

**Southern Regional Model United Nations XIX**  
**Promoting Partnerships for a Sustainable Future**

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Atlanta, GA

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Dear Honorable Delegates,

I would like to welcome you all to what will be a very inspiring and thought-provoking Southern Regional Model United Nations XIX conference. The United Nations Human Rights Council has been hard at work to pick the best topics to allow for the best possible dialogue and to highlight your diplomacy skills. My name is Brianna Noler, and I will serve as the Director for UNHRC. In 2006, I graduated from California State University, San Bernardino, with degrees in Political Science and English Linguistics. I have been participating in Model United Nations since 2003, both as a delegate and a staff member, and this will be my first year participating at SRMUN. I am excited to work with all of you in November and to hear your ideas regarding our topics.

My Assistant Director, Taylor Hayes, and I worked hard to include the most recent and essential research into our background guides for your topics. The topics that will be discussed at this year's conference are as follows:

- Topic I: Combating Human Trafficking through Regional Mechanisms
- Topic II: Human Rights in Conflict and Post Conflict Zones
- Topic III: Promoting Sustainable Human Development through Empowerment

Be sure to keep in mind the nature of the scope of UNHRC. As a relatively new committee, the UNHRC has been able to maintain the mandate of its predecessor and also to break new ground in the arena of human rights and international affairs. This will be an important aspect to keep in mind as you write your position papers and work to facilitate discussion at the conference itself. The work of other international organizations as they are related to our topics will be key to working with your colleagues during the conference because of the emerging role of the UNHRC and its efforts to meet and exceed the expectations of its scope of work. Keep this in mind as you piece together your position paper and begin to think about the order of debate in committee.

I want you to know that I understand first-hand the amount of research and effort that each of you have put forth thus far and am eager to see these topics come to fruition. **Position papers must be submitted on-line via the SRMUN website and will be due by 11:59PM EST on October 24, 2008.** Further specifications can be found on the SRMUN website. Late or improperly formatted position papers will not be considered for awards.

One of the best tools to prepare for this conference will be the SRMUN website (<http://www.srmun.org>), which is filled with links, position paper guidelines, and the highly important rules of procedure. The SRMUN website will prove to be very beneficial to your delegation's success, so use it to its full advantage!

If you have any questions along the way please feel free to contact Taylor or myself. We are here for you. Again, it is with great pleasure and honor to welcome you to SRMUN XIX!

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**History of the United Nations Human Rights Council**

The United Nations Human Rights Council (UNHRC) is the principal United Nations (UN) organ designated to address human rights. It was created under the auspices of the UN General Assembly in 2006 (A/RES/60/251). It is a technical, “functional” committee inferior to the General Assembly that consists of forty-seven General Assembly-elected delegations.<sup>1</sup> The committee provides the General Assembly with human rights information in the form of annual reports, and also makes recommendations as to abating human rights violations.

The UNHRC, based on recommendations of the UN General Assembly, has taken over the mandate of the Commission on Human Rights (UNCHR). The directive of the Commission on Human Rights was based on the *Charter of the United Nations* (1945), and the present-day UNHRC has accepted the role of the international body responsible for documenting violations of human rights. The Commission on Human Rights is most famous for enacting norm-setting documents such as the Universal Declaration of Human Rights (1948).<sup>2</sup> Over its sixty-one year history, the Economic and Social Council invested the Commission on Human Rights with the authority to monitor, examine, and dialectically respond to human rights violations. The authority and procedures instituted within the Commission (such as Resolutions 1235 and 1503) were subsequently transferred to the Human Rights Council.

On 15 March 2006, the General Assembly voted to establish a new body to be responsible for human rights in the international community. A vote of 170 in favor, 4 against, and 3 abstentions created the United Nations Human Rights Council and as such, the HRC was created to take the place of the UNHRC.<sup>3</sup> The UNCHR had been confronted for being too politicized. While the creation of the HRC was argued against by the United States, it was not without cause. United States Ambassador John Bolton indicated to the General Assembly that somehow the disbanding of the CHR and the subsequent creation of the UNHRC was a compromise and would not be enough to stop the worst human rights offenders of the international community.<sup>4</sup>

The UNHRC consists of 47 Member States. The Member States of the HRC work internally and with other international actors (non-Member States and international organizations). It communicates with Member States and other UN bodies by means of periodic reports, regular sessions and special sessions. It communicates with Member States who are alleged violators of human rights by means of communiqués, standing invitations, reports, and country visits.<sup>5</sup> Other means by which the Council applies pressure to states thought to be violating human rights are by requesting information, by issuing urgent action requests, and by requesting timely reports.<sup>6</sup> These techniques were employed notably in South Africa, Argentina, and Sri Lanka

The Council’s functions fall into three categories: fact-finding/documentation; prosecutorial/publicity; and conciliation.<sup>7</sup> The Council has so far held seven sessions. In these sessions, the UNHRC has, in accordance with A/RES/60/251, upheld the previous accomplishments of the UNCHR, and strived to overcome the disappointments of the Commission for Human Rights. In the words of the UNHRC’s Special Rapporteur Philip Alston, the Council “provides a forum in which various activities can be undertaken and it is itself an actor playing the roles of catalyst, a manager, a generator or norms, and a protector of rights.”<sup>8</sup>

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<sup>1</sup> A/RES/60/251. *Human Rights Council*. United Nations General Assembly.

<sup>2</sup> Micheline Ishay. *The History of Human Rights: From Ancient Times to the Globalization Era*. Los Angeles: University of California Press. 2004, p. 17.

<sup>3</sup> Department of Public Information. *General Assembly Establishes New Human Rights Council by Vote of 170 in Favour to 4 Against, with 3 Abstentions*. 2006.

<sup>4</sup> Ibid.

<sup>5</sup> Philip Alston. *The United Nations and Human Rights*. Oxford: Clarendon Press. 1992, p. 131.

<sup>6</sup> Ibid., 131.

<sup>7</sup> Ibid., 168.

<sup>8</sup> Ibid., 204.

The Council's work can be categorized as either thematic or country-specific. The Council creates subdivisions, or "mandate-holders," within itself to ensure that adequate attention is devoted to a theme or country. Currently there are twenty-eight thematic mandate-holders and ten country-specific mandate-holders.<sup>9</sup> In the first session alone, the HRC adopted the *International Convention for the Protection of All Persons from Enforced Disappearance* and *The United Nations Declaration on the Rights of Indigenous Peoples* (2006).<sup>10</sup>

The Council's mandate is flexible yet resilient. Every year they are charged with the creation of an annual report for the General Assembly. This report is to summarize the body's work through the year and to catalogue complaints and offenses by international actors against human rights. The UNHRC is also responsible for a Universal Periodic Review, which is compiled by one working group consisting of all 47 Member States, and is based on reports submitted by offending or complaining states. Its working groups and rapporteurs can narrowly concentrate on one topic or country; or conversely they can pursue conceptual or normative development of issues of mounting concern. While the work of the Council is influenced by such factors as political will, committee composition, and leadership, its ability to address human rights issues of the present as well as to lay foundations for the future is undeniable.

The Member States of the UNHRC are as follows: ANGOLA, AZERBAIJAN, BANGLADESH, BOLIVIA, BOSNIA AND HERZEGOVINA, BRAZIL, CAMEROON, CANADA, CHINA, CUBA, DJIBOUTI, EGYPT, FRANCE, GABON, GERMANY, GHANA, GUATEMALA, INDIA, INDONESIA, ITALY, JAPAN, JORDAN, MADAGASCAR, MALAYSIA, MALI, MAURITIUS, MEXICO, NETHERLANDS, NICARAGUA, NIGERIA, PAKISTAN, PERU, PHILIPPINES, QATAR, REPUBLIC OF KOREA, ROMANIA, RUSSIAN FEDERATION, SAUDI ARABIA, SENEGAL, SLOVENIA, SOUTH AFRICA, SRI LANKA, SWITZERLAND, UKRAINE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, URUGUAY, ZAMBIA

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<sup>9</sup> "Special Procedures for Human Rights Council" Office of the United Nations High Commissioner for Human Rights. <http://www2.ohchr.org/english/bodies/chr/special/index.htm>

<sup>10</sup> Human Rights Council. *Human Rights Council Concludes First Session*. United Nations Office at Geneva, 30 June 2006. <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/13C5B111105739B5C125719F0077680D?opendocument>

## I. Combating Human Trafficking Through Regional Mechanisms

*“Calling to account any country, friend or foe that is not doing enough to combat human trafficking. Though many complain, the power of shame has stirred many to action and sparked unprecedented reforms. Defeating human trafficking is a great moral calling and we will never subjugate it to the narrow demands of the day.” Condoleezza Rice, United States Secretary of State<sup>11</sup>*

### **Introduction**

Human trafficking has become an endemic problem in today’s international society. The United Nations Office on Drugs and Crime (UNODC) defines human trafficking as, “the acquisition of people by improper means such as force, fraud or deception, with the aim of exploiting them.”<sup>12</sup> It has been the goal of the United Nations and its Member States to curb the illicit trade of human beings, yet many still have problems doing so, mostly because “[...] the clandestine nature of the crime of human trafficking, the great majority of human trafficking cases go unreported and culprits remain at large.”<sup>13</sup> According to the UNODC, “Human trafficking is the acquisition of people by improper means such as force, fraud or deception, with the aim of exploiting them.”<sup>14</sup> Due to the deplorable nature of the crime of human trafficking, numerous United Nations organizations deal with the prevention and prosecution of the crime. The United Nations Human Rights Council (UNHRC) has only begun their work in the field of preventing human trafficking. With the help of the international community and the various bodies of the UN, it is the goal of the UNHRC to efficiently halt and prosecute those involved in the crime of human trafficking.

Today, many bodies in the UN refer to human trafficking as modern slavery. It can affect men, women, and children, but, according to International Criminal Police Organization (Interpol) women and children are more susceptible to the illicit trafficking of human beings.<sup>15</sup> The reason that, on a broader scale, women and children are more affected by this crime is that the illegal sex trade is a highly profitable business.<sup>16</sup> The sex trade helps to financially support more traditional forms of organized crime.<sup>17</sup>

### **History**

UN work on the issue of human trafficking dates back to 1949, with the drafting of the *Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others*. The Convention was approved by the General Assembly in Resolution 317 (IV)1, of 2 December 1949 and entered into force on 25 July 1951.<sup>18</sup> While the convention specifically addresses the role of trafficking for the purposes of prostitution, it lays an important foundation in subsequent efforts to address the trafficking in human beings.

Following the ratification of the 1949 Convention in 1951, the next major step in addressing trafficking in persons came in December 2000 with the adoption of the *United Nations Convention against Transnational Organized Crime (UNTOC)*, and its two protocols (also referred to as the Palermo Protocols), *The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Trafficking Protocol)* and the *Protocol against the Smuggling of Migrants by Land, Sea, and Air (Smuggling Protocol)*. At the present time, the UNTOC

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<sup>11</sup> Condoleezza Rice. 10 May 2006. <http://www.state.gov/g/tip/rls/tiprpt/2006/67020.htm>

<sup>12</sup> United Nations Office on Drugs and Crime. *UNODC and Human Trafficking*. 2008.

<sup>13</sup> Academy for Educational Development. *Prosecution*. 2001.

<sup>14</sup> United Nations Office on Drugs and Crime. *UNODC and Human Trafficking*. 2008.

