General Assembly

Directed By: Taylor Mackin

TSMUN XXIII BACKGROUND GUIDE 2019

**Topic I: Peaceful Exploration of Outer Space**

**Topic II: Combatting Discrimination Based on Gender and Sexuality**

Greetings Delegates,

It is my privilege to welcome you to the General Assembly (GA) Committee at TSMUN 2018. My name is Taylor Mackin, and I will be your Director for GA. I have been a Model UN Delegate since my sophomore year of high school. This will be my second time staffing a conference and my first time as a Director. I was an assistant director for TSMUN 2017 and I am currently a sophomore at Florida State University where I am majoring in International Affairs.

The topics under discussion for the United Nations General Assembly are:

1. **Peaceful Exploration of Outer Space**
2. **Combatting Discrimination Based on Gender and Sexuality**

Membership is guaranteed to all Member States, allowing the General Assembly to serve as the UN’s open forum for all diplomatic issues brought forward. The General Assembly is a committee which sets the standards for nations around the globe and works best with open dialogue. We encourage compromise to created resolutions for the world’s most decisive matters.

Delegates are encouraged to do their own research independent to this Background Guide. Although it will serve as an introduction to the topics, their history, and their status, nothing can replace independent research. Please note that in preparation for the Conference, every delegation will submit a Position Paper prior to the beginning of the Committee’s first session.

If you have any questions, you are welcome to contact the Secretary General Hannah Cake, at sg@tsmun.org, or Director Taylor Mackin, at ga@tsmun.org. We hope you have a wonderful and educational conference and good luck!

Taylor Mackin, Director of the General Assembly

ga@tsmun.org

**Committee Overview**

***Introduction***

As the main deliberative body of the United Nations, the General Assembly (GA) has many responsibilities including reviewing the Economic and Social Council (ECOSOC) reports, organizing collaboration, and counseling nations to peaceful solutions. As well as “appointing the Secretary General and assisting the Security Council in electing non-permanent Security Council members, International Court of Justice judges, and members of ECOSOC.”[[1]](#footnote-1) The General Assembly comprises of 193 UN Member States as well as certain non-governmental organizations (NGOs), intergovernmental organizations (IGOs), and the two UN Observer States, The Holy See and Palestine, are welcome and eligible to participate.[[2]](#footnote-2)

There are six GA committees and for this conference the General Assembly will be focusing on the First and the Fourth committee mandates for topic one and the Third committee’s mandate for the second topic.[[3]](#footnote-3) The First committee centers on disarmament and international security, while the Fourth committee focuses on special politics, including the concerns nations have with space law. The Third committee focuses on social, cultural, and political issues facing our international community, working with the UN Human Rights committee (UNHR), which is where the committee will get most of the resolutions on discrimination.

***Committee Mandate***

Holding the “central position as the chief deliberative, policy-making and representative organ,” the UN General Assembly is the centerpiece for all UN function and cooperation.[[4]](#footnote-4) The GA meets twice annually from September to December and from January to August as required.[[5]](#footnote-5) The Assembly agreed on the 17 Sustainable Development Goals in 2015, the fifth and sixteenth goals are about equality and justice instilling the need for modernization in law and order to end discrimination; while the ninth is on industry development making them important parts for our GA to utilize.[[6]](#footnote-6) The Sustainable Goals are valuable starting points for all discussions and resolution making they have been agreed upon as vital by the Member States giving delegates like yourself a lot to work with when researching. Safe and universal regulations on newly privatized industries is a prerequisite to a sustainable economy and will protect the environment it explores. The Agenda of the GA, created by a Board of trustees, includes reports, amendments, bylaws, resolution, study or action issues and Statements of Conscience. Most GA resolutions are adopted without a vote, but when it comes to vital questions such as peace and security recommendations, budget issues and the election, admission, suspension or expulsion of members a two-thirds majority is needed of those present and voting.[[7]](#footnote-7) All 193 Member States get a vote, but there is an initiative for it work on collaboration and unity by creating resolutions that everyone will vote yes on.

