, directly or through the militias under their control, should not be taken in any way as detracting from the gravity of the crimes perpetrated in that region. International offences such as the crimes against humanity and war crimes that have been committed in Darfur may be no less serious and heinous than genocide."^l

In March 2005, the Security Council formally referred the situation in Darfur to the Prosecutor of the International Criminal Court (ICC), taking into account the Commission report but without mentioning any specific crimes. Two permanent members of the Security Council, the United States and China, abstained from the vote on the referral resolution. As of his fourth report to the Security Council, the Prosecutor found "reasonable grounds to believe that the individuals identified [in the UN Security Council Resolution 1593] have committed crimes against humanity and war crimes", but did not find sufficient evidence to prosecute for genocide.

In April 2007, the Judges of the ICC issued arrest warrants against the former Minister of State for the Interior, Ahmad Harun, and a Militia Janjaweed leader, Ali Kushayb, for crimes against humanity and war crimes.

On July 14, 2008, ICC prosecutors filed ten charges of war crimes against Sudan's President Omar al-Bashir, three counts of genocide, five of crimes against humanity and two of murder. The prosecutors claimed that al-Bashir "masterminded and implemented a plan to destroy in substantial part" three tribal groups in Darfur because of their ethnicity. On 4 March 2009 the ICC issued a warrant for al-Bashir's arrest for crimes against humanity and war crimes, but not genocide. This is the first warrant issued by the ICC against a sitting head of state.

SOME OTHER CASE STUDIES

The CPPCG was adopted by the UN General Assembly on 9 December 1948 and came into effect on 12 January 1951 (Resolution 260 (III)). After the necessary 20 countries became parties to the Convention, it came into force as international law on 12 January 1951. At that time however, only two of the five permanent

members of the UN Security Council (UNSC) were parties to the treaty, which caused the Convention to languish for over four decades.

Australia 1900–1969

Sir Ronald Wilson was once the president of Australia's Human Rights Commission. He stated that Australia's program in which 20-25,000 Aboriginal children were forcibly separated from their natural families was genocide, because it was intended to cause the Aboriginal people to die out. The program ran from 1900 to 1969. The nature and extent of the removals have been disputed within Australia, with opponents questioning the findings contained in the Commission report and asserting that the size of the Stolen Generation had been exaggerated. The intent and effects of the government policy were also disputed.

India (Sikh Genocide of 1984)

The 1984 anti-Sikh riots or the 1984 Sikh Massacre or the 1984 genocide of Sikhs were a series of pogroms directed against Sikhs in India, by anti-Sikh mobs, most notably by members of the Congress party, in response to the assassination of Indira Gandhi by her Sikh bodyguards. There were about 2800 deaths all over India, including 2100 in Delhi. The Central Bureau of Investigation, the main Indian investigating agency, is of the opinion that the acts of violence were organized with the support from the then Delhi police and some central government officials. Rajiv Gandhi was sworn in as Prime Minister after his mother's death and, when asked about the riots, said "when a big tree falls, the earth shakes".

Pakistan (Bangladesh War of 1971)

An academic consensus holds that the events that took place during the Bangladesh Liberation War constituted genocide. During the nine-month-long conflict an estimated 300,000 to 3 million people were killed and that Pakistani armed forces raped between 200-400,000 Bangladeshi women and girls in an act of genocidal rape.

According to Sarmila Bose, 50-100,000 combatants and civilians were killed by both sides. Bose's work and methodology were heavily critiqued. A 2008 study estimated that up to 269,000 civilians died in the conflict; the authors noted that this is far higher than two earlier estimates. According to Serajur Rahman, the

official Bangladeshi estimate of "3 *lahks*" (300,000) was wrongly translated into English as 3 million.

A case was filed in the Federal Court of Australia on 20 September 2006 for alleged war crimes, crimes against humanity and genocide during 1971 by the Pakistani Armed Forces and its collaborators:

“ We are glad to announce that a case has been filed in the Federal Magistrate's Court of Australia today under the Genocide Conventions Act 1949 and War Crimes Act. This is the first time in history that someone is attending a court proceeding in relation to the [alleged] crimes of Genocide, war crimes and crimes against humanity during 1971 by the Pakistani Armed Forces and its collaborators. The Proceeding number is SYG 2672 of 2006. On 25 October 2006, a direction hearing will take place in the Federal Magistrates Court of Australia, Sydney registry before Federal Magistrate His Honor Nicholls. ”

On 21 May 2007, at the request of the applicant the case was discontinued.