<sup>15</sup> Interpol. *Trafficking in Human Beings*. 2008. <http://www.interpol.int/Public/THB/default.asp>

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> United Nations High Commissioner for Human Rights. 2002. <http://www.unhchr.ch/html/menu3/b/treaty11a.htm>

has 147 signatories and 144 states parties, and *The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children* has 117 signatories and 119 states parties.<sup>19</sup>

Along with defining what trafficking in persons constitutes, the *Trafficking Protocol* elaborates on a number of issues essential to halting trafficking. Among these issues are: facilitating the return and acceptance of children who have been victims of cross-border trafficking, prohibiting the trafficking of children for purposes of commercial sexual exploitation of children, exploitative labor practices or the removal of body parts, ensuring that victims of trafficking are protected from deportation or return where there are reasonable grounds to suspect that such return would represent a significant security risk to the trafficked person or their family, and ensuring that definitions of trafficking reflect the need for special safeguards and care for children, including appropriate legal protection.<sup>20</sup> The smuggling protocol, while not placing a particular emphasis on trafficking, does address many of the root causes related to trafficking. The Protocol emphasizes the need to provide migrants with humane treatment, and the need for comprehensive solutions by the international community to combat the smuggling of people, including socio-economic measures that address the root causes of migration.<sup>21</sup>

The trafficking of human beings is considered a different offense than the smuggling of persons, because the trafficking of human beings is usually for the illicit sex trade.<sup>22</sup> Essentially, the smuggling of persons is done to benefit crime syndicates, but the reason is not for illicit sex trade, but rather forced labor.<sup>23</sup> Interpol calls people smuggling the modern day equivalent of slavery, and is usually for monetary gain by the syndicate.<sup>24</sup> According to Interpol, “People smuggling syndicates still benefit from weak legislation, huge profits and the relatively low risk of detection, prosecution and arrest compared to other activities of transnational organized crime.”<sup>25</sup>

### ***International Efforts to Combat Trafficking***

Along with the *Palermo Protocols*, there are a number of other international documents that touch on the issue of trafficking in a broader context of human rights. The International Labour Organization (ILO) administers three conventions that integrate the issue of trafficking into a broader spectrum: Convention 29, *the Forced Labour Convention* (1930); Convention 182, *the Worst Forms of Child Labour Convention* (1999); and Convention 138, *the Worst Forms of Child Labour Convention* (1973).<sup>26</sup> Convention No.182 classifies trafficking among ‘forms of slavery or practices similar to slavery’ and thereby a Worst Form of Child Labour to be eliminated as a matter of urgency, irrespective of the country’s level of development.<sup>27</sup>

The ILO is one of the main organizations dedicated to ending the trafficking in children across the globe. The ILO’s International Programme on the Elimination of Child Labour (IPEC) works on the most basic level to develop all-inclusive programme interventions against child trafficking working within the circumstances of the situations and reality in various countries and regions around the world that lead to child trafficking, “while also taking into account the national, sub-regional and regional specifics of the root causes of children’s vulnerability, mechanisms

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<sup>19</sup> “Signatories to the United Nations Convention against Transnational Crime and its Protocols.” United Nations Office on Drugs and Crime. <http://www.unodc.org/unodc/en/treaties/CTOC/signatures.html>

<sup>20</sup> United Nations High Commissioner for Human Rights. 2002. <http://www.unhcr.ch/html/menu3/b/treaty11a.htm>

<sup>21</sup> Ibid.

<sup>22</sup> Academy for Educational Development. *Prosecution*. 2001.

<sup>23</sup> Interpol. *People Smuggling*. 2008. <http://www.interpol.int/Public/THB/PeopleSmuggling/Default.asp>

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> ILO, Regional Office for Asia and the Pacific. *PREVENTION - Trafficking definition and a Human Rights Approach*. <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/prevention.htm>

<sup>27</sup> ILO. International Programme on the Elimination of Child Labour. <http://www.ilo.org/ipec/areas/Traffickingofchildren/lang--en/index.htm>

and routes used by traffickers, and the nature of exploitation that takes place, as well as the legal and cultural contexts.”<sup>28</sup>

In addition to the IPEC, the ILO has developed programmes on a regional level that work to combat trafficking. One such programme is the Mekong Sub-Regional Project to Combat Trafficking in Women and Children. This project works in China (Yunnan Province), Thailand, Cambodia, Lao Peoples Democratic Republic and Vietnam, and its main objective is to “help eliminate the sexual and labour exploitation of children and women by reducing the vulnerability to human trafficking.”<sup>29</sup>

Alongside the ILO, the Office for the High Commissioner for Human Rights (OHCHR) has addressed the issue of trafficking in a number of different ways. One of the most important is the *2002 Recommended Principles and Guidelines on Human Rights and Human Trafficking* (E/2002/68/Add. 1).<sup>30</sup> This document, as submitted to the Economic and Social Council, outlines four overarching principles and eleven guidelines related to human rights and human trafficking. The Principles addressed are: the primacy of human rights, preventing trafficking, protection and assistance, criminalization, punishment and redress.<sup>31</sup> The guidelines expand upon the principles and lay out actions that should be taken by national governments, along with applicable inter-governmental and non-governmental organizations, in order to combat trafficking.

To monitor and report on the upholding of the human rights and trafficking, the OHCHR established the post of Special Rapporteur on trafficking in persons, particularly in women and children. The mandate of the Special Rapporteur is three-fold:

- Takes action on violations committed against trafficked persons and on situations in which there has been a failure to protect their human rights;
- Undertakes country visits in order to study the situation in situ and formulate recommendations to prevent and/or combat trafficking and protect the human rights of its victims in specific countries and/or regions;
- Submits annual reports on the activities of the mandate.<sup>32</sup> The Special Rapporteur, while formed under the Commission on Human Rights, continues to work with the Human Rights Council and reports to the Economic and Social Council on the work taken around the world to counter trafficking.

The International Organization for Migration (IOM) is another organization that has been particularly active in addressing the scourge of trafficking in a migration context, in all regions of the world. The IOM works with national governments, inter-governmental organizations, and non-governmental organizations to implement strategies that address their three principles of counter-trafficking: respect for human rights, physical, mental and social well-being of the individual and his or her community, sustainability through institutional capacity building of governments and civil society.<sup>33</sup> They have been working since 1994 to counter trafficking in persons, and since that time, “the Organization has implemented almost 500 projects in 85 countries and has provided assistance to approximately 15,000 trafficked persons.”<sup>34</sup>

The areas of work of the IOM in counter-trafficking are numerous. They work to prevent trafficking through “information campaigns in both source and destination countries to educate the general public about trafficking in persons, encourage people to report suspected cases, and equip vulnerable populations with the information

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<sup>28</sup> Ibid.

<sup>29</sup> ILO. Mekong Sub-Regional Project to Combat Trafficking in Women and Children. <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/projectoverview.htm>

<sup>30</sup> Economic and Social Council. *Recommended Principles and Guidelines on Human Rights and Human Trafficking*. [http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/E.2002.68.Add.1.En?Opendocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/E.2002.68.Add.1.En?Opendocument)

<sup>31</sup> Ibid.

<sup>32</sup> Office for the High Commissioner for Human Rights. Special Rapporteur on trafficking in persons, particularly in women and children. <http://www2.ohchr.org/english/issues/trafficking/index.htm>

<sup>33</sup> International Organization for Migration. Counter-Trafficking. <http://www.iom.int/jahia/page748.html>

<sup>34</sup> Ibid.

necessary to better protect themselves from the recruitment tactics of traffickers.”<sup>35</sup> The IOM also works on technical cooperation activities that aim to increase the capacity of states, IGOs and NGOs to address trafficking. This work is undertaken by providing training to government and civil society staff on the best ways to counter trafficking.<sup>36</sup> Providing direct assistance to victims of trafficking, through, among other things, accommodation in places of safety, skills development and vocational training and reintegration assistance, is another important aspect of the IOM’s work in counter-trafficking. In order to centralize the process of direct assistance, the IOM established the Counter Trafficking Module Database, which “serves as a knowledge bank, from which statistics and detailed reports can be drawn, informing research, programme development and policy making on counter trafficking.”<sup>37</sup>

The UNODC is a major contributor as well to anti-trafficking around the globe, through both the monitoring and the implementation of the Palermo Protocols. Their work is also focused on three main areas: prevention of trafficking in persons, protection of victims of human trafficking and the prosecution of trafficking offenders.<sup>38</sup> The UNODC has two main programmes at work: the Global Programme Against Trafficking in Human Beings (GPAT) and the Global Initiative to Fight Human Trafficking (UN.GIFT). The GPAT, along with the UNODC Toolkit to Combat Trafficking in Persons, work to assist governments in their efforts to combat trafficking. The Toolkit in particular “provides practical help to Governments, policy-makers, police, NGOs and others to enable them to tackle human trafficking more effectively.”<sup>39</sup>

UN.GIFT is a major initiative that was launched by the UNODC in an effort to increase international cooperation in the struggle against trafficking. It began in March of 2007 and is managed by the UNODC along with the International Labour Organization (ILO); the International Organization for Migration (IOM); the UN Children’s Fund (UNICEF); the Office of the High Commissioner for Human Rights (OHCHR); and the Organization for Security and Co-operation in Europe (OSCE).<sup>40</sup> There are three main goals of UN.GIFT that drive its work: building awareness; broadening the knowledge base of data, facts and statistics on global trafficking; and stepping up technical assistance.<sup>41</sup> To achieve these goals UN.GIFT works in Africa, Asia, Latin America and Europe, where they hold events and campaigns on the both the sub-regional and country level.

### ***Human Trafficking in the Middle East and Africa***

There is an increasing problem with trafficking in human beings in the Middle East region. Countries such as the United Arab Emirates, Bahrain, Oman and Kuwait have all been recently identified as some of the worst offenders of human trafficking on the United States’ *Trafficking in Persons Report 2007*.<sup>42</sup> This report, used primarily for information purposes, outlines the greatest offenses of human trafficking and those who are involved in it. The report details the atrocities that occur to those forced into labor (usually for no wages in very poor conditions) or the sex trade. These are two of the most common infractions of international law by traffickers of human beings.<sup>43</sup> Many of the people who are forced into the horrors of international human trafficking are promised a better life than what they have currently. These promises of a better quality of life attract many, and by the time the traffickers have transported them to the intended location, it is too late for the person to escape. Human Rights Watch, a leading nongovernmental organization (NGO), has said that in the Middle East domestic work laws exclude protection to

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<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> United Nations Office on Drugs and Crime. *UNODC and Human Trafficking*. <http://www.unodc.org/unodc/en/human-trafficking/index.html>

<sup>39</sup> UNODC. *Toolkit to Combat Trafficking in Persons*. <http://www.unodc.org/unodc/en/human-trafficking/publications.html>

<sup>40</sup> UN.GIFT. *About UN.GIFT*. <http://www.ungift.org/ungift/en/about/index.html>

<sup>41</sup> UN.GIFT. *Goals*. <http://www.ungift.org/ungift/en/about/goals.html>

<sup>42</sup> United States Department of State. *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report 2007*. June 2007. <http://www.state.gov/g/tip/rls/tiprpt/2007/>

<sup>43</sup> Ibid.

women and, women who are brought from other countries are pressured into doing work that they were not informed of previous to their arrival—which makes them victims of trafficking.<sup>44</sup>

To address the increased trafficking in persons in the Middle East, the League of Arab States (LAS), in their Arab Declaration on International Migration, addressed trafficking in the framework of migration. In Article 7 of the Declaration urged Member States to “to adopt necessary and effective procedures and measures and to further coordination to combat and eliminate all forms of human trading and trafficking of immigrants and to protect victims of trading, particularly women and children vulnerable to forced labor.”<sup>45</sup> This recognition by the LAS that the trafficking in persons represents a unique concern to the region shows that the states of the region are working to address the issue and halt its continuation.

In Africa, the main uses of trafficked persons are for young girls and boys who are either sold into child prostitution or into child slavery.<sup>46</sup> The United Nations Educational, Scientific and Cultural Organization (UNESCO) produced a report in 2005 that identified the best practices in Africa to combat human trafficking. The report identifies key offenses, such as parents “placing” their young daughters into what they believe will be a better lifestyle for them, which often turns out very badly for the girls. Because the traffickers gain the parents’ trust and consent, the act of placing not only works to the benefit of the traffickers but also helps to sustain the illicit trafficking of human beings. The parents’ belief is that they’ll be working in the marketplace to pay off debts or make money for the family, and the girls end up being sex slaves.<sup>47</sup> In Benin, 280 children were interviewed by Anti Slavery International, and 75percent said that if their parents asked them to go to work (or, with traffickers in this case), they would.<sup>48</sup> This also increases the illicit trade of human beings.