1. **Peaceful Exploration of Outer Space**

***Introduction***

Space Law as one knows it was kicked off by the Union of Soviet Socialist Republics (USSR’s) Sputnik I in October 1957, leading to five international treaties through the Committee on the Peaceful Uses of Outer Space (COPUOS.) As defined by the UN in the 1967 treaty, outer space exploration must benefit the interests of all mankind and the moon and all other celestial objects must be treated as the providence of all mankind[[8]](#footnote-8). A complex series of treaties, principles, and GA resolutions which monitor the activities of Member States in their exploration and use of outer space is most commonly known as “space law”. The 1950’s led to a tremendous amount of international political change with the Cold War and aftermath of World War II, but it was also the beginning of a new age in science and travel with the Space Race[[9]](#footnote-9). The Cold War was an indirect war between the USSR and the United States. It seeped into to every part of life, especially technological or military development forcing the rapid growth in rocket production and testing; which soon required new laws and regulations to be created by the international community for a new industry– space exploration and satellites.

***International Framework***

The beginning of Space law was the 1967 treaty on *Principles Governing the activities of States in the Exploration and Use of Outer Space*. It explicitly states that space and all celestial objects as “free to access” for all persons. These objects are not subject to the national appropriation by claim of sovereignty and the placement of or use of Weapons of Mass Destruction, including nuclear weapons, in outer space or on any celestial objects is prohibited[[10]](#footnote-10). In 1968 the GA adopted the *Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space* commonly known as *the Rescue Agreement*. This is a landmark cooperation treaty during the Space Race requiring that any party aware of astronauts in trouble or thought to be in distress, must take all necessary steps for rescue and/ or to assist them and ensure their safety[[11]](#footnote-11). It also maintains that no Member State’s space stations, satellites or shuttles can be taken from them in the presence of an accident, in turn safeguarding a Member State’s technological and scientific research[[12]](#footnote-12).

The 1972 Convention on *International Liability for Damage Caused by Space Objects*, called “the Liability Convention,” Defined the terms damage, launching, launching state(s), and space object. This was significant in legislating liability issues relating to space exploration. Articles two and five state that the launching state is responsible and if two states jointly launch both hold joint responsibility to pay for compensation[[13]](#footnote-13). This Convention also created the claims commission, a systematic way for states to get their specific space related property damage claims settled[[14]](#footnote-14). Next came the 1975 *Convention on Registration of Objects Launched into Outer Space* or “the Registration Convention.” The registration is maintained by the Secretary General and it is open access. Allowing the UN and governments to know the who, what, when, where, and how of a Member State’s launch plans before it happens[[15]](#footnote-15). This monitors what is being launched into outer space who is to be held accountable for it or for any persons aboard it[[16]](#footnote-16).

Finally, the 1979 *Agreement Governing the Activities of States on the Moon and Other Celestial Bodies*, “the Moon Treaty,” prohibits any threat of or hostile actions on the moon and shall take all measures to prevent disruption of the current environment[[17]](#footnote-17). Member States must promptly inform the UN “of any phenomenon discovered which could endanger human life or health” and any indications of organic life found during their research[[18]](#footnote-18). *The Moon Treaty* grants Member States the right to collect and remove samples of the moon’s material along with regulatory guidelines on the allowed use of the collected objects by other nations, this doesn’t apply to extraterrestrial materials which reach the surface of earth through natural means[[19]](#footnote-19). All of these treaties have been continually built upon and reinforced through annual conventions on the uses of outer space by United Nations COPUOS the most recent being in Vienna of 2017. There are many important issues that COPUOS worked on at the 2017 convention someone of the big topics was the review and possible revision of the Principles Relevant to the Use of Nuclear Power sources in Outer Space, the Status and application of the five UN treaties on outer space, and Capacity- building in space law[[20]](#footnote-20). These changes show the understanding of the international space community that laws and treaties need to evolve with the industry.