Burundi 1972 and 1993

After Burundi's independence in 1962, two events were called genocide. The 1972 mass-killings of Hutu by the Tutsi army and the 1993 killing of Tutsi by the Hutu population that is recognised as an act of genocide in the final report of the International Commission of Inquiry for Burundi presented to the United Nations Security Council in 2002.

North Korea

Several million in North Korea have died of starvation since the mid-1990s, with aid groups and human rights NGOs stating often that North Korea has systematically and deliberately prevented food aid from reaching the areas most devastated by food shortages. A further one million have died in North Korea's political prison camps that detain dissidents and their entire families, including children, for perceived political offences.

In 2004, Yad Vashem called on the international community to investigate "political genocide" in North Korea.

In September 2011, a *Harvard International Review* article argued that North Korea was violating the UN Genocide Convention by its systematic killing of half-Chinese babies and members of religious groups. North Korea's Christian population, which included 25–30% of the inhabitants of Pyongyang and was considered to be the center of Christianity in East Asia in 1945, has been systematically massacred and persecuted; as of 2012 50,000–70,000 Christians were imprisoned in North Korea's concentration camps.

Democratic Republic of Congo

During the Congo Civil War (1998–2003), Pygmies were hunted down and eaten by both sides in the conflict, who regarded them as subhuman. Sinafasi Makelo, a representative of Mbuti pygmies, asked the UN Security Council to recognize cannibalism as a crime against humanity and also as an act of genocide. Minority Rights Group International reported evidence of mass killings, cannibalism and rape. The report, which labeled these events as a campaign of extermination, linked the violence to beliefs about special powers held by the Bambuti. In Ituri district, rebel forces ran an operation code-named "Effacer le tableau" (to wipe the slate clean). The aim of the operation, according to witnesses, was to rid the forest of pygmies.

Sri Lanka

The Sri Lankan military was accused of human rights violations during Sri Lanka's 26-year civil war. A United Nations Panel of Experts looking into these alleged violations found "credible allegations, which if proven, indicate that serious violations of international humanitarian law and international human rights law were committed both by the Government of Sri Lanka and the LTTE, some of which would amount to war crimes and crimes against humanity". Some activists and politicians also accused the Sri Lankan government of carrying out genocide against the minority Sri Lankan Tamil people during and after the war.

Bruce Fein alleged that Sri Lanka's leaders committed genocide, along with Tamil Parliamentarian Suresh Premachandran. Refugees escaping Sri Lanka also stated that they fled from genocide, and various Sri Lankan Tamil diaspora groups echoed these accusations.

In 2009 thousands of Tamils protested in cities all over the world against the atrocities. Various diaspora activists formed a group called Tamils Against

Genocide to continue the protest. Legal action against Sri Lankan leaders for alleged genocide has been initiated. Norwegian human rights lawyer Harald Stabell filed a case in Norwegian courts against Sri Lankan President Rajapaksa and other officials.

Politicians in the Indian state of Tamil Nadu also made genocide accusations. In 2008 and 2009 the Chief Minister of Tamil Nadu M. Karunanidhi repeatedly appealed to the Indian government to intervene to "stop the genocide of Tamils", while his successor J. Jayalithaa called on the Indian government to bring Rajapaksa before international courts for genocide. The women's wing of the Communist Party of India, passed a resolution in August 2012 finding that "Systematic sexual violence against Tamil women" by Sri Lankan forces constituted genocide, calling for an "independent international investigation".