Various sub-regional organizations in Africa have taken the lead in combating trafficking. The Economic Community of West African States (ECOWAS) adopted the ECOWAS Political Declaration and Plan of Action against Trafficking in Human Beings in 2000.<sup>49</sup> The Plan of Action commits ECOWAS Member States to take vital actions against trafficking in persons, and it calls for all Member States to ratify and fully implement crucial international instruments of ECOWAS and the United Nations that strengthen domestic laws against trafficking and provide protection for victims of trafficking, especially women and children.<sup>50</sup>

### ***Existing Regional Mechanisms***

In China, regional mechanisms to curb human trafficking have recently flourished. The United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP) has achieved in just sixteen months, one of the first successful memoranda of understanding (MOU) on human trafficking and cross border control.<sup>51</sup> The MOU and the associate programme have several main areas of focus. The first, building the knowledge base, aims to increase knowledge of trafficking in China, Lao People’s Democratic Republic, Cambodia, Thailand, Vietnam, and Myanmar, collectively known as the Greater Mekong Sub-region. The second area is

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<sup>44</sup> Human Rights Watch. *Women's Rights in Middle East and North Africa*. 2006. <http://www.hrw.org/women/overview-mena.html>

<sup>45</sup> League of Arab States. *Arab Declaration on International Migration*. 2006.

<sup>46</sup>United Nations Educational, Scientific and Cultural Organization. *Searching for Best Practices to Counter Human Trafficking in Africa: A Focus on Women and Children*. March 2005. <http://unesdoc.unesco.org/images/0013/001384/138447E.pdf>

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> ILO. *ILO Action Against Trafficking in Human Beings*. 2008. [http://www.ilo.org/sapfl/Informationresources/ILOPublications/lang--en/docName--WCMS\\_090356/index.htm](http://www.ilo.org/sapfl/Informationresources/ILOPublications/lang--en/docName--WCMS_090356/index.htm)

<sup>50</sup> United Nations Information Service. *Significant Progress in the Fight Against Trafficking in Human Beings in West African States*. 2001. <http://www.unis.unvienna.org/unis/pressrels/2001/cp400.html>

<sup>51</sup> United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region. *COMMIT Process*. 2005. [http://www.no-trafficking.org/content/COMMIT\\_Process/COMMIT\\_background.html](http://www.no-trafficking.org/content/COMMIT_Process/COMMIT_background.html)



strategic analysis and priority setting, which aims to identify the issues and garner support for the growing problem of human trafficking in the Greater Mekong Sub-region.<sup>52</sup> The third area is for targeted interventions to work on the gaps in support and practices to combat trafficking of human beings, and the fourth area is for advocacy, to raise awareness of the endemic problem of human trafficking in Asia.<sup>53</sup> This mechanism is increasing awareness and helping put an end to the occurrences and problems that human trafficking creates in the Greater Mekong Sub-region.<sup>54</sup>

The Council of Europe (COE) also has integrated a regional mechanism dedicated to halting the illicit trade of human beings. The COE committee of ministers (CM) drafted resolution CM/Res (2008)7, or, Group of Experts on Action against Trafficking in Human Beings (GRETA), and it was recently adopted on June 11, 2008.<sup>55</sup> GRETA was created to uphold the COE's actions against human trafficking. The COE reports that 43 percent of those who fall victim to human trafficking are used for sexual exploitation, and 32 percent for forced labor.<sup>56</sup> These staggering statistics showed the COE the need for increased attention paid to the scourge of human trafficking, and the *Council of Europe Convention on Action against Trafficking in Human Beings* (2005) was drafted.<sup>57</sup> To date, the convention has been ratified by seventeen Member States and signed (but not yet ratified) by another twenty-one Member States. Another nine Member States, including Azerbaijan, Czech Republic, Estonia, Liechtenstein, Monaco, Russian Federation, Spain, Switzerland and Turkey have not signed the convention.<sup>58</sup>

The Organization for Security and Cooperation in Europe (OSCE) for example, a member of the UN GIFT Steering Committee, adopted a comprehensive action plan in 2003 that was adopted by all 56 OSCE member countries and that complements the Palermo TIP protocol. The OSCE Special Representative for Combating Trafficking in Human Beings works with governments to turn their commitments into practice, and identifying new trends or gaps where additional action is needed, including the vulnerabilities of migrants.

In North America, efforts to combat trafficking have been met with varieties of success. In 2000, the United States passed the *Trafficking Victims Protection Act (TVPA)*, which “recognized all aspects of human trafficking as a crime and dramatically increased the penalties for trafficking offenses.”<sup>59</sup> The TVPA also brought U.S. Federal legislation in line with the Palermo Protocols. In order to oversee progress in combating trafficking, the U.S. established the Office to Monitor and Combat Trafficking in Persons. This office works in a number of important areas in combating trafficking, including: Countering Demand-Side Factors that Fuel Sex and Labor Trafficking, Reducing the Demand for Trafficking for Commercial Sexual Exploitation, Reducing the Demand and Raising Awareness on Goods or Services Produced by Forced or Child Labor in Violation of International Standards, Combating Global

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<sup>52</sup> United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region. Aims and Accomplishments. <http://www.un.or.th/TraffickingProject/Aims/aims.html>

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

<sup>55</sup> Committee of Ministers. *Group of Experts on Action against Trafficking in Human Beings (GRETA), Resolution CM/Res(2008)7*. 2008. [https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Res\(2008\)7&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Res(2008)7&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75)

<sup>56</sup> Council of Europe. *Council of Europe's action to combat trafficking in human beings*. 2008. [https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Inf\(2008\)28&Language=lanEnglish&Ver=original&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Inf(2008)28&Language=lanEnglish&Ver=original&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75)

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> U.S. Department of State. *U.S. Government Efforts to Fight Demand Fueling Human Trafficking*. <http://www.state.gov/g/tip/rls/fs/08/100208.htm>

Sex Tourism, Preventing the U.S. Military and Civilian Police from Contributing to Trafficking, and Funding for International Programs to Reduce Demand.<sup>60</sup>

While Canada is not a major destination country for trafficked persons it is a transit country for trafficking into the United States. In order to combat trafficking, the Canadian government formed the Interdepartmental Working Group on Trafficking in Persons (IWGTIP).<sup>61</sup> The IWGTIP works in conjunction with the Canadian Department of Justice and IOM to warn people that could become victims of trafficking.<sup>62</sup> It is composed of sixteen different departments within Canadian government and these include the Canada Border Services Agency (CBSA), Department of Justice Canada (JUS), Department of Foreign Affairs and International Trade (DFAIT), Health Canada (HC) and Human Resources and Skills Development Canada (HRSDC).<sup>63</sup> The main mission of IWGTIP is “to address trafficking including the development, promotion and implementation of a comprehensive anti-trafficking strategy, in keeping with Canada’s international commitments.”<sup>64</sup> The literature produced by IWGTIP is distributed in numerous languages through Canadian missions abroad to warn potential victims of the danger and imminence of trafficking.<sup>65</sup>

### ***Conclusion***

These regional mechanisms serve to detect and warn the international community of the instances of human trafficking—however, until standard policy and similar mechanisms are put in place throughout the international community, it will remain difficult for lawmakers to effectively prosecute, while halting the activities of traffickers. The fact that the victims of human trafficking are often persuaded into the horrors of forced labor by family and other people they trust shows that global consciousness of the event needs to be raised and tailored to the communities that are highly affected. While many international organizations work to combat the illicit trafficking of human beings, it is still a frequently occurring illegal activity. Because the act of human trafficking does not garner much attention compared to other egregious, internationally wrongful acts, it is overlooked, and this only helps to give the traffickers more time and ability to procure their resources—which increases the number of people affected by human trafficking.

### ***Committee Directive***

Delegates should keep in mind the grave nature of the crime of human trafficking. While the problem remains problematic, there is much being done in the international community to halt the illicit trafficking of human beings in the illegal sex trade and for modern day slavery. Delegates should consider implementing stronger regional mechanisms that encourage and require transparency between states and that also emphasize immigrant integration into civil society. How can policy affect the way traffickers recruit victims? Is it possible for international bodies, such as Interpol, to protect or assist victims of human trafficking? What, if any, are the adjustments that need to be made by UNHRC and international community as a whole?

## **II. Human Rights in Post-Conflict Zones**

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<sup>60</sup> Ibid.

<sup>61</sup> Department of Justice Canada. *Trafficking in Persons*. 28 March 2008. <http://www.justice.gc.ca/eng/fs-sv/tp/iwgtip-gtftp.html#iwg2>

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

*“Not only are development, security, and human rights all imperative; they also reinforce each other...Accordingly, we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights.”*<sup>66</sup> Former Secretary-General Kofi Annan

## **Introduction**

Since the end of the Cold War, a pattern of international conflict has emerged in which states intervene militarily in other states in order to protect the human rights of foreign nationals.<sup>67</sup> Humanitarian intervention, as it has been termed, occurs both unilaterally and multilaterally. The United Nations engaged in several humanitarian intervention operations during the latter half of the 20<sup>th</sup> century.<sup>68</sup> Among these were Somalia, Kosovo, and East Timor.

Collective humanitarian intervention represents a reprioritization of international moral norms. Among the arguments for intervention between a state and people (subject to its jurisdiction) are human needs and security.<sup>69</sup> In the realm of international relations, a state's human rights practices impact its commercial and diplomatic statuses with other states. Along with sovereignty and non-intervention, human rights norms are now a part of the collection of principles that govern international relations.<sup>70</sup> Former Secretary-General Kofi Annan once remarked, “State sovereignty, in its most basic sense, is being redefined...At the same time, individual sovereignty...has been enhanced by a renewed and spreading consciousness of individual rights.”<sup>71</sup> This renewal of individual rights has spurred several forceful efforts by the international community to respond to flagrant, repeated violations of human rights in certain countries.

Multilateral humanitarian intervention also represents a change in the use of multilateral force.<sup>72</sup> Theories of the use of force traditionally center on ethnic superiority, territorial expansion, and economic interest. Human rights crisis scenarios such as Rwanda, Somalia, and Kosovo present these theories with difficulties. Did the UN intervene in Somalia because of its sentiments of ethnic superiority? What material gain is there for the international community in intervening in a bloody civil war in a famine and drought-stricken country? Theories of force have evolved to accommodate human rights values. Force as an option in international relations receives a measure of legitimacy when there is a backdrop of human rights grievances. Human rights violations do not provide an unqualified justification for the use of force; rather, they are one of the many reasons the international community applies it. Since its inception, the UN has placed its support behind 63 international military-humanitarian efforts.<sup>73</sup> Thus, the UN recognizes the importance of multilateral force in securing and upholding human rights in areas of conflict.

Of 20 current UN peace missions, including Kosovo, Eritrea, Liberia, and Timor-Leste, 17 have human rights components deployed.<sup>74</sup> Human rights components are support staffs that monitor the human rights situations in

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<sup>66</sup> A/59/2005. *Follow-up to the Outcome of the Millenium Summit*. Report of the Secretary-General to the General Assembly.

[http://www2.ohchr.org/english/bodies/hrcouncil/docs/gaA.59.2005\\_En.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/gaA.59.2005_En.pdf)

<sup>67</sup> Martha Finnemore. *The Purpose of Intervention*. Ithica: Cornell University Press. 2003, p. 52.

<sup>68</sup> *Ibid.*, p.50.

<sup>69</sup> Andrea Talentino. *Military Intervention post-Cold War*. Athens: Ohio University Press. 2005, p. 23.

<sup>70</sup> Jack Donnelly. *International Human Rights*. Boulder: Westview Press. 1993, p.28.

<sup>71</sup> Kofi Annan. “Two concepts of sovereignty.” *The Economist*. September 18, 1999.

<sup>72</sup> Andrea Talentino. *Military Intervention post-Cold War*. Athens: Ohio University Press. 2005, p. 62.

