

# ICJ Reform

## Topic Summary:

Chapter 14 of the UN Charter covers the basic outline for the International Court of Justice. This topic asks students in the Administrative Council to pass a resolution in committee, then in GA, to be sent to the Security Council to amend the UN charter. This resolution will be considered in the Senior Security Council at the conference as a final order of business. In recent years, the docket of the ICJ has grown significantly, and consequently an important number of disputes on different subject-matters have been settled by peaceful means. Although there is a positive trend to increasingly submit cases to the ICJ, it remains an under-used tool for the peaceful settlement of disputes and particularly its advisory jurisdiction should be utilized more.

## The text of the charter discussing the ICJ:

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

### Article 93

1. All Members of the United Nations are factio parties to the Statute of the International Court of Justice.
2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on to be determined in each case by the General Assembly upon the recommendation of the Security Council.

### Article 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.
2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give to the judgment.

### Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

### Article 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.
2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

## Background Information:

- 1929: The Statute of the Permanent Court of International Justice (PCIJ) was amended once by the Protocol , while no amendments have ever been made to the ICJ part of the charter.
- 1956/57: A proposal was made by several States to enlarge the membership of the Court so that it would correspond, on the basis of equitable representation, to the UN membership at large.
- 1998: The General Assembly requested the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization "To continue to consider ... practical ways and means of strengthening the Court, while respecting its authority and independence, on the understanding that whatever action may be taken as a result of the consideration will have no implications for any changes in the Charter of the United Nations or in the Statute of the International Court of Justice".
- 1969: The Court itself proposed in that the seat of the Court may be removed to another location.
- 2004: 191 States were party to the ICJ Statute, the same number as there are members of the UN. However, becoming a party to the ICJ Statute is entirely different from accepting the Court's jurisdiction.
- 2005: "World Summit Outcome Document" merely calls upon States to honor their obligations to peaceful settlement of disputes and to promote wider acceptance of the jurisdiction of the International Court of Justice (ICJ or the Court), without mentioning any other concrete reform measures regarding the Court.

#### **Issues to be Addressed in a Resolution:**

Pass a resolution to be presented as an amendment to the Charter to the Senior Security Council. Categories of reform that could be addressed are as follows (although other ideas are also possible): composition of the Court; jurisdiction: contentious and advisory; applicable law—Article 38 of the Statute; procedure and working methods; working conditions of the Court; the role of the Court and its current workload and type of cases in hand and measures to be taken at the UNGA.

1. Should membership be based on the representation of States?
2. Should re-election and tenure of the Justices be limited, or possibly expanded?
3. Should the ICJ have a 'quota' for female representatives (there has only been one female Justice has been elected)?
4. Should there be an age limit or requirement for the ICJ?
5. Should the jurisdiction of the court be increased (as of now only States are subject to the Court's rulings)?
6. How should the ICJ handle non-compliance with judgments and orders?

#### **Bibliography:**

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2. <http://chinesejil.oxfordjournals.org/content/5/1/39.full>
3. <http://www.peacepalacelibrary.nl/ebooks/files/SSRN-id1971008.pdf>
4. <http://www.un.int/mexico/2005/RoleofICJ.pdf>
5. <http://chinesejil.oxfordjournals.org/content/8/1/181.full>

# Female Representation in the UN System

## Topic Summary:

Despite its presence as a relatively new issue, many resolutions have been passed affirming the importance of female representation among delegates to the United Nations, as well as female UN staff. The fundamental basis for gender equality is also recognized in the UN Charter, and the International Declaration of Human rights. Further, a variety of targets for 50/50 parity have been made in order to increase the percentage of women working at the United Nations, to moderate success. However, beyond simple parity in staffing, many women who have been hired into the UN system serve primarily supportive and administrative roles, rather than roles in leadership. And despite the numerous goals for equal representation, the reality has not yet met the targets in many areas. Particularly, a number of nations adamantly refuse to allow women to participate as UN delegates (or hold any other political office) on religious grounds, and other nations still have not made significant efforts to achieve this goal.

One special situation to be wary of: If you, as a delegate, personally identify as a woman, but are representing a country which does not allow women to participate as a delegate in the UN system (there are very few of these), we ask that you imagine yourself theoretically as a man for the purpose of debating this topic, in order to represent the perspective of a country which does not allow delegates to be female. Please do not be theatrical about it; please do not vary your clothing, voice, hair, etc. from how you would normally present yourself.

