



# HOMMUNC XXXIII

OCTOBER 27TH, 2018

33RD ANNUAL

**HORACE MANN MODEL UNITED NATIONS  
CONFERENCE**

## **GENERAL ASSEMBLY**

**LEGAL COMMITTEE**

**ELI LÄUFER**  
CHAIR

**AMMAN KEJELA**  
MODERATOR



# HOMMUNC XXXIII

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# LETTER FROM THE SECRETARIAT

Connor Morris  
Julia Hornstein  
**Secretaries-General**

Shant Amerkian  
**Chairman of the Board**

Lauren Port  
James Berg  
**Vice Chairmen of the Board**

Alexa Watson  
Samuel Puckowitz  
Eli Laufer  
**Senior Executive Board**

Eliza Bender  
Arman Kumar  
Belle Beyer  
Charlotte Cebula  
Noah Fawer  
**Under Secretaries-General**

Amman Kejela  
Rohan Bhatia  
Side Chawla  
Jack Eagan  
Roey Nornberg  
Gloria Khafif  
Zachary Brooks  
**Conference Coordinators**

Jude Herwitz  
**Junior Executive Board**

Nader Granmayeh  
Alexandra Reich  
Sean Koons  
Arul Kapoor  
**Staff**

Aaron Thompson  
**Faculty Advisor**

**DEAR DELEGATES,**

It is our pleasure to welcome you to Horace Mann's 33rd Annual Model United Nations Conference, HoMMUNC XXXIII! Since 1985, HoMMUNC has brought together future world leaders in a day full of intellect, discourse, and compromise. The conference engages academically minded high school and middle school students to contemplate and discuss imperative global concerns. We are honored to have inherited the responsibility of organizing this conference for all of you, the over 1000 delegates that will attend HoMMUNC this year. We hope you are excited as we are for the conference to begin!

We encourage you to deeply explore your topics and arrive at HoMMUNC prepared to engage in the discourse of your committees and truly involve yourself in the negotiation process, regardless of your age or experience in Model UN. Each committee is comprised of a wide-ranging group of delegates and will address a pressing global issue. We challenge you to delve deep into your topics and think creatively. Take this opportunity to learn as much as you can, create the best solutions possible, and lead your committee to a world-changing resolution.

Model United Nations has played a tremendous role in our lives over the past three years, and we are thrilled to share this activity with all of you. It has been our pleasure preparing HoMMUNC XXXII along with our dedicated junior and senior staff over the past six months. We hope you have an enriching and enjoyable experience at the conference.

Sincerely,

**CONNOR MORRIS AND JULIA HORNSTEIN**

Secretaries-General  
HoMMUNC XXXIII

# LETTER FROM THE CHAIR

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**DEAR DELEGATES,**

It is a great pleasure to be your chair at Horace Mann's 33rd Model United Nations Conference. Hi I'm Eli, your chair for HOMMUNC this year. I'm really excited to meet all of you and get to know you at the conference. I have a few fun facts about myself to share with you all, so that you guys can get to know me a little bit better.

I'm 17, and I never learned how to read.

I play tennis.

I peaked in middle school.

I aspire to have a meme page in college.

I like science and history.

I hate english.

I love sparknotes.

I think I am a god at fortnite.

I'm not actually very good at fortnite.

I think Astroworld was overhyped and not that good. Change my mind.

I sleep almost 9 hours every night. I know...crazy.

I've wanted a dog for my entire life, but my dad is allergic, annoying, and refuses to get one. Now I just have thousands of puppy videos saved on instagram.

I can't wait to see you guys come together to create solutions to some of the most pressing issues, and I'm counting down the days until our conference. I hope you guys at least enjoy reading the background guide. Good luck with all of your research and prep.

Feel free to reach out with any questions.

See you in October!

**ELI LAUFER**

eli\_laufer@horacemann.org

Chair, Legal

## **COMMITTEE BACKGROUND AND PROCEDURE**

### ***Committee Background***

The United Nations Legal committee (Legal), the sixth committee, created by the ratification of Article 13 of the UN charter, primarily considers legal questions discussed in the UN. Legal functions through a method of universal membership, meaning that all member states of the UN are de jure members of the sixth committee. Nonmember states are also allowed to attend committee meetings and participate in the discussion.