The five individual principles from the GA reaffirmed the concepts within the treaties in a more specific and legislative form including the use of outer space as for “remote sensing,” television broadcasting, nuclear power sources, and ensuring explorations is done with the interest of all persons in mind[[21]](#footnote-21). The first principle created in December of 1963 is known as the *Declaration of Legal Principles* or *The Declaration of Legal Principles Governing the Activities of States in the Exploration and Uses of Outer Space[[22]](#footnote-22). The Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting* was out into law in 1982[[23]](#footnote-23). Then in 1986 the GA affirmed the *Principles Relating to Remote Sensing of the Earth from Outer Space[[24]](#footnote-24).* On the 14th of December the GA created *The Principles Relevant to the Use of Nuclear Sources in Outer Space[[25]](#footnote-25).* The most recent principle was in 1996 called the *Benefits Declaration* or *The Declaration on the International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries[[26]](#footnote-26).* The Principles also focus on the treaties connection with and concern of international law so as not to contradict legislation already in place.

***Case Study***

The newest change in the world of both science and industry is the commercialization and privatization of space exploration. This is spreading internationally from operational companies in the United States of America (USA) such as Space X, Orbital ATK, Blue Origin, and Sierra Nevada Corporation to operational corporations such as Japan’s Interstellar Technologies[[27]](#footnote-27) and New Zealand’s Rocket Lab. With many other nations in the development of or planning on space exploration and rocket development as a private company the security of space increases and the law must evolve with the industry because “the increase in users demands more regulation[[28]](#footnote-28).”

In June of 2018 the Air Line Pilots Association or (ALPA) produced a White Paper Report on “Addressing the Challenges to Aviation from Evolving Space Transportation.” This report expresses many of the challenges and safety concerns that come with the increase in rocket launches and brings perspective with data such as how only 28 percent of all space launches are for the United States government according to the Commercial Spaceflight Federation in 2017[[29]](#footnote-29). The development of new technologies used by commercial space operators have required the FAA to conduct new risk assessments to make sure either policies and airspace boundaries are adequate for future operations[[30]](#footnote-30). These policies and airspace boundaries led to extremely long and expensive delays for commercial air traffic and are according to the ALPA report unsustainable for the commercial aircraft industry[[31]](#footnote-31). And ALPA’s safety concerns include the demand for airspace access by the increased amount of new commercial space operations which for every launch “requires a carefully crafted risk management, risk-mitigation, and implementation strategy,” and will soon lead to pressure on regulators and reduce the size in airspace protection zones leading to unacceptable levels of risk[[32]](#footnote-32).

This is not just for the safety of those building and flying space crafts, but regulation concerning the environmental protection of outer space as mentioned in Stephan Hobe’s paper written in 2016 on the topic for the United Nations Office for Outer Space Affairs (UNOOSA). It is already happening with governments like the USA, who on July 29, 2018, started trying to pass legislation to streamline Commercial Space Regulation an action which directly affects the utilization and exploration of space for all Nation States[[33]](#footnote-33). One should not only be concerned for safety of the aircrafts created, but also the national security concerns that initial the launching of privet rockets into space above Nation States. This includes, but is not limited to, the rupture of failed crafts endangering civilian populations, use and capabilities of foreign and domestic satellites, interference with military operations and airplane usage. There was no real need for legislation for these concerns because until recently space travel was strictly for government run, owned and operated missions with scientific research intense. Now with the ideas of rockets being used for quicker trips to the other side of the world by civilians we reach a whole new level of passenger transportation.

***Conclusion***

This all may be possible by rocket science, but the laws and regulations created to protect the places humans explore are not. The new wave of privatized space travel and exploration has led to rapid development, but laws regulating the technological industries have not kept up. There are three main concerns: the developmental side for factory workers, design, who is paying for the spacecraft; the public usage for the transportation industry; the lunching/ landing centers - customs aspect of the crafts, what and who is permitted into space. What will the development of space tourism lead to how is the international community willing to agree on background checks and pilots? What will become of the International Space Station (ISS) and other satellites will they stay public property? How will international and regional politics on earth transcend into space exploration activities? These are all question being asked by Dr. Hobe and many other members of the UNOOSA and general space community, questions that need to be taken seriously for the future.