<sup>73</sup> “United Nations Peacekeeping Operations” United Nations.  
<http://www.un.org/Depts/dpko/dpko/bnote.htm>

<sup>74</sup> *Ibid.*

missions, issue public reports, and assist in building national capacities to address human rights violations.<sup>75</sup> Their aim is to ensure that the human rights goals of multilateral peace operations are kept in sight.

### **Legal and Philosophical Origins of Humanitarian Intervention: Just War Tradition & Natural Law**

Most early civilizations internally debated the issue of justifying the use of force. The idea of needing a “just cause” to go to war, and to constrain the use of force, preoccupied the Israeli, Greek, and Roman civilizations, among others. Elaborate political and bureaucratic proceedings for going to war were first developed during the Roman Empire.<sup>76</sup> Throughout the Empire’s history, the proceedings gradually disappeared, yet the idea of just cause continued to be debated by statesmen.<sup>77</sup> The doctrine of *justum bellum*, or just war, began to evolve when Christianity was adopted as the state religion of Rome. Force became just when justified religiously; Romans used this theory of aggression to sanction unchecked atrocities against “barbarian” tribes.

Just War doctrine flourished during the Middle Ages. States and kingdoms based conflicts predominantly on the premise of religious supremacy. Framed as punishment against the wicked, execution of the will of God, or defense on behalf of religiously oppressed peoples, war was seen as a vehicle for religion.<sup>78</sup> Principal thinkers of that era, such as Thomas Aquinas, conceived of the use of force from the perspective of moral theology. This view would change with the development of natural law and the rise of the Member State.

The writings of the Dutch jurist and natural law philosopher Hugo Grotius (1583-1645) altered this tradition. Grotius’ thought was heavily influenced by the revival of humanist classicism that took place in the Middle Ages. Classic anthropocentrism helped reinstall reason and human nature to the center of legal philosophy, rather than Divine Authority, and gave rise to what later became known as natural law. Grotius wove natural law into Divine Order justifications of violence. Without rejecting the authority of God, he supplemented certain legal precepts with natural law bases. He developed a system of rules and authorities of *jus belli*, or law of war, that defined legal behaviors for belligerent and non-belligerent states. Grotius’ system of restitution for wrongs committed did not preclude the use of force.<sup>79</sup> He repudiated the idea that war could be justly waged on those who erroneously interpreted Christianity or who refused to accept it.<sup>80</sup> Grotius’ contention that natural law endows each person with an executive power to assert not only his or her own rights, but the rights of others, laid a foundation for defense on behalf of others.<sup>81</sup> Furthermore, he asserted a right for a sovereign state to wage war to punish for injuries committed against itself, its subjects, or which “excessively (violated) the law of nature or of nations in regard to persons whatsoever”.<sup>82</sup> He identified a “right vested in human society” to intervene in the event that a tyrant “should inflict upon his subjects such a treatment as no one is warranted to inflict.”<sup>83</sup> These claims can be interpreted as early endorsements of the principle of humanitarian intervention.<sup>84</sup>

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<sup>75</sup> “Peace Missions Homepage” United Nations.

<http://www.ohchr.org/EN/Countries/Pages/PeaceMissionsIndex.asp>

<sup>76</sup> Sean Murphy. “Humanitarian Intervention: The United Nations in an Evolving World Order” Philadelphia: University of Pennsylvania Press. 1996: p. 39.

<sup>77</sup> Ibid.

<sup>78</sup> Simon Chesterman. *Just War or Just Peace? Humanitarian Intervention and international law*. Oxford: Oxford University Press. 2001, p. 10.

<sup>79</sup> Ibid., p. 9.

<sup>80</sup> Ibid., p. 11.

<sup>81</sup> Hugo Grotius. *The Law of War and Peace*. New York: Walter J. Black. 1949, p. 263.

<sup>82</sup> Ibid., p. 267.

<sup>83</sup> Ibid., p. 267.

<sup>84</sup> Sean Murphy. “Humanitarian Intervention: The United Nations in an Evolving World Order” Philadelphia: University of Pennsylvania Press. 1996: p. 44.

By the late 1800's, scholars of international law were using the terms "intervention on the ground of humanity" and "intervention on behalf of the interests of humanity."<sup>85</sup> Western Powers alleged their intervention against the Ottoman Empire in 1827 to aid Greek insurgents was humanitarian intervention.<sup>86</sup> The 1860 French occupation of Syria to cease the slaughter of Maronite Christians by Druzes and Muslims was also called humanitarian intervention.<sup>87</sup>

### ***Positivism***

In contrast to the idea that foreign states have a right to intervene between a sovereign and its subjects, positivist legal theory asserts the principle of non-intervention, which emphasizes the inviolability of domestic political systems.<sup>88</sup> The positivist school, which rose in Western thought from the 18<sup>th</sup> century to the early 20<sup>th</sup> century, relies on the practice of states as evidenced by customs and treaties as a source for international law.<sup>89</sup> It views international law purely as a convention between states. Conversely, it rejects the grounding of law in metaphysical principles.<sup>90</sup> Positivism emphasizes the non-recourse to force, the legal equality between states, and respect for diverse cultural traditions. The emphasis on the voluntary will of states corresponds to the ascendancy of the national state over the past four centuries, and "its claims to legal and political supremacy".<sup>91</sup>

The recourse to state practice as evidence of international law led to inconsistent doctrines of *jus ad bellum* (Latin for Justice to War), however. States were free to judge whether or not force was justified. Attempts to weave a universal justification of force made reference to nebulous categories of self-defense, self preservation, rights by treaty, and collective intervention.<sup>92</sup> By the 1800's, in the absence of extensive state practice of humanitarian intervention, its proponents began appealing to notions of justice and humanity.

Positivism helped solidify the places of sovereignty and non-intervention in the international legal culture. In diplomatic practice, these two principles eclipsed human rights principles until the 1990's, when the world witnessed human rights disasters in Iraq, Rwanda, and Yugoslavia. These disasters, which were affronts to international values that developed during the 20<sup>th</sup> century, mocked the "international peace and security" values inherent in the post-World War II UN system and shocked the post-colonial moral conscience, with its human rights concerns. Sovereignty and non-intervention have thus entered into play with international relations theories that give increased priority to the rights of individuals.

### ***History of UN Involvement***

The seeds for UN involvement in domestic jurisdictions are planted in the UN Charter itself. The Preamble reaffirms "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small."<sup>93</sup> One of the purposes of the organization, according to Article 1, is to promote and encourage respect for human rights and fundamental freedoms.<sup>94</sup> And Article 2, while strictly

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<sup>85</sup> Simon Chesterman. *Just War or Just Peace? Humanitarian Intervention and international law*. Oxford: Oxford University Press. 2001, p. 24.

<sup>86</sup> *Ibid.*, 25.

<sup>87</sup> *Ibid.*, 32.

<sup>88</sup> *Ibid.*, p. 16.

<sup>89</sup> Lori Damrosch, et al. *International Law*. St. Paul: West Publishing Company. 2001, xxxi.

<sup>90</sup> *Ibid.*

<sup>91</sup> *Ibid.*

<sup>92</sup> Sean Murphy. "Humanitarian Intervention: The United Nations in an Evolving World Order" Philadelphia: University of Pennsylvania Press. 1996: p. 49.

<sup>93</sup> *Charter of the United Nations*. United Nations. June 26, 1945.

<sup>94</sup> *Ibid.*

conscripting the use of force by member states or the UN, contains an exception that permits the collective security machinery of the UN, in the form of the Security Council, to take economic or military measures against states to restore “international peace and security.”<sup>95</sup>

For roughly the first 50 years of its existence, the United Nations demonstrated a clear reluctance to take any step that might be seen as a violation of the Charter’s prohibition on the use of transnational force. During the Cold War, intervention by states in the domestic jurisdiction of other states was limited to their proper “spheres of influence.”<sup>96</sup> With the General Assembly and Security Council machineries deadlocked, UN intervention occurred only a few times. Of approximately 100 civil wars that occurred between 1945 and 1990, the UN engaged in traditional peace operations (peacekeeping as opposed to peacemaking) in only nine.<sup>97</sup> Only twice, in South Korea and Southern Rhodesia (now Zimbabwe) did the Security Council deploy forces mandated to restore peace and security.<sup>98</sup> Southern Rhodesia was the only case in which the objective was to advance human rights.

Despite the freeze that existed in international relations and decision-making machinery, strides were made within the UN that fostered activism toward the issue of human rights. The General Assembly adopted the Universal Declaration of Human Rights in 1948, which elaborated on the Charter term “fundamental rights and freedoms.” This instrument came to hold political and moral authority over the international community, and is considered by some scholars to have helped elevate human rights in international customary law.<sup>99</sup> Also, the Genocide Convention was adopted in 1948; the Convention on the Political Rights of Women was adopted in 1953; the International Covenant on Civil and Political Rights was adopted in 1963; and the International Convention on the Elimination of All Forms of Racial Discrimination was adopted in 1966.<sup>100</sup> Furthermore, between 1965 and 1974, the General Assembly passed three important resolutions which addressed the principle of non-intervention. Resolutions 2131 and 2625 consider the permissibility of foreign assistance in furtherance of a country’s self-determination.<sup>101</sup> Resolution 3314 considers the permissibility of force used by a people struggling for self-determination, and their right to receive foreign support.<sup>102</sup>

Also during this time, the Economic and Social Council (ECOSOC) established the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities. These bodies assisted in the drafting of various human rights instruments. The Commission on Human Rights also developed an investigation procedure to bring human rights abuses to the attention of the General Assembly and ECOSOC. In 1968, the Security Council’s sanctions against the racist regime of Southern Rhodesia set a precedent that linked a “threat to peace” to the existence of racist internal policies.<sup>103</sup> Deployment of military in Southern Rhodesia can be viewed as early expansion of the Security Council’s mandate to include human rights.

Decolonization, the end of apartheid, and the dissolution of the Soviet Union ushered in a new era for UN intervention. By the late 1980’s, international conscience was increasingly acute to human rights issues. There was a shift in the pattern of conflicts- from interstate wars to internal (domestic, communal) conflict. Former Secretary-

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<sup>95</sup> Ibid.

<sup>96</sup> Sean Murphy. “Humanitarian Intervention: The United Nations in an Evolving World Order” Philadelphia: University of Pennsylvania Press. 1996: p. 85.

<sup>97</sup> Michael Doyle and Nicholas Sambanis. *Making War and Building Peace*. Princeton: Princeton University Press. 2006, pp. 76-81.

<sup>98</sup> Sean Murphy. “Humanitarian Intervention: The United Nations in an Evolving World Order” Philadelphia: University of Pennsylvania Press. 1996: p. 116.

<sup>99</sup> Ibid., p. 120.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

<sup>102</sup> A/9631. *Resolution on the Definition of Aggression*. United Nations General Assembly. December 14, 1974.

<sup>103</sup> Sean Murphy. “Humanitarian Intervention: The United Nations in an Evolving World Order” Philadelphia: University of Pennsylvania Press. 1996: p. 118.

General Boutros Boutros-Ghali's 1992 *Agenda for Peace* outlined the ways in which the UN, acting through the Security Council, would subsequently respond. These ways included preventive diplomacy, the use of force without the host's consent, and infrastructure reconstruction.<sup>104</sup> Between 1987 and 1994, the Security Council quadrupled the number of resolutions it passed, tripled the peacekeeping operations it authorized, and multiplied by seven the number of economic sanctions it imposed per annum.<sup>105</sup> In the same period the annual peacekeeping budget rose from \$230 million to \$3.6 billion.<sup>106</sup> Employing new enforcement and negotiation instruments, the UN adopted a practice of "interventionism" that gave it a monopoly over judgment of claims of sovereignty and the acceptable use of force.<sup>107</sup> Instances of this new interventionism are Liberia, Haiti, Iraq, Somalia, Rwanda, Bosnia, and East Timor.

The background guide proceeds with two representative cases of UN humanitarian intervention in areas of human rights violations. These instances illustrate its recent trend toward a more expansive construction of Security Council mandates to include humanitarian concerns. The efforts include a range of intervention tasks that reflects an unprecedented willingness to address human rights.