This committee differs from the other General Assembly committees in many significant ways due to its structure and the topics that will be discussed. The sixth committee meets every year from September to November to discuss current pressing issues. At the beginning of each session, the General Assembly assigns

a list of agenda items to the sixth committee. The topics that have frequently been discussed and continue to be discussed during this committee are International Law Commission, the United Nations Commission on International Trade Law, the Ad Hoc Committee established by Resolution 51/210 on Terrorism, the Special Committee on the Charter of the United Nations, the Strengthening of the Role of the Organization and the Host Country Committee, and Measures to Eliminate International terrorism.

During our Legal committee, we will begin by setting the agenda, meaning deciding which of the two topics we will discuss first, and then we will move into debate. First, we will have a speaker's list, where delegates speak about the chosen topic in a general sense. The majority of the rest of committee will consist of moderated and unmoderated caucuses.

Moderated Caucuses function similarly to a speaker's list, but instead of debating the general topic, the delegates will make short comments on a more specific subtopic. An Unmoderated Caucus is very different.

Delegates will roam around the committee room to discuss their proposals. This time is generally when delegates begin to compose resolutions and form blocs with one another. Once the delegates have finished their working papers, they will present their working papers in front of the rest of the committee. Following the presentation, the committee will discuss each working paper. After editing and perhaps merging their working papers, delegates will present the new revised version as draft resolutions, which will be voted on by the committee.

### ***Procedure***

Roll Call: at the beginning of every committee session, the chair will take attendance, and every delegate must respond "present." If you are late

coming to committee, send a note to the dais to let them know you are present.

Motions: used to open and close debate, decide to move to voting procedure, to propose a speakers list, moderated or unmoderated caucus. The chair will entertain several motions at one time, then will have all delegates vote on each motion in order of most to least disruptive, and the motion with the majority passes.

Speaker's List: a type of debate used to start committee, often meant to set the agenda, in which the chair would create a list of speakers.

Moderated Caucus: another form of debate, used most often during committee, that has a set time, speaking time, and specific topic to debate. Your chair will call upon countries to speak. When a delegate wishes to speak, they will raise their placard when told.

Unmoderated Caucus: a time when the rules of formal debate are suspended, during which delegates can

leave their seats. This time is used for delegates to build blocs and write draft resolutions.

Resolutions: require a set number of sponsors who worked on drafting the resolution, and a list of signatories who would like to see the resolution debated. Resolutions are presented by the sponsors of the draft resolution, after which a Q&A session will be held.



## TOPIC A: LEGAL ACCOUNTABILITY OF UN WORKERS

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### Overview

On mission, United Nations staff are sent all over the world. The work they do, whether it is distributing food aid, or running peacekeeping operations, makes them figures of power and influence, especially in developing regions. In short, United Nations officials have access, power, and immunity. It is becoming more and more clear that current oversight practices are completely ineffective in preventing abuses of power.

For example: over the past five years, disturbing reports out of Central African Republic forced the UN to acknowledge that credible complaints had been lodged of peacekeepers abusing that power in cases of child rape and sexual misconduct. In one such situation, a UN investigation identified at least forty-one peacekeepers who were involved in

credible allegations of sexual abuse. Another example of accountability issues is the World Bank, an international development organization heavily relied on to fund UN development efforts, which has been battling accusations of corruption within the organization for over two decades. The impact of these anti-corruption measures has thus far been “minimal”. In 2016, the Joint Investigation Unit, with broad jurisdiction to investigate many branches and organizations within the UN, prepared a scathing 135 page report in which they called the lack of fraud reporting “endemic” to the organization.

This situation shows the problem with international accountability. A peacekeeper who breaks the law of the country they’re in must be prosecuted by the country they came from. That state has to then punish the individual for the action that involves evidence and victims miles away. What makes matters more complex is that areas

where UN workers operate often feature destabilized or contested governments, where the only definite power in the region is the United Nations. While the peacekeeper could be sanctioned by their superior, the United Nations is not a sovereign organization, and has no jurisdiction to punish that soldier's crime without breaching the sovereignty of their home country. Substitute abusive peacekeeper for corrupt diplomat, or criminal aid worker; then the complexity of the issue becomes clear.