## Background Information:

1976: United Nations Development Fund for Women established

1997: Office of the Special Adviser on Gender Issues and Advancement of Women established

2001: Office of the Special Adviser on Gender Issues and Advancement of Women outlines first Comprehensive policy for gender mainstreaming in the United Nations System

2010: United Nations creates the United Nations Entity for Gender Equality and the Empowerment of Women

2012: Inter-Agency Network on Women and Gender Equality releases strategy for gender mainstreaming in the UN system

## Questions to be Addressed in a Resolution:

- 1) Are these female representation parity goals still a worthwhile pursuit to be affirmed? If so, what more ought to be done to improve?
- 2) Has enough progress been made on this issue to justify deprioritizing female representation in the UN System?
- 3) Are there any UN bodies or organizations for which these targets should not be achieved (female advocacy groups, etc.)?
- 4) Should nations who refuse to make progress towards the targets on religious grounds be exempted, pressured, or encouraged to change their policy?
- 5) Should nations with extremely small numbers of employees still be held to 50/50 parity targets?

## Bibliography:

(Very Useful) This chart shows your country's UN representation of women statistics:

[https://www.un.org/womenwatch/osagi/pdf/Nationalities2010/NationalityTotals\\_Summary\\_2008-20091.pdf](https://www.un.org/womenwatch/osagi/pdf/Nationalities2010/NationalityTotals_Summary_2008-20091.pdf)

<http://www.un.org/womenwatch/osagi/fpleqbasis.htm>

<http://www.unwomen.org/en/news/stories/2012/4/un-women-welcomes-a-landmark-action-plan-to-measure-gender-equality-across-the-un-system/>  
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<http://www.mrfcj.org/news/2013/un-women-and-mrfcj-launch-gender-balance-report.html>  
<http://www.un.org/womenwatch/osagi/pdf/report.pdf>

# Faith-Based Organizations and the UN Charter

## Topic Summary:

The UN charter, Declaration of Human Rights, and countless resolutions have all affirmed and reaffirmed a commitment to fight against religious discrimination and intolerance. Simultaneously, the UN system, officially, is a secular one. No religious viewpoints are given special treatment. There is no prayer to a particular religious group which begins UN sessions, and no religious litmus test is required for state membership in the UN.

On the other hand, the UN consistently relies on partnering with faith-based organizations in order to provide social services to people in developing nations, and to help combat HIV/AIDS. Many of these organizations represent one or two different major religions.

A set of guidelines was passed in 2009 (See Bibliography), providing a model for this topic. This year, the Administrative Committee is tasked with amending the old guidelines, or creating a new system of guidelines to employ when trying to straddle the gap between partnering with religious organizations and maintaining its secular, multicultural viewpoint.

Different nations hold a wide variety of viewpoints on this topic. The Netherlands, Sweden, and France might be fine with significantly limiting UN-partnered faith-based organizations' freedom to preach, while the United States would likely oppose limitations on faith-based organizations. Many Arab Nations would oppose the UN's reliance on primarily Christian organizations for aid, and other nations who are in desperate need of social services will focus primarily on making sure the aid is not reduced.

## Background Information:

1942: UN Declaration defends religious freedom.

1945: UN Charter includes clause "promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction as to... religion"

1948: Universal Declaration of Human Rights includes clause "Everyone has the right to freedom of thought, conscience, and religion."

1950: Convention and Protocol relation to the status of refugees includes clauses "The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin....The Contracting States shall accord to refugees within their territories treatment at least as favorable as that accorded to their nationals with respect to freedom to practice their religion and freedom as regards the religious education of their children."

2002: UNFPA launches its initiative to systematically mainstream culturally sensitive approaches into programming efforts.

2006: World Health Organization study finds that 43% of the population of sub-Saharan Africa receives assistance from Faith-based organizations.

2007: African Health Sciences study finds some faith-based organizations fostering discrimination and stigma of people with HIV/AIDS.

2008: The Interfaith Network on Population and Development established.

2008: UNFPA Global Forum on Faith-Based Organizations on Population and Development.

2009: United Nations Population Fund passes a set of guidelines for partnering with Faith-based organizations.

**Issues to be addressed in a resolution:**

- 1) Should the UN ever partner with Faith-based organizations?
- 2) If so, what guidelines should the UN system use for analyzing bids from various faith based organization?
- 3) Should the UN put any restrictions on preaching activity for faith-based organizations partnering with the UN?
- 4) How can the UN maintain a policy of religious diversity when most faith-based organizations are coming from 1 or 2 religions?

**Bibliography:**

2009 Guidelines: [http://www.unfpa.org/culture/docs/fbo\\_engagement.pdf](http://www.unfpa.org/culture/docs/fbo_engagement.pdf)

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