### ***Somalia: Making Civil Conflict an International Priority***

Somalia was the first testing ground for multilateral intervention after the Cold War. In 1977, Mohammed Siyad Barre, the dictatorial head of state of Somalia, attempted to militarily acquire the Ogaden Region of Ethiopia, home to many Somalis.<sup>108</sup> He failed to acquire the region, and many Somalis left in it became disenfranchised.<sup>109</sup> As the economy collapsed over the following decade, Barre maintained power by manipulating an elaborate system of clans.<sup>110</sup> He lost control in 1991 when a Hawiye-based insurgency led by Mohamed Farah Aidid and Ali Mahdi drove him out of the country.<sup>111</sup> A civil war erupted when Ali Mahdi declared himself president in the absence of Aidid. Aidid's and Mahdi's forces clashed from November 1991 to March 1992, causing 30,000 to 50,000 deaths.<sup>112</sup> Clan warfare spread from Mogadishu and the south to the north, resulting in a disruption to agriculture and livestock which, compounded by drought, precipitated a famine.<sup>113</sup>

The United Nations Operation in Somalia (UNOSOM) was created to provide pure relief, in the form of food and supplies. Initially, it deployed uniformed and unarmed observers. Yet neither its mandate nor its resources allowed it to deliver aid that was being diverted by militias or protect assistance workers.<sup>114</sup> In response, the Security Council passed Resolution 767, which called for the "general stabilization of the situation in Somalia."<sup>115</sup> An armed security force of 500 was then deployed, which assisted in airlifts.

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<sup>104</sup> Michael Doyle and Nicholas Sambanis. *Making War and Building Peace*. Princeton: Princeton University Press. 2006, p. 10.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid., p. 7.

<sup>108</sup> Taylor Seybolt. *Humanitarian Military Intervention: The Conditions for Success and Failure*. Oxford: Oxford University Press. 2007, p. 52.

<sup>109</sup> Ibid.

<sup>110</sup> Nicholas Wheeler. *Saving Strangers: Humanitarian Intervention in International Society*. Oxford: Oxford University Press. 2000, p. 174.

<sup>111</sup> Ibid., p. 174.

<sup>112</sup> Michael Doyle and Nicholas Sambanis. *Making War and Building Peace*. Princeton: Princeton University Press. 2006, p. 147.

<sup>113</sup> Ibid.

<sup>114</sup> S/Res/751. *Security Council Resolution on Somalia*. Security Council.

<sup>115</sup> S/Res/767. *Security Council Resolution on Somalia*. Security Council.

Late in 1992, cooperation between the UN and clan leaders disintegrated.<sup>116</sup> Clan leaders became more vocal about their willingness to use violence against aid workers. Looting of supplies, banditry, and lawlessness were rampant.<sup>117</sup> On November 29, then Secretary-General Boutros Boutros-Ghali suggested that the Security Council make use of enforcement authority under Chapter VII.<sup>118</sup> On December 3, the Security Council transferred control of UNOSOM to the United States. The US-led Unified Task Force (UNITAF) immediately seized heavy weapons around Mogadishu, reoccupied the airport and seaport, and enforced a cease-fire. UNITAF had a Chapter VII mandate to use all necessary means, including force, “to establish as soon as possible a secure environment for humanitarian relief operations in Somalia”<sup>119</sup> UNITAF operated at a peak strength of 38,000 soldiers from twenty-one countries.<sup>120</sup> It concentrated on logistics as no UN intervention mission before had.<sup>121</sup> UN forces also partook in infrastructure rebuilding.

In April 1993, control of UNITAF was transferred back to the UN, and the second UN Mission in Somalia (UNOSOM II) was underway. UNOSOM II had a broader and more intrusive mandate than its predecessor. It was mandated with economic and social reconstruction, political conciliation, resettlement of refugees, and disarmament.<sup>122</sup> Resolution 814 called for the creation of regional institutions and a civil administration.<sup>123</sup> In the words of one of its authors, United States Ambassador to the UN, Madeleine Albright, UNOSOM II was “an unprecedented enterprise aimed at nothing less than restoration of an entire country”.<sup>124</sup> Resolution 897 included tasks such as the protection and reconstruction of ports and infrastructure, reorganization of Somali police and judiciary, and assisting in the political process.<sup>125</sup> Although progress toward reconstruction and political conciliation was made up until 1993, the UN lacked the resources and consensus to sustain such an ambitious mandate. A series of clashes with Aidid’s forces revealed these problems, and UNOSOM II withdrew in 1995.

In Somalia, justification for intervention initially centered on humanitarian crisis; as construed by political leaders, the purpose of intervention was solely to allow humanitarian assistance to proceed.<sup>126</sup> However, as UNITAF became inextricably involved in local fighting and the death from famine and civil war spiraled out of control, the Security Council broadened the UNOSOM I mandate to encompass not just Mogadishu but the whole country, and to participate in a process of political reconciliation. The goals of intervention shifted from the humanitarian to the political, with a recognition that humanitarian objectives cannot be achieved without political stability. This recognition became a vital premise for subsequent UN interventions.

### ***Bosnia: Furthering the Paradigm of Peacemaking and Rehabilitation***

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<sup>116</sup> Sean Murphy. “Humanitarian Intervention: The United Nations in an Evolving World Order” Philadelphia: University of Pennsylvania Press. 1996: p. 222.

<sup>117</sup> Ibid., p. 223.

<sup>118</sup> Ibid.

<sup>119</sup> S/Res/814. *Security Council Resolution on Somalia*. Security Council.

<sup>120</sup> Taylor Seybolt. *Humanitarian Military Intervention: The Conditions for Success and Failure*. Oxford: Oxford University Press. 2007, p. 55.

<sup>121</sup> Ibid., p. 54.

<sup>122</sup> Michael Doyle and Nicholas Sambanis. *Making War and Building Peace*. Princeton: Princeton University Press. 2006, p. 149.

<sup>123</sup> S/Res/814. *Security Council Resolution on Somalia*. Security Council.

<sup>124</sup> Paul Lewis. “U.N. Will Increase Troops in Somalia.” *New York Times*. March 27, 1993.  
<http://query.nytimes.com/gst/fullpage.html?res=9F0CE2DD1030F934A15750C0A965958260>

<sup>125</sup> S/Res/897. *Security Council Resolution on Somalia*. Security Council.

<sup>126</sup> Andrea Talentino. *Military Intervention post-Cold War*. Athens: Ohio University Press. 2005, p.100.



The Yugoslav state was founded after World War I. It was a federal system of government comprised of six constituent nations- Serbia, Slovenia, Croatia, Macedonia, Montenegro, and Bosnia.<sup>127</sup> Serbs held disproportionate control of the government, army and economy.<sup>128</sup> At the end of World War II, Marshal Bishop Tito attempted to ease ethnic tensions by unifying the constituents under one socialist 'Yugoslav' identity.<sup>129</sup> Under his Socialist Federative Republic of Yugoslavia, each nation had considerable autonomy, with its own banks, armies, and educational and healthcare systems, and they lived peacefully together.<sup>130</sup>

But the death of the visionary Tito in 1981, coupled with the crumbling of economies throughout the decade, eroded federal power and ripened nationalism. Some leaders called for ethnic-based states. The head of the Serbian Communist Party, Slobodan Milosevic, was elected President in 1987 because of his ambition for a Serb-ruled Yugoslavia. In 1991, Slovenia and Croatia declared their independence from Yugoslavia in order to evade Milosevic's 'Greater Serbia.' But Serb-Croats joined in a Serbian campaign to seize the country. In the summer of 1991, the Serbian military and the Yugoslav People's Army (JNA) attempted to occupy Croatia's Hrajina region.<sup>131</sup> War between Croatia and Serbia ensued. Thereafter, Serbia undertook a full-fledged ethnic cleansing campaign in Bosnia and Herzegovina.

The United Nations Protection Force (UNPROFOR) was the UN's first operation in Bosnia. Its mandate was "to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis."<sup>132</sup> In August 1992, in Resolution 770, the Council authorized states to use "all measures necessary" to facilitate aid.<sup>133</sup> UNPROFOR began by assisting in airlifts and protecting airports.<sup>134</sup> In Resolution 776 it received a mandate to protect humanitarian envoys.<sup>135</sup> The Security Council imposed trade sanctions on Serbia-Montenegro on May 30, 1992.<sup>136</sup> Beginning in April 1993, a series of resolutions committed UNPROFOR to guarding "safe areas" that were to be free of hostile acts. These safe areas experienced varying degrees of success.

The intervention of NATO over the next two years brought an end to hostilities. After the Dayton Agreement in November 1995, UNPROFOR was terminated, but UN peacekeeping presence continued with the United Nations Mission in Bosnia and Herzegovina (UNMIBH). In its form and structure, humanitarian intervention through UNMIBH was more comprehensive than any before it. UN personnel formed a civilian administration that participated more deeply in the process of governance than it had in previous missions.<sup>137</sup> It coordinated activities related to humanitarian relief, law enforcement, refugee support, infrastructure rehabilitation, human rights, elections, and economic reconstruction.<sup>138</sup>

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<sup>127</sup> Nicholas Wheeler. *Saving Strangers: Humanitarian Intervention in International Society*. Oxford: Oxford University Press. 2000, p. 244.

<sup>128</sup> Ibid.

<sup>129</sup> Ibid.

<sup>130</sup> Taylor Seybolt. *Humanitarian Military Intervention: The Conditions for Success and Failure*. Oxford: Oxford University Press. 2007, p. 61.

<sup>131</sup> Nicholas Wheeler. *Saving Strangers: Humanitarian Intervention in International Society*. Oxford: Oxford University Press. 2000, p. 246.

<sup>132</sup> S/Res/758. *Security Council Resolution on Bosnia and Herzegovina*. Security Council.

<sup>133</sup> S/Res/770. *Security Council Resolution on Bosnia and Herzegovina*. Security Council.

<sup>134</sup> Taylor Seybolt. *Humanitarian Military Intervention: The Conditions for Success and Failure*. Oxford: Oxford University Press. 2007, p. 64.

<sup>135</sup> S/Res/776. *Security Council Resolution on Bosnia and Herzegovina*. Security Council.

<sup>136</sup> Sean Murphy. "Humanitarian Intervention: The United Nations in an Evolving World Order" Philadelphia: University of Pennsylvania Press. 1996: p. 202.

<sup>137</sup> Ibid., p. 78.

<sup>138</sup> "UNMIBH Homepage" United Nations. <http://www.un.org/Depts/dpko/missions/unmibh/>

### ***Contemporary Human Rights Law***

International human rights law is a diverse and voluminous collection of customs and agreements that aims to establish minimum standards for the treatment of human beings.<sup>139</sup> Human rights instruments are typically viewed as norm-generators. Human rights agreements are not binding and they lack enforcement mechanisms. The core codified international human rights law is known as the International Bill of Human Rights.<sup>140</sup> This set consists of three instruments, namely the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).<sup>141</sup> The Universal Declaration of Human Rights is considered the authoritative expression of the essential liberties and dignity that human rights seek to embrace. The Charter of the United Nations is also a significant codification of human rights law. Article 55 states that the UN “shall promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”<sup>142</sup> Article 50 obliges Member States to take steps to fulfill this obligation.<sup>143</sup> Today, the number of multilateral human rights instruments numbers well over 100, most of which are UN agreements.<sup>144</sup> They address human rights that are social, political, economic, racial, religious, labor-related, health-related, educational, war-related, gender-related, child-related, and psychological.