The trust of member states and accountability of UN workers are vital to ensuring that the good work of the entire organization can continue. To clarify: crime, corruption, and fraud in the international community is a huge issue; the specific topic of this committee is to ensure that UN workers abroad are legally accountable to somebody for their actions. The legal committee must navigate questions of diplomatic immunity and

national sovereignty to find a solution to this serious problem.

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## History

### **Abuse by Peacekeepers in the CAR**

Between 2004 and 2017, over 2,000 complaints of sexual misconduct were lodged against UN peacekeepers in the Central African Republic, the Democratic Republic of the Congo, and Haiti. However, systematic legal accountability was nominal. After the sexual abuse allegations were brought to light, there was no clear framework to operate under. While the long-standing policy has been that the soldiers' country of origin would handle such cases, in one such incident, only one of more than 14 cases were handled in this manner. Ten were carried out exclusively by UN personnel. A further ten of these cases are not available, and as of September 2017, have yet to be fully released to the public. The UN has also refused, as of 2017, to accept legal responsibility as an organization for the incidents.

Despite several actions taken by the General Assembly and the Secretary General to prevent these issues from recurring, many groups have doubts about their efficacy. For example, in part due to the incidents mentioned above, in the february of that year, the Secretary general compiled a report (A/71/818) on the issue and steps being taken to address it. The program for improving accountability simply references the system theoretically already in place: member-states being responsible for the troops they contribute. The Security Council also attempted to address the problem, passing a resolution (S/RES/2378) in which they call for the establishment of routine reporting and accountability practices between UN peacekeepers and African Union troops, but fail to actually detail these measures or establish them.

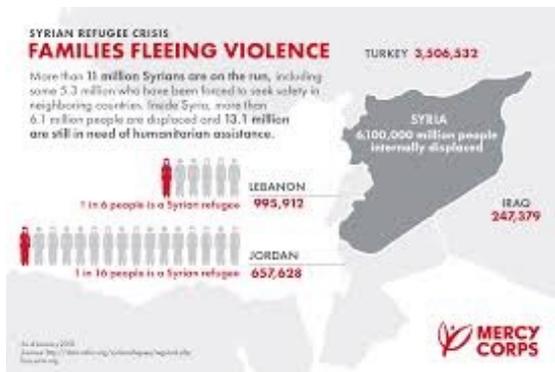
After more than two years of efforts, the specific issue of peacekeeper accountability remains on the Agenda for the upcoming 73rd

session. It's important to note that these actions don't simply affect the victims. The Congo has already pulled troops that it had previously contributed to the mission, endangering the safety of the people in that region. After several resolutions, agendas, and reports, it was not clear that there would be a framework of systematic legal accountability.

### **Corruption at the World Bank**

Corruption at the World Bank brings up a new facet of the problem: how can the United Nations ensure that legal accountability exists for both its own operatives, and the operatives of the agencies it partners with for a given mission? The World Bank, as opposed to the IMF, doesn't so much secure large emergency loans, but is a development bank. This means it partners with other banks like the African Development Bank, or directly with governments, in order to create long-term economic change in a region over time. For example, as a part of the

Millennium Development goals, the World Bank was a key player in halving the number of people living in extreme poverty around the globe. As a result, the World Bank and their



operatives are very influential in developing communities.

Unfortunately, this has resulted in many kinds of misconduct: bribery of bank officials from businesses, and even countries. Corruption has consistently plagued the Bank for over a decade now. A working paper from 2004, reports that on average, 1-1.5% of bank employees and consultants are sanctioned for wrongdoing every year. In addition to this figure, it is suspected that the real number is actually much greater, as adequate steps had not been taken to increase reporting and

whistleblowing protections. Between 2003 and 2004, the number of cases involving fraud rose sharply, more than doubling in one area. While the Bank has put in place many programs to limit this (with debatable success), the UN has done very little to establish accountability in cases where the Bank was working with it.