1. **Combatting Discrimination based on Gender and Sexuality**

***Introduction***

The importance of including the strife of persons discriminated against due to their gender and sexuality is clearly stated in the 2015 UN High Commissioner’s Report to the UNHRC, A/HRC/29/23. This report states that “All human beings, irrespective of their sexual orientation and gender identity, are entitled to enjoy the protection of international human rights law with respect to the rights to life, security of person and privacy, to freedom from torture and ill-treatment, discrimination and arbitrary arrest and detention, and to freedom of expression, association and peaceful assembly, and all other civil, political, economic, social and cultural rights[[34]](#footnote-34).” This reaffirmed the original resolution adopted by the UN Human Rights Council, A/HRC/RES/17/19, concerning human rights, sexual orientation and gender identity in July of 2011, which subsequently called for the report A/HRC/19/41 about discriminatory laws and practices in nation states, violence against, and imprisonment of LGBT peoples[[35]](#footnote-35). This report covers different discriminatory laws criminalizing same-sex relationships and penalizing individuals due to their gender identity as well as how individuals are discriminated against in all different parts of everyday life such as health care, education, and in employment[[36]](#footnote-36). They also formulate two detailed section to responses and recommendations for the international community.

***International Framework***

The *UN Universal Declaration of Human Rights[[37]](#footnote-37)* and the later European Conference on Human Rights[[38]](#footnote-38) are the first and most expansive human rights documents in existence. The Sixth Article of the *Universal Declaration of Human Right*s states that “Everyone has the right to recognition everywhere as a person before the law[[39]](#footnote-39).” Article Six laid the groundwork for all Member States to follow, by treating all people equally with human dignity and respect before the law.

Gender Equality has been at the forefront of discussions around the world from workplace equality, sexual harassment and assault sentencings, gender identity acceptance allowing people to have secure careers despite social debate on the topics in most Nation States while some are just beginning the long road to full gender equality. Beginning with the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which opened the door for many gender equality movements around the world and led to the most recent creation of the UN Entity for Gender Equality and the Empowerment of Women or UN Women created as cohesive international entity with the sole goal of universal gender equality[[40]](#footnote-40). These moves for equality usually do not extend to the protection and acceptance of those on the gender identification spectrum beyond man or women leading to thousands of trans men and women being violently murdered, abused, arrested and harassed globally.[[41]](#footnote-41) “Nonbinary gender is an umbrella term to describe any gender identity that does not fit into the gender binary spectrum of male and female. A nonbinary gendered person can identify as genderqueer, having no gender, somewhere between male and female or as totally outside binary gender identities[[42]](#footnote-42).” These issues were addressed with the June 30, 2016 UNHRC vote adopting a resolution on “Protection against violence and discrimination based on sexual orientation and gender identity,[[43]](#footnote-43)” and the development of UN campaigns such as UN Free and Equal who are fighting on the front lines for all LGBTQ+ globally. UN Free and Equal (UNFE) is the United Nations’ Global campaign against homophobia and transphobia and in 2017 they launched business standards of conduct that offer the private sector concrete guidance on how they can stand up for LGBTI rights[[44]](#footnote-44). UNFE has campaigns all over Eastern and Western Europe, Africa, and South America as well as a global campaign teaching about LGBTI rights online through social media[[45]](#footnote-45).

Marriage between two same-sex persons is legal in 23 countries, while 73 countries and in 5 sub- nations (or communities within nations who accept same-sex marriage, but the nation as a whole does not) it is illegal and homosexual relations can be punished by incarceration or death under the nations laws. The most recent resolution on the topic was adopted in 2015 A/HRC/RES/27/32 in conjunction with a 2015 Report A/HRC/19/41[[46]](#footnote-46). The fight for same-sex or gay marriage began in the mists of the 1980’s Aids Crisis and during is time thousands of members of the gay community died due to lack of treatment for AIDs and HIV[[47]](#footnote-47). Studies have shown that society especially in the United States became more homophobic and instead of trying to find cures the government and public focused on banning homosexuals from donating blood[[48]](#footnote-48). This horrific crisis is connected to marriage because people were not allowed to visit their partners in the hospital because there were not in any a legally recognized relationship therefore not considered family[[49]](#footnote-49). Denmark was the first nation to have any form of legally recognized relationship for two persons of the same sex by establishing registered partnerships where persons had the same rights as a straight married couple other than the ability to adopted or share joint custody of children in 1989[[50]](#footnote-50). On April 1st, 2001 the Netherlands became the first country to recognize same-sex-marriage, giving same-sex couples the same rights as heterosexuals followed by Nation States such as Belgium, Canada, New Zealand and several different states in the USA and in 2015 the US as whole[[51]](#footnote-51).