### ***Humanitarian Intervention under Charter Law***

The post-Cold War era has been notable for a shift from interstate conflicts to intrastate conflicts.<sup>145</sup> Internal conflicts pose a problem for the international legal order because of prevailing UN-era arguments of non-intervention by external states. The international community has an interest in maintaining peace and security yet it must constrain its involvement so as to not “interfere” in the inviolable domestic jurisdiction.<sup>146</sup> Horrific crimes against humanity near the end of the 20<sup>th</sup> century put pressure on the legal constraints that limit intervention in internal affairs. These events, as well as atrocities that continue today, have helped give rise to the doctrine of humanitarian intervention.<sup>147</sup>

The main codified international law regarding the legality of humanitarian intervention is Article 2 and Chapter VII of the UN Charter. Article 2, Section 4 of the Charter is commonly referred to as the non-recourse to force clause. It prohibits force (or the threat thereof) that subverts territorial integrity or political independence of any state.<sup>148</sup> Another important phrase of Article 2, Section 4 is “...in any manner inconsistent with the Purposes of the United Nations.”<sup>149</sup> The prevailing interpretation of the non-recourse to force clause is a broad one. It states that, because force naturally contravenes the territorial integrity and political independence of any state, it is impermissible in

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<sup>139</sup> Ibid., 591.

<sup>140</sup> Ibid., 591.

<sup>141</sup> Ibid., 591.

<sup>142</sup> *Charter of the United Nations*. United Nations. June 26, 1945.

<sup>143</sup> Ibid.

<sup>144</sup> “International Human Rights Instruments” University of Minnesota Human Rights Library.  
<http://www1.umn.edu/humanrts/instree/ainstls2.htm>

<sup>145</sup> Lori Damrosch, et al. *International Law*. St. Paul: West Publishing Company. 2001, p. 980.

<sup>146</sup> Simon Chesterman. *Just War or Just Peace? Humanitarian Intervention and international law*. Oxford: Oxford University Press. 2001, p. 45.

<sup>147</sup> Lori Damrosch, et al. *International Law*. St. Paul: West Publishing Company. 2001, p. 980.

<sup>148</sup> *Charter of the United Nations*. United Nations. June 26, 1945.

<sup>149</sup> Ibid.

virtually every case.<sup>150</sup> Another broad interpretation states that, read together, the terms “territorial integrity” and “political independence” are synonymous with territorial inviolability, which is absolute.<sup>151</sup> Alternatively, there are restrictive readings of Article 2, Section 4 that permit limited interventions. In these readings, genuine humanitarian intervention is outside the scope of “territorial conquest or political subjugation.”<sup>152</sup> Restrictive readings rely on the phrase “...in any manner inconsistent with the Purposes of the United Nations.”<sup>153</sup> This phrase can imply the legality of force intended to uphold other Charter values, such as human rights.<sup>154</sup>

Chapter VII gives the Security Council authority to determine the existence of threats to peace and aggressive acts, and to decide measures to take to restore international peace and security.<sup>155</sup> The importance of these powers is that they allow the authorization of enforcement measures, such as humanitarian intervention, that conflict with the domestic inviolability inscribed in Article 2. The critical task, then, is to decide what constitutes a threat to international peace and security. Since the early 1990s, the Security Council has determined threats of international peace and security to exist in a broad and disparate range of circumstances.<sup>156</sup> At the inaugural Security Council Summit on 31 January, 1992, heads of state issued the following statement: “The absence of war and military conflicts amongst States does not in itself ensure international peace and security. The non-military sources of instability in the economic, social, humanitarian and ecological fields have become threat to peace and security.”<sup>157</sup> Subsequent Security Council resolutions demonstrate a conceptualization of international peace and security that has greater inclusion of humanitarian concerns. In Resolution 733 on Somalia, the Council determined that “heavy loss of life and widespread material damage resulting from conflict in the country, with “consequences on the stability and peace of the region” constituted a threat to international peace and security.<sup>158</sup> Resolution 794 stated “the magnitude of human tragedy, further exacerbated by the obstacles being created to the distribution of humanitarian assistance, constitute a threat to international peace and security.”<sup>159</sup> In Resolution 771 on Yugoslavia, the Council determined that widespread violations of humanitarian law, mass killings, and “ethnic cleansing” threatened international peace and security.<sup>160</sup>

### ***Human Rights Law and Chapter VII Justifications***

The Security Council determinations previously discussed reflect an expansive definition of peace and security which incorporates notions of social well-being and enjoyment of human rights.<sup>161</sup> Domestic jurisdiction does not insulate human rights violations from international intervention. International peace and security does not simply mean transborder tranquility, but internal stability and social welfare as well. This conceptualization incorporates

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<sup>150</sup> Simon Chesterman. *Just War or Just Peace? Humanitarian Intervention and international law*. Oxford: Oxford University Press. 2001, p. 48.

<sup>151</sup> *Ibid.*, 50.

<sup>152</sup> *Ibid.*, 51.

<sup>153</sup> *Charter of the United Nations*. United Nations. June 26, 1945.

<sup>154</sup> Simon Chesterman. *Just War or Just Peace? Humanitarian Intervention and international law*. Oxford: Oxford University Press. 2001, p. 51.

<sup>155</sup> *Charter of the United Nations*. United Nations. June 26, 1945.

<sup>156</sup> *Ibid.*, p. 128.

<sup>157</sup> S/PV.3046. Provisional Verbatim Record of 1<sup>st</sup> Security Council Summit.

<sup>158</sup> Resolution 733. *Security Council Resolution on Somalia*. Security Council.

<sup>159</sup> Resolution 794. *Security Council Resolution on Somalia*. Security Council.

<sup>160</sup> Resolution 771. *Security Council Resolution on Yugoslavia*. Security Council.

<sup>161</sup> Brian Lepard. *Rethinking Humanitarian Intervention: A Fresh Legal Approach Based on Fundamental Ethical Principles in International Law and World Religions*. University Park: Pennsylvania State University Press. 2002, p. 161.

norms and principles of contemporary human rights law.<sup>162</sup> For example, the Universal Declaration on Human Rights draws a link between human rights and international peace in its preamble: “the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation for freedom, justice, and peace in the world...”<sup>163</sup> The International Convention on the Elimination of All Forms of Racial Discrimination relates discrimination to national and international peace and security.<sup>164</sup> The Declaration on the Granting of Independence to Colonial Countries and Peoples relates world peace to political subjugation and impediments to freedom.<sup>165</sup> As evidenced by recent Chapter VII resolutions, the Security Council has to some extent internalized humanitarian notions in its debate over intervention.

Security Council determinations regarding Chapter VII intervention have also made use of the concepts of consistency and grossness which developed in customary human rights law. According to customary human rights law, a violation is gross “if it is particularly shocking because of the importance of the right or the gravity of the violation.”<sup>166</sup> Such violations include, but are not limited to, systematic harassment, invasion of privacy of the home, arbitrary detention, disproportionate punishment, mass uprooting of a population, and invidious racial or religious discrimination.<sup>167</sup> Another term of customary international law, “crimes against humanity,” is the class of human rights most often invoked for humanitarian intervention. It is not an official legal term, however. It has roots in the human rights atrocities of the Holocaust. It refers to violations of human rights which, for their consistency and grossness, are deeply morally repugnant to the international community, and virtually oblige the international community to respond to them.

### **Conclusion**

Humanitarian intervention is a multi-faceted subject. It is a legal, political, military, and ethical debate. It forces us to think about the rules of sovereignty, non-use of force, and non-intervention. It forces us to think about the tension between those rules and the principles of international peace, collective security, and human rights. It also forces us to interpret international agreements, to assess the present state of humanitarian law, and to make decisions about how we, as nations, will employ humanitarian law for the justification of forceful intervention. As many global leaders have stated, this is an era in which the rights of individuals place considerable strain on traditional notions of sovereignty and the prohibition of force. When do human rights violations forfeit the right of a government to treat its citizens with sovereign immunity? Are there exceptions to the prohibition of force?

### **Committee Directive**

As members of the United Nations Human Rights Council, be aware that your debate will be narrowly confined. You will focus only on the legal and ethical aspects of humanitarian intervention. You will discuss the following questions: A) To what extent *should* human rights compel UN humanitarian intervention? B) What international human rights norms, from customary or codified law, should be built into intervention policy? C) Do any specific human rights or groups of rights constitute *ipso facto* justifications for humanitarian intervention? D) Is the current collection of human rights instruments sufficient-- in its volume, breadth, or depth-- to create standards which the UN must commit to upholding? E) Should there be an international human rights instrument which makes a connection between individual rights and a threshold for intervention? F) How should “crimes against humanity” be constructed so as to make its individual crimes addressable?

In the course of debate, you should be careful to not delve into aspects of the debate which are the proper territory of the General Assembly or Security Council. For example, you should not debate the efficacy of intervention as a

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<sup>162</sup> Ibid., p. 168.

<sup>163</sup> *Universal Declaration of Human Rights*. United Nations General Assembly. December 10, 1948.

<sup>164</sup> *Convention on the Elimination of All Forms of Discrimination*. United Nations General Assembly. January 4, 1969.

<sup>165</sup> *Declaration on the Granting of Independence to Colonial Countries and Peoples*. United Nations General Assembly. 1961.

<sup>166</sup> Lori Damrosch, et al. *International Law*. St. Paul: West Publishing Company. 2001, p. 604.

<sup>167</sup> Ibid., 604.

means of fulfilling humanitarian ends. You should not debate the legitimacy of humanitarian intervention under the UN Charter. You should not make determinations that are within the jurisdiction of the Security Council, such as whether a present set of circumstances falls under Chapter VII. Rather, as human rights experts, your job is to elaborate an understanding of human rights which your state believes is sufficient for intervention to be considered “humanitarian.” This is largely a normative debate. Your focus is on substantive international humanitarian law and its interpretations. To bring intervention within the umbrella of humanitarian intervention, what principles, norms, or violations should policymakers take into account? When should human rights violations warrant peacekeeping, peacemaking, rehabilitation, or reform?

### III. Promoting Sustainable Human Development through Empowerment

*"Sustainable development is...development that meets the needs of the present without compromising the ability of further generations to meet their own needs." World Commission on Environment and Development<sup>168</sup>*

#### **Introduction**

When talking about the promotion of human rights, development and empowerment are two topics that are frequently discussed. Human development is at the basis of all human rights instruments and concerns the work of numerous agencies of the United Nations, nongovernmental organizations (NGOs), and intergovernmental organizations (IGOs). The United Nations Development Programme (UNDP) affirms the inextricable link between development and human rights, stating that:

“Sustainable human development seeks to expand choices for all people—women, men and children, current and future generations—while protecting the natural systems on which all life depends. Moving away from a narrow, economy-centered approach to development, sustainable human development places people at the core, and views humans as both a means and an end of development.”<sup>169</sup>

The combination of sustainable development and human rights is a necessity to Member States. Not only does measurable human development promote well being, it also helps to instill the values that will help to promote, increase and stabilize development in the areas that need it most. UNDP calls human rights and sustainable human development both “interdependent and mutually reinforcing,” and that is one of the key issues that need to be kept in mind when approaching sustainable human development.<sup>170</sup>

The rights associated with sustainable human development and empowerment are protected by such documents as the Universal Declaration of Human Rights (1948), the International Covenant on Cultural, Economic and Social Rights (1966) and many other human rights documents. The ones most often brought up in empowerment discussions, however, are those concerned with education, sexual and reproductive rights, and increased employment.<sup>171</sup> The United Nations Human Rights Council (UNHRC), and its predecessor, the United Nations Commission on Human Rights (UNCHR), have worked alongside numerous other UN organizations, including United Nations Development Fund for Women (UNIFEM) and UNDP. The work of these organizations is integral to the success of human development, and empowerment is the key element to the success.

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<sup>168</sup> World Commission on Environment and Development. (1987). *Our Common Future*. <http://www.worldbank.org/depweb/english/sd.html>

<sup>169</sup> United Nations Development Programme. (January 1998). *Integrating human rights with sustainable human development: A UNDP policy document*. [http://www.undp.org/governance/docs/HR\\_Pub\\_policy5.htm](http://www.undp.org/governance/docs/HR_Pub_policy5.htm)

<sup>170</sup> Ibid.

<sup>171</sup> Ibid.