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### Current Situation

As of 2018 a number of steps to ensure legal oversight were taken by the UN. First, it has become clear that the issue of accountability is not limited to peacekeeping missions, and this topic is currently featured on the agenda of the upcoming session of the Legal Committee. Second, the Secretary-General has made efforts to enforce a “zero-tolerance policy” with respect to illegal actions overseas. However, these steps have not solved the problem.

Last year, the legal committee adopted resolution A/RES/72/112 outlining their concerns and detailing

the exact facets of the current problem. The resolution also lays out the stakeholders that should be addressed when finding a solution. Broadly, in every instance of misconduct, there are three main stakeholders that should be addressed: the United Nations itself, the host country in which the situation occurred, and the country of origin of the individual. Currently, one of the biggest problems in devising a system of legal accountability for international workers has been securing the cooperation of the worker's country of origin "[The committee has deep concerns] with regard to the significant number of instances where States to which allegations have been referred have failed to advise the United Nations of any steps taken in response to such referrals, including the failure to acknowledge such referrals;"

Further, the committee identified a second problem: establishing jurisdiction over the crime. The committee "*Strongly urges* all States to consider

establishing,...jurisdiction over crimes committed by their nationals while serving as United Nations officials or experts on mission." Many states don't have laws enabling them to take jurisdiction over crimes that happened outside their borders. The committee also acknowledged, but did not confront, the possibility that a crime may be illegal in the host country but not in the worker's country of origin. Finally, the committee must also find a way to support the efforts of individual nations who may not have the resources to conduct a legal proceeding involving such complexity.

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#### Possible Solutions

When looking for possible solutions delegates should both look to programs already in place that should be enforced, expanded, or modified, as well as tangible programs to solve aspects of the issue. A limited solution that accomplishes a real result in one facet of the problem is preferable to a

broad, but hypothetical resolution. Delegates should also look for solutions that target the multiple stakeholders that have been identified in this issue, as well as identifying their own.

Considering the lack of legal framework that defines this topic, international security would be benefitted by certain rules to make the process of assigning legal accountability much more reliable in these cases. One solution is the establishment of a protocol, or action plan that details exactly to whom a UN worker abroad is responsible legally. That protocol should take into account the complexities discussed here, for example, requiring the worker to be tried by their country of origin unless their transgression was not illegal in the state that they come from. Such a plan should also explain how it should be implemented while respecting sovereignty, as well as supporting states who don't have the resources to follow the protocol.

### **Existing UN Efforts**

In 2016, an Anti-Fraud and Anti-Corruption framework was issued that gave UN secretariat tools to confront illicit activities within the UN, but has not been adapted for agents overseas. In addition, the protocol focuses mainly on confronting, reporting, and limiting the damage of fraud, rather than a focus on oversight or accountability.

The Secretary-General also issued a report (A/71/729) which identified several strategies for accountability among agents which are not directly employed by the UN, but by their partners. The committee should make sure to confront how such relationships can be managed with “transparency and fairness with appropriate oversight arrangement.”

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### Bloc Positions

While all member-states have an interest in ensuring legal accountability for international workers in their

borders, the different blocs will have very different solutions to approach the problem.

### **Africa**

African member-states have a personal interest in this issue. The African continent has the largest amount of peacekeeping missions of any other region in the world, and thus have been deeply impacted by the lack of adequate accountability of peacekeepers. It was in the Central African Republic that some of the first sexual abuse allegations came out, and the CAR and surrounding countries will likely want aggressive and effective short-term solutions.

### **Asia**

Asian member-states, with a history of imperialism and a general resistance to international involvement, will likely have positions centered around preservation of national sovereignty. An example of this would be ensuring workers have legal accountability

while also ensuring that member-states have ultimate authority over their nationals.

### **Western Nations**

Western nations, especially France, have a history of large contributions to international aid, including peacekeeping forces. These nations may have more interest in protecting their nationals than ensuring that international powers can participate in an accountability process.