***Case Study***

There have been many organizations and nations throughout history that took discrimination of gender and sexuality to the level of physical attacks, imprisonment, explement, and even murder. These horrific actions continue today, and this issue has been brought to the forefront again with the Chechen Republic’s “Gay Genocide” received an official International Criminal court complaint by French gay rights organization in May of 2017[[52]](#footnote-52). As far as we know 70 gay and bisexual men and women escaped Chechnya according to a BBC report in September 2017. Canada has been confirmed to have granted asylum to 31 people[[53]](#footnote-53).

Russian officials told the Globe that there would be consequences if Canada was found to be violating Russian law by helping any Chechnya refugees[[54]](#footnote-54). Contradicting President Kadyrov who has insisted that there are “no people of non-traditional orientation” in the republic[[55]](#footnote-55). Kadyrov also said “If there were such people in Chechnya, the law-enforcement organs wouldn’t need to have anything to do with them because their relatives would send them somewhere from which there is no returning[[56]](#footnote-56).”

This is not the first time the Russian government has been seen to publicly empower homophobia, even though homosexuality was decriminalized after the fall of the Soviet Union and Russia ratified the European Convention on Human Rights in 1998[[57]](#footnote-57). In January of 2013 lawmakers in Moscow voted 388-1 for a bill which made it illegal to distribute “homosexual propaganda,” with fines up to $16,000, for the purpose of wanting to protect the children[[58]](#footnote-58). This gay propaganda law is actually the most recent, and only federal legislation, in a series of statutes created in 2003 and 2006 at the regional level to protect traditional Russian family values[[59]](#footnote-59). On June 20th of 2018 the European Court of Human Rights ruled in favor of gay activists and found the Russian gay propaganda law to be illegal and “discriminatory, and overall, served no legitimate public interest[[60]](#footnote-60).” The court also found that Russia was unable to provide a mechanism in which a minor could be converted to the homosexual lifestyle and the Nation State could also not demonstrate how freedom of expression on LGBT issues would directly devalue or compromise the future of existing traditional families[[61]](#footnote-61). Most recently on August 4th 2018 at least 25 LGBT rights activists were detained by Russian police during a protest in St. Petersburg[[62]](#footnote-62).These are significant in the international community’s assistance in defending people from government backed LGBT violence and harassment, but there is much to do. How will countries individually stand up to those defining horrific human rights violations? Will the term Genocide be considered in the debate and if so will there be direct action or global outcry?

***Conclusion***

Considering the current state of human rights in the context of those discriminated against due to their gender or sexuality identification, support for this community has grown in the last decade with the legalization of same- sex marriage and decriminalization of homosexual relationships in many nations, but there is still more to do. The number one concern is the consequences for UN Member States violating these person’s human rights and using religious or cultural differences to hide their actions. This topic, if you were not already aware, is very controversial topic even in the most liberal of communities. There are many different parts to this issue that the international community cannot overcome with blanket statements or legislation that doesn’t take into consideration the difference in culture and religion in many Nation States. How can human rights be persevered along with the traditions, culture and religion in Nation States? How can one bring consensus on this topic to the international community?

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28. Hobe [↑](#footnote-ref-28)
29. Int'l [↑](#footnote-ref-29)
30. Int'l [↑](#footnote-ref-30)
31. Int'l [↑](#footnote-ref-31)
32. Int'l [↑](#footnote-ref-32)
33. Ted Cruz for Texas [↑](#footnote-ref-33)
34. U. N. Rights [↑](#footnote-ref-34)
35. Council [↑](#footnote-ref-35)
36. Council [↑](#footnote-ref-36)
37. U. G. Assembly [↑](#footnote-ref-37)
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