Efforts made by the UN to protect rights to development were sealed in the Declaration on the Right to Development (1986).<sup>172</sup> Article 4 states, in no uncertain terms, that not only is the right to development a protected and inalienable right, but that governments must also do their share to protect this right and access to it.<sup>173</sup> Not only is state and regional level cooperation important, but the Declaration on the Right to Development also states that a certain level of international cooperation is necessary for “providing these countries with appropriate means and facilities to foster their comprehensive development.”<sup>174</sup>

### ***UNDP and Human Rights***

When discussing human rights vis-à-vis development, it is important to include in the discussion the United Nations Development Programme. This is especially necessary as the UNDP’s main goals are to foster and sustain development. As such, the UNDP protects and promotes human rights through the protection of the right to development.<sup>175</sup> The current directive for UNDP and sustainable human development includes the creation of a framework that focuses on the strengths of UNDP’s anti-poverty and sustainable development work, including their work with environmentally sustainable programs, rights of women and children, education, and good governance programs.<sup>176</sup> All of these things combined create a solid foundation for the work of UNDP. These things combined will help the other UN bodies concerned with the advancement of human rights through sustainable human development, such as the UNHRC and UNIFEM.<sup>177</sup>

Good governance is an important aspect in the dialogue regarding human development—if a country is limited in its governance skills, it will not be able to protect or sustain any worthwhile development.<sup>178</sup> The UNDP has a multilevel plan of action that helps governments to start making progress in the area of sustainable human development. The plan includes the elimination of poverty; targeting disenfranchised groups such as women, children, migrant workers; promoting participation in civil society and partnerships with nongovernmental organizations (NGOs); targeting issues of governance (corruption, the rule of law, participation, democratization and accountability); and, more recently, the support and monitoring of judicial systems.<sup>179</sup>

A strong foundation is important to development and sustainability. Part of what creates an unstable environment that precludes sustainable progress is extreme poverty and lack of opportunity to change. A strong foundation is vital to the future of the work of the bodies that seek to instill the core values and knowledge in populations in desperate need of a strong foundation for sustainable development.

### ***Community Driven Development***

Among the organizations working to strengthen the community is the World Bank, which has established the Community Driven Development (CDD) program. The CDD seeks to alleviate the problems that stem from the previously mentioned issues: extreme poverty, lack of employment, lack of opportunity, poor education systems, and

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<sup>172</sup> United Nations High Commissioner for Human Rights. (4 December 1986). *Declaration on the Right to Development (A/RES/41/128)*. <http://www.unhchr.ch/html/menu3/b/74.htm>

<sup>173</sup> Ibid.

<sup>174</sup> Ibid.

<sup>175</sup> United Nations Development Programme. (January 1998). *Integrating human rights with sustainable human development: A UNDP policy document*. [http://www.undp.org/governance/docs/HR\\_Pub\\_policy5.htm](http://www.undp.org/governance/docs/HR_Pub_policy5.htm)

<sup>176</sup> Ibid.

<sup>177</sup> World Bank. *Community Driven Development*. (2008). <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALDEVELOPMENT/EXTCDD/0,,menuPK:430167~pagePK:149018~piPK:149093~theSitePK:430161,00.html>

<sup>178</sup> United Nations Development Programme. (January 1998). *Integrating human rights with sustainable human development: A UNDP policy document*. [http://www.undp.org/governance/docs/HR\\_Pub\\_policy5.htm](http://www.undp.org/governance/docs/HR_Pub_policy5.htm)

<sup>179</sup> Ibid.

many others.<sup>180</sup> Community Driven Development focuses on the empowerment of citizens by rearranging the channel of power, placing decision making opportunities into the community. This allows the CDD to create the ability for the majority voice to be heard, which in turn affects and encourages sustainable development. The CDD model establishes standards and practices to incorporate into areas of need.<sup>181</sup> The World Bank has developed a list of principles and guiding themes, used to make the transition to a CDD more successful, which are detailed in Table 1, below.

**Table 1. Community Driven Development Principles**

<b>Community Driven Development Principle</b>	<b>Description of Principle's Goal</b>
1. Make investments responsive to informed demand.	Programme rules should facilitate informed choice so communities can select priority options and enterprises that are within their capacity and that they can afford to operate in the long run.
2. Build participatory mechanisms for community control and stakeholder involvement.	Involvement of all stakeholders should be sought throughout all phases of the CDD project cycle.
3. Invest in capacity building of community-based organizations (CBOs).	Building the capacity of CBOs and fostering relationships with formal support institutions are productive investments in themselves, but should include explicit exit strategies.
4. Facilitate community access to information.	Facilitating flows of information with all groups in a community in terms of programme contents and rules, linkages with government and markets, and good practices of CBOs is an essential component of CDD.
5. Develop simple rules and strong incentives supported by monitoring and evaluation.	Community access to resources should be governed by simple rules and procedures that are easy for communities to interpret and apply. Participatory monitoring and evaluation is an important tool for community assessment of its own performance.
6. Establish enabling institutional and policy frameworks.	Fostering an enabling environment includes: (i) responsive decentralized local governments and inter-governmental arrangements; (ii) a conducive legal and regulatory framework that supports community action; and (iii) clear sector policies with well defined roles and responsibilities for key players in each sector.
7. Maintain flexibility in design of arrangements and innovation.	Programme design should be reviewed and adjusted periodically, as necessary. Procedures should ensure direct feedback from the community on programme performance that can feed into project restructuring.
8. Ensure social and gender inclusion.	Explicit gender-sensitive approaches are needed to ensure that CBOs incorporate the interests of groups that are often excluded, including women, minority groups, remote communities, and the poorest women and men.

<sup>180</sup> World Bank. *Community Driven Development*. 2008. <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALDEVELOPMENT/EXTCDD/0,,menuPK:430167~pagePK:149018~piPK:149093~theSitePK:430161,00.html>

<sup>181</sup> "Community Driven Development: Broadening Community Authority and Control Over Decisions and Resources." Social Development Department, The World Bank. <http://www.comminit.com/en/node/201174>

9. Design for scaling-up.	To have a broader impact on a country's poverty, CDD needs to spread simultaneously in many communities, while respecting the unique features of specific communities. Key aspects of design for such scaling-up include mobilizing administrative and political support, adopting decentralized approval and disbursement processes, devolving responsibilities to communities, clustering programme activities, keeping procedures simple, monitoring and evaluating both processes and outcomes, and promoting networks among CBOs.
10. Invest in an exit strategy. Exit strategies for external support are vital.	Permanent institutional and financial arrangements are required for recurrent services, at a cost that can be supported over the medium and long term.

**Source: World Bank<sup>182</sup>**

In recent years, CDD has been one of the main tools for NGOs to empower populations to work for their own better future. The World Bank (WB) is one of the main proprietors of CDD, and their definition states that

CDD is an approach that gives control over planning decisions and investment resources to community groups and local governments. CDD programs operate on the principles of local empowerment, participatory governance, demand-responsiveness, administrative autonomy, greater downward accountability, and enhanced local capacity.<sup>183</sup>

This community based integrated approach to sustainable development combines many aspects into a successful program where those involved can identify and resolve issues within the community from a sustainable development standpoint.<sup>184</sup>

These types of programs not only work to give underdeveloped areas the assistance they need, but they also empower the local populations to work toward the solution themselves. This ultimately leads to a more stable and successful solution to development issues in the long run.<sup>185</sup> Not only does CDD work to empower the populations that it directly affects, it also starts the sustainable development from the bottom of the chain and works up towards the policy makers, instead of waiting for the effects of the policy to trickle down to those who need it most.<sup>186</sup>

***CDD Models***

Models of successful CDD projects are becoming numerous in the international community. The WB has projects that are active in Brazil, Macedonia, Malawi, Venezuela, Nicaragua, Yemen and Mozambique.<sup>187</sup> These projects are focused on involving the people, not the governments, in development projects. The WB refers to these projects as

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<sup>182</sup> "Community Driven Development: Broadening Community Authority and Control Over Decisions and Resources." Social Development Department, The World Bank. <http://www.comminit.com/en/node/201174>

<sup>183</sup> Ibid.

<sup>184</sup> Ibid.

<sup>185</sup> Ibid.

<sup>186</sup> Ibid.

<sup>187</sup> Helling, L., Serrano, R., Warren, D. (September 2005). *Linking Community Empowerment, Decentralized Governance, and Public Service Provision Through a Local Development Framework*. <http://siteresources.worldbank.org/INTCDD/544090-1138724740952/20802848/decnetralization05.pdf>



“decentralized governance” projects.<sup>188</sup> The term decentralized is used operatively by the WB to refer to “policies and processes that shift the locus of decision-making and management to the local level.”<sup>189</sup> Again, these projects seem to see better and more efficacious results because of the fact that they employ the populations they are trying to assist. The September 2005 report by the World Bank, *Linking Community Empowerment, Decentralization, Governance, and Public Service Provision through a Local Development Framework*, states that:

Until recently, the governments of developing countries have employed conventional public sector organizations—sectoral agencies and local governments—to expand access to infrastructure and services in all parts of the national territory. When it became clear that these two approaches were not fully meeting the demand for basic services among the majority of residents, governments and their international partners developed new community-level approaches to accelerate investment and target resources more effectively at the community level.<sup>190</sup>

These local programs not only empower the communities that they strive to assist, but they also teach the governments to work with their communities that need the help the most. The governments need the help because the way they approach localized development is an uneven approach that focuses on one aspect or another too heavily, such as a heavy planning approach or a heavy emphasis on growth and private production.<sup>191</sup>

### **Indonesia**

In Indonesia, the WB helped establish the Kecamatan Development Program (KDP).<sup>192</sup> This program has grown so rapidly that it is now employed at a national level (kecamatan means sub-district) from 25 villages in 1997 to over 28,000 in 2003.<sup>193</sup> The KDP was intended to be a pilot program that would show how CDD initiatives could help to reduce poverty and increase sustainability in rural areas.<sup>194</sup> Part of what made KDP so successful was an adaptable structure that, unlike most government programs, put the money intended to make KDP function directly into the hands of the villagers.<sup>195</sup> The KDP has had so much success because it works to combine so many of the important aspects of CDD—it has a community support approach that are specialized for the political, social, cultural and institutional particulars that make up the communities of rural Indonesia.<sup>196</sup>

The KDP framework has not only worked to empower the local populations in all aspects, but it has also strengthened the link between municipal government and national government and increased participation in local government.<sup>197</sup> This has created a kind of federalist system in Indonesia, and has worked to harmonize the actions of Indonesia’s federal government and the actions of the districts through KDP.<sup>198</sup> Along with harmonizing the actions and policies of municipalities (or in this case, the sub-districts) and the federal government, the CDD

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<sup>188</sup> Ibid.

<sup>189</sup> Ibid.

<sup>190</sup> Ibid.

<sup>191</sup> Ibid.

<sup>192</sup> Ibid.

<sup>193</sup> Guggenheim, S., Prasta, Y., Wiranto, T., Wong, S. (25 May 2004). *Indonesia’s Kecamatan Development Program: A Large Scale Use of Community Development to Reduce Poverty*. <http://info.worldbank.org/etools/docs/voddocs/610/1184/case-summ-Indonesia-Kecamatan.pdf>.

<sup>194</sup> Ibid.

<sup>195</sup> Ibid.

<sup>196</sup> Ibid.

<sup>197</sup> Ibid.