In January 2010 a Permanent Peoples' Tribunal (PPT) held in Dublin, Ireland found Sri Lanka guilty of war crimes and crimes against humanity, but found insufficient evidence to justify the charge of genocide. The tribunal requested a thorough investigation as some of the evidence indicated "possible acts of genocide". Its panel found Sri Lanka guilty of genocide at its December 7–10, 2013 hearings in Berman, Germany. It also found that the US and UK were guilty of complicity. A decision on whether India, and other states, had also acted in complicity was withheld. PPT reported that LTTE could not be accurately characterized as "terrorist", stating that movements classified as "terrorist" because of their rebellion against a state, can become political entities recognized by the international community. The International Commission of Jurists stated that the camps used to intern nearly 300,000 Tamils after the war's end may have breached the convention against genocide.

In 2015, Sri Lanka's Tamil majority Northern Provincial Council (NPC) "passed a strongly worded resolution accusing successive governments in the island nation of committing 'genocide' against Tamils." The resolution asserts that "Tamils across Sri Lanka, particularly in the historical Tamil homeland of the NorthEast, have been subject to gross and systematic human rights violations, culminating in the mass atrocities committed in 2009. Sri Lanka's historic violations include over 60 years of state sponsored anti-Tamil pogroms, massacres, sexual violence, and acts of cultural and linguistic destruction perpetrated by the state. These atrocities have

been perpetrated with the intent to destroy the Tamil people, and therefore constitute genocide.

The Sri Lankan government denied the allegations of genocide and war crimes.

TOPICS FOR FURTHER RESEARCH AND EXPECTED TO BE DEBATED UPON IN THE COMMITTEE

1. What is genocide and why is it an important agenda?

***note – consider questions like**

- a) **What is genocide? Why are we discussing genocide?**
- b) **Has genocide or mass killings rooted in ethnic problems occurred in your country before? If so, what has your country's government done, if anything, to bring an end to this situation? If not, has your country aided other countries bring an end to this situation.**
- c) **What is your country's policy on refugees? Are victims of ethnic cleansing or genocide given certain rights with your country's borders? Explain.**

2. When and where has the world experienced incidences of genocides?

***note – consider points and cases mentioned in the background guide and try to analyze the problem by considering the causes of the problem, sources of the problem, effects of the problem and solutions to the problem.**

3. Stakeholders of genocides

- a) Women
- b) Children
- c) Ethnic minorities
- d) Soldiers

***note – consider questions like**

- a) **How are these groups of the society affected?**
- b) **How genocides directly or indirectly affect these groups?**
- c) **What can be done to help them?**

4. Role of the United Nations to counter the problem at hand.

***note – consider questions like**

- a) **What actions should the United Nations take to address helping all victims of genocide with the rehabilitation of and reintegration process including women, children and soldiers?**

b) Who should be in charge of the entire process? How does your country feel the process should work? Explain.

5. Solutions to the problem

***note – Try to propose solutions to the problem analyzed by you.**

QUESTIONS A RESOLUTION MAY/MUST ANSWER

1. What measures are you implementing to prevent the re-occurrence of genocide?
2. What amendments have been suggested by the committee to the Geneva Convention and existing conventions?
3. How extensive is the liability of a country where there has been a proven instance of genocide has occurred?
4. What mechanism will be implemented to ensure that countries and the respective governments ensure that the possibility of genocide is eliminated?
5. What procedure has been established to ensure transnational rehabilitation of victims and refugees of genocide?
6. Is there a consensus on the policy of providing asylum to victims of genocide?
7. What re integration programmes have been proposed?
8. What feasible methods have been unanimously adopted in committee with regard to rehabilitation of refugees of genocide and rehabilitation programmes?
9. Should the current definitions of genocide and ethnic cleansing be revised in order to include a broader scope of crimes against humanity?
10. Under what circumstances should the UN intervene in a situation which they may regard as 'leading to' genocide?

LINKS FOR REFERENCE AND FURTHER READING

1. www.un.org
2. www.hrweb.org
3. www.un.org/preventgenocide/adviser
4. www.usip.org/programs/initiatives/genocide-prevention-task-force
5. <http://www.un-documents.net/cppcg.htm>
6. <http://www.un.org/en/preventgenocide/rwanda/about/bgpreventgenocide.shtml>
7. <http://nigeriaworld.com/feature/publication/edobor/040504.html>
8. <http://www.genocidewatch.org/aboutgenocide/8stagesofgenocide.html>