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### Questions to Consider

1. How can you ensure that whatever solution you implement is sustainable over changes in international relations and the UN Secretariat?
2. How does your country view international law, and the authority of the UN?
3. Does your country contribute to, or receive international aid? How does the lack of accountability affect your nation?

How can you ensure that your solution respects national sovereignty while also building a system of international accountability? in Syria?



## TOPIC B: COMBATING THE FINANCING OF TERRORISM

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### Overview

While many don't often think of terrorism organizations as businesses, organizations like Al Qaeda and ISWA (formerly Boko Haram) require and generate massive amounts of money while operating. Choking terrorist organizations off financially is now a principal strategy in the war on terror for many countries. As a result, the money that sustains these organization now comes from various illicit activities, such as money laundering, drug and human trafficking, and fraudulent charity donations.

What often complicates matters is that actions that are financially suspicious in the west, such as large charity donations and use of small banks are ingrained in the culture and religion of the countries in which these groups operate. In addition, a large scale effort to combat this must

also require the cooperation of several countries, some of which all but openly support the efforts of these organizations. In addition, some countries simply don't take measures far enough. For example, the United States, since the 9/11 terrorist attacks, has had great success combating illicit bank activity, whereas European countries have failed to implement as stringent regulations.

There are several ways that terrorists obtain money without oversight. One way is to obtain the money illegally, as the government obviously does not regulate the drug economy or monitor human trafficking revenue. Another, very significant tactic, is money laundering. Money laundering is the process of "cleaning" dirty, or illegally obtained money; giving it the appearance of coming from legitimate sources. This is often done by filtering the money through front companies or charities.

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History

### **Past UN Action**

After the September 11 attacks devastated the United States, it came to the attention of several governments that the attacks required planning, cooperation, and massive amounts of money. As a result of this find, the Financial Action Taskforce (FATF) was assigned to combat the financing of terrorism. The FATF was established in 1989 as an international organization dedicated to eradicating the practice of money laundering. As the connection between illicit funds and terrorism financing became apparent, the Taskforce was expanded to also combat terrorist financing. By 2004, the Taskforce published nine special recommendations for combatting the financing of terrorism in individual member-states, which have since become the international standard. Thus far, the portions dealing directly with terrorist groups suggest that countries criminalize the financial support of terrorist groups, as well as

utilizing targeted sanctions against nations, corporations, and individuals which violate those laws. In addition, the recommendations specifically mention non-profit organizations as potentially suspect.

While the FATF set recommendations for individual states, the United Nations adopted a Global Counter-terrorism Strategy in 2005, a key aspect of which is the financing of terror. As noted in a recent Security Council Resolution (S/RES/2253) by 2015, the implementation of financial sanctions against well-known groups like ISIL or Al-Qaeda became so commonplace as recently as 2015 that the Council had dedicated an entire committee to that purpose. In 2016, the General Assembly adopted a review of the global counter-terrorism strategy which largely featured the combatting of terrorist financing as a facet of counter-terrorism many states were ignoring. The resolution also highlighted several strategies which had already been implemented in the

US: the regular, legally-required auditing of large financial institutions.

The largest milestone on this topic was the adoption of the International Convention for the Suppression of the Financing of Terrorism. The convention (adopted three years before the attacks) required that all member states implement financial oversight mechanisms, targeted sanctions against known terrorist, and the development of legal instruments to forcefully prosecute cases involving the financing of terrorist groups. Unfortunately, the convention has limited effect, as Iran, Somalia, South Sudan, and other countries likely to have individuals financing these groups, have not yet ratified the convention.

### **Sources of Illicit Funds**

Fundamental to any solution to the financing of terror are their sources of income. Revenue varies wildly in terrorist groups across the globe, depending on the region. Worldwide,

the largest source of income for many groups is drug-trafficking. Al-Qaeda, for example, largely supported itself off of Afghanistan's poppy fields, which were responsible for over 80% of the world's opium supply. In the middle east, political corruption and oil revenue are the staples of many terrorist groups, including ISIS and Al-Qaeda. In South America and east Africa, drug-trafficking and ransoming the kidnapped sustained groups like FARC and ISWA. Sources of revenue are constantly changing and adapting to new security standards.

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### **Current Situation**

The rise of the Internet has brought about several notable advents in the financing of terrorism. First, is the conception of the "lone wolf." A lone wolf terrorist plans, funds, and carries out terrorist acts alone, after being radicalized via social media. The danger of a "lone wolf" is that such an attacker makes many previous precautions irrelevant. Neither the

FATF's nine recommendations, or the international convention on the prevention of terrorist financing can detect a terror attack funded by money sourced locally, even from the attacker's day-job. Neither are capable of detecting small funds that never transfer accounts, cross borders, or have overtly illicit sources. The internet has made it possible for anybody to plan and execute a terrorist attack with a minimum of funds that cannot be intercepted by current programs. For example, the 2015 attacks in London were just this type of lone wolf. Within an hour, a single individual killed or injured over 50 people on the London Bridge. The individual was armed only with a car and knife and as far as is known, the assailant never had direct contact with anyone affiliated with any recognized terrorist group. Current apparatus are so incapable of dealing with this kind of attack that to this day, it is unclear exactly how the attack was funded.

The second advent of the last five years was the introduction of cryptocurrencies into mainstream use. Crypto-currencies are a large and complex topic on their own, but common cryptocurrencies (like bitcoin) allow for completely untraceable transfers of massive amounts of money. While even the use of cryptocurrencies was once suspicious financial activity, cryptocurrencies have had a sharp rise in popularity with the general public, making it that much harder to distinguish suspect transactions. To put it simply, cryptocurrencies enable a user to make a transaction without involving a bank, meaning there is no single permanent record of the transactions. While law enforcement has had some limited success with attempting to trace these transfers, these systems are not reliable or scalable to world-wide use. New anti-terrorist funding programs will have to account for leaps in technological advantage.

As well as advances in technology, delegates will have to confront the sheer volume of illicit funds transferred every year. It is estimated that 10% of the Global GDP is laundered money, of which a small percentage goes to terrorist. One of the hardest problems to solve will be finding strategic ways to sift through that amount of information in an efficient way.

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### Possible Solutions

When brainstorming solutions, delegates should look carefully over past United Nations agreements and reports surrounding this topic. There are innumerable committees, taskforces, and programs, specifically on the financing of terrorism. Look for areas where previous solutions failed. If a solution failed, why did it? Should it be expanded, or modified? In addition, delegates should speculate about future techniques that terrorists will utilize to move money, and prevent them. In an ever-changing

field, systems of identification and prevention are vital to staying ahead.

For example, one facet of the issue is that smaller amounts of funds are not detected by current protocols. One solution to this could be proposing an amendment to the international terrorism-financing convention. The amended document would include expanding the systems already in place in many countries that audit financial institutions to cover smaller transactions. In order to avoid the massive cost to banks associated with yearly expanded audits, the committee could suggest the use of information technology systems that can streamline the process, as well as a mechanism for supporting those institutions to transition to a new tech system.

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### Bloc Positions

#### ***Middle East:***

While some middle-eastern countries have been known to financially support terror organizations, the principle

concern of many will be ensuring that they do not suffer from trade embargoes or blacklists. In addition, the cultural aspects of giving large sums to charity and other seemingly illicit practices should not be infringed on.

***Africa:***

In Africa, the primary concern in terrorist Financing is the prevention of piracy, kidnapping, and ransom practices, as well as drug and human-trafficking. In addition, political corruption steals millions from many African states every year and funnels them into terrorist groups. As a result, these states have a vested interest in an immediate solution

***Western States:***

Since the start of the global war on terror, almost every region in the western world has been devastated by attacks from several large terrorist organizations. As a result, stopping the financing of terrorism is not an end in

itself, like in Africa. Western nations see combatting terrorist financing as a means to eradicating terrorist groups.

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Questions to Consider

1. How effective has previous UN legislation been on this topic?
2. Where is there room in the International convention for modification?
3. How can law enforcement keep up with terrorist fund sources that are constantly changing?
4. What long-term solutions can make small-money transfers and lone wolf attacks accessible to law enforcement?

## SOURCES