<sup>198</sup> Ibid.

projects that are akin to KDP work to ensure that none of the sub-districts are reliant on each other by using a tiered system for organizing the way the CDD project is set up.<sup>199</sup>

The CDD projects like KDP are set up on a multi-level system that works with the communities to guarantee the program's success. First, every sub-district is assigned a bank account that is unique unto its respective sub-district (thereby minimizing reliance on other sub-districts).<sup>200</sup> Second, the system put in place for use in the KDP project is tried and true—the World Bank has used this “bottom up planning” in several developmentally deprived areas over many years, and instead of putting in place a wholly new system, it is built loosely upon the government's existing structures.<sup>201</sup> The next step in the KDP “scale-up” project (called scale up because of the growth experienced by the KDP in its formative years) was to shift management responsibilities from a centralized location to a more regional location—which furthered the decentralization goals and helped the government's push for involving the communities in development.<sup>202</sup>

After the decentralization goals were well underway, the fourth step in the project was to introduce a sanctions and incentives program. This helped to guide local government into not mishandling or overtaking the project and to further the goals of Indonesia's planned reform of local government as well.<sup>203</sup> The fifth stage of the scale-up was to outsource all of the technology work.<sup>204</sup> This proved to be more difficult than originally planned because it is highly contentious both within the Indonesia government and to the World Bank itself.<sup>205</sup> The report states, “however, all technical, managerial and social services in KDP are purchased on national and local markets, not from civil servants. Among its other advantages, using private [technology] providers lets KDP scale-up a lot more quickly than if existing government employees needed to be redeployed or retrained.”<sup>206</sup> So outsourcing, while contentious, helps the growth of the program and ultimately meets the needs of all involved parties. The last goal of the scale up is the retention of the high level of transparency. Indonesia has a weak system in place for regulating the potential corruption that takes place in small scale, publicly run, quasi-governmental projects, like KDP, and the high level of transparency, along with a rigorous and extensive planning process helps to self-regulate the program and keep the opportunities for corruption low.<sup>207</sup>

Success with the program for KDP as well as with its rules and regulations, has allowed this system to be easily transplanted to other regions that are in extreme need of development. It works with the local populations so the people are directly involved with their government's decision-making processes and helps to fulfill a basic human need: the one that makes all humans feel worthwhile and makes them responsible for that feeling of worth.

### ***Conclusion***

Communities in dire need of development assistance are provided for by numerous international organizations that provide support through programs that increase availability of employment and education and also by strengthening governance and revamping civil society so that it works for the people and communities that need it most. Initiatives like the World Bank's CDD programs that are put in place to help involve the communities and work

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<sup>199</sup> Ibid.

<sup>200</sup> Ibid.

<sup>201</sup> Ibid.

<sup>202</sup> Ibid.

<sup>203</sup> Ibid.

<sup>204</sup> Ibid.

<sup>205</sup> Ibid.

<sup>206</sup> Ibid.

<sup>207</sup> Ibid.

from a bottom up policy perspective instead of a top down one give the rural communities a chance to create their own opportunities and works toward empowering the populations the program strives to assist. Other international organizations, like the UNDP and their protection of human rights in development situations, work with these projects to ensure their integrity and availability. While funds are usually limited and oftentimes so is the willingness to participate, it can be deduced that small scale, growth oriented projects can work to empower and change the international landscape in developing countries, as long as human rights, education, and employment are the main focus of the organizations that perform the work that needs to be done to make them successful programs.

### ***Committee Directive***

Sustainable development can be interpreted as many things to many people, in what ways are your citizens lives enhanced by these practices? What aspects of human rights needs to be considered when discussing the topic of future development? To begin delegates could implore the use of the model KDP, to look for a way to promote human development through empowerment. Because this model is used successfully in many different regions, delegates can use its form and functions to develop another model that can be put in place by the UNHRC.

The availability of the newly formed UNHRC with issues of development and empowerment can be a great tool for the organizations such as the World Bank or UNDP that are already becoming involved on a local level with community based development projects. The UNHRC can offer its resources to help ease the issues that may arise in new areas participating in development programs. Delegates should remember that there are potential issues with these projects, such as unwillingness to participate on the community level, government hesitation to become involved with such a large undertaking (these programs require a great deal of transparency, trust and motivation)—will all governments that need community based programs be willing to provide these things?

In regards to further improving the development of all Member States, what, if any, human rights are put in jeopardy? What groups (be it age, gender, race, religion, etc.) are most in need of empowerment to offset the obstacles they encounter? How has your country dealt with the empowerment of the minority and what success has it had for the majority? While the KDP model has been successful, are there aspects that need to be examined or reconsidered? Delegates should be careful not to impede any of provisions of the Universal Declaration of Human Rights.

## Technical Appendix Guide

### Topic I. Combating Human Trafficking Through Regional Mechanisms

Angel Coalition. (2005, August 1). *Resource Book for Working against Trafficking in Human Beings in the CIS and the Baltic Sea Region*. Angel Coalition. <http://www.angelcoalition.org/pdf/2005ResourceBookENG.pdf>

The Angel Coalition is a women's organization in Russia. It is the first of its kind registered in Russia, and it works toward the promotion of women's rights. This resource guide is a collection of various NGOs throughout the Baltic area and regions of the former Soviet Union—it is intended to promote capacity building measures in the arena of human trafficking. The vast collection of information was written in collaboration between two NGOs who focus on women trafficking. Delegates should look at the different NGOs listed in the guide and their purposes. It is important to take notice of the numerous groups that specialize in different areas of human trafficking, such as repatriation and also the psychological damages done to women.

Australian Government. (2006). *Asia Regional Trafficking in Persons (ARTIP) Project: An AusAID Project*. [http://www.artipproject.org/artip/01\\_aboutartip/index.html](http://www.artipproject.org/artip/01_aboutartip/index.html)

Established and funded by the Australian government, the ARTIP project is a working relationship between the nations of Cambodia, Thailand, Lao PDR and Myanmar. Recently, ARTIP expanded its activities to include Indonesia. It focuses on the criminal justice portion of the human trafficking dilemma as the countries assist each other in areas such as providing specialized police forces, training lawyers and judges and stricter penalties for traffickers. ARTIP follows the previous regional initiative of the Asia Regional Cooperation to Prevent People Trafficking (ARCPPT) which focused on the collaboration of police, courts and human trafficking and lasted between 2003 and 2006. ARTIP also works closely with other ASEAN groups to fulfill its mandate, such as Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT).

Laczko, Frank and Marco A. Gramenga. (Summer/Fall 2003). Developing Better Indicators of Human Trafficking. *The Brown Journal of World Affairs*, 10(1), 179-194. Watson Institute. <http://www.watsoninstitute.org/bjwa/archive/10.1/SexTrafficking/Laczko.pdf>

With any issue involving migration of people, accurate indicators are a necessity. Due to such issues as the lack of an internationally agreed upon definition of human trafficking and poor tracking of the instances human trafficking, policy makers do not have the proper tools to establish long term solutions. It is essential that the global community agree on a standard for gathering information that can be utilized interchangeably between nations and regions. The authors start by discussing the difficulties of defining human trafficking and head into the discussion of the reasons for underreporting and conclude with their recommendations on better fact gathering.

Ripperger, S. (2008, April 28). *Europe Reconsiders Prostitution as Sex Trafficking Booms*. Deutsche Welle. <http://www.dw-world.de/dw/article/0,2144,3283530,00.html>

This article shows how women are lured into the lucrative and horrific sex trade in Europe. Since the numbers of women that are victimized for the sex trade are steadily increasing, many nations in the European Union are rethinking their prostitution laws, in an attempt to lower the numbers of those who are forced into prostitution.

United Nations Children's Fund. (2005, March). *Trafficking in Human Beings in South Eastern Europe*. United Nations Children's Fund. [http://www.unicef.org/ceecis/Trafficking\\_Report.2005.pdf](http://www.unicef.org/ceecis/Trafficking_Report.2005.pdf)

This trafficking report, published by UNICEF, focuses on the nations of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Former Yugoslav Republic of Macedonia, Moldova, Romania, Serbia & Montenegro and the United Nations Administered Province of Kosovo. This joint collaboration between various UN agencies focuses on the prevention via awareness and re-integration. There are three main areas identified as necessary for slowing down the rate of human trafficking—prevention programmes (not allowing such easy migration into nations), awareness of trafficking in societies, and empowerment of the *victim and*

providing life skills. Particular attention should be placed on the end of the report, where nations have described their specific action plans listed out including the partners and objectives.

United Nations Economic and Social Commission for Asia and the Pacific. (November 2003). *Combating Human Trafficking in Asia: A Resource Guide to International and Regional Legal Instruments, Political Commitments and Recommended Practices*. United Nations. <http://www.unescap.org/esid/gad/PDF/2293.pdf>

This document explains the multi-dimensional issue of human trafficking, especially in women and children, and provides a framework that uses established legal agreements and mechanisms. Instead of creating new mechanisms, careful attention should be paid to the existing mechanisms. The guide discusses the areas of law enforcement, human rights, migration and labor instruments.

United Nations Educational, Scientific, and Cultural Organization. *Trafficking Statistics Project*. United Nations. <http://www.unescobkk.org/index.php?id=1022>

One of the struggles in tracking down patterns of human trafficking is the wide array of inconsistent statistics. There are many word of mouth accounts of trafficking, but little foundation exists to validate the numbers. The Bangkok Office of UNESCO started the Trafficking Statistics Project to allow for the gathering of accurate information and to increase availability for research on the subject. Delegates should look into the project and its wide array of information to obtain a better understanding of the depth of the issue. The statistics are also available for sorting by region, country of origin, country of destination, gender, type of exploitation and others.

United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region. (2005). *Laws and Agreements*. United Nations. [http://www.no-trafficking.org/content/Laws\\_Agreement/index.htm](http://www.no-trafficking.org/content/Laws_Agreement/index.htm)

The UNIAP page provides resources on laws and agreements that have been enacted in the international community regarding human trafficking. This page also provides links to regional and national agreements regarding human trafficking, and is a good resource to find all agreements in one place, as well as information on UNIAP's activities specific to the Greater Mekong Sub-region.

United Nations Office on Drugs and Crime. (2006, April). *Trafficking In Person Global Patterns*. United Nations Office on Drugs and Crime. [http://www.unodc.org/pdf/crime/trafficking\\_persons\\_report\\_2006-04.pdf](http://www.unodc.org/pdf/crime/trafficking_persons_report_2006-04.pdf)

An area of frustration when it comes to combating human trafficking is the lack of readily available and accurate information. The writers of this report, in facing the issue, compiled an extensive guide of information that focuses on prior sources but also shows new areas of the topic. The report focuses on regions and trace trends such as countries of origins and transit countries. The hope of the report is to shed light on these new statistics so nations can cooperate regionally to produce better mechanisms to combat it. It also does not shy away from pointing out specific countries which are poorly performing in battling human trafficking.

## **Topic II. Human Rights in Post-Conflict Zones**

Krisch, Nicho. "Legality, Morality, and the Dilemma of Humanitarian Intervention After Kosovo." *European Journal of International Law* 13, no. 1 2002: 323-335. <http://www.ejil.org/journal/Vol13/No1/br1.pdf>

This article outlines some of the major issues surrounding humanitarian intervention. It is also a survey of authors, both historical and contemporary, who have contributed arguments to the discussion. The article presents views which are similar, which diverge, and which contrast. It points out the ascendancy of morality in the legality debate over intervention. Overall, this article is a good background source and an excellent reference source.

Beyond Intractability. "Human Rights Protection." [http://www.beyondintractability.org/essay/human\\_rights\\_protect/?nid=1322](http://www.beyondintractability.org/essay/human_rights_protect/?nid=1322).

This brief monograph describes instruments, legal theories, and other means commonly employed to protect human rights. The article discusses means of addressing human rights violations other than humanitarian intervention, such as truth commissions, education, and tribunals. These means have also been employed concurrently with military operations.

Tufts Center for Human Rights and Conflict Resolution. "Resources: Humanitarian Intervention." <http://fletcher.tufts.edu/chrcr/human.html>

This page is an index of outstanding literature on the topic of humanitarian intervention. Resource pages about other related topics (also contained on the Center's website) are also helpful. Sources include books, reports, and journal articles.

T. Mobido Ocran. "The Doctrine of Humanitarian Intervention in Light of Robust Peacekeeping." [http://www.bc.edu/bc\\_org/avp/law/lwsch/journals/bcicl/25\\_1/01\\_TXT.htm](http://www.bc.edu/bc_org/avp/law/lwsch/journals/bcicl/25_1/01_TXT.htm).

This article focuses on the legality and legitimacy of humanitarian intervention. Section II(B) discusses the link between legitimacy and an intent to rectify human rights violations. Section IV is especially important because it discusses criteria meant to increase legitimacy.

International Development Research Center. "Rights and Responsibilities." [http://www.idrc.ca/en/ev-28508-201-1-DO\\_TOPIC.html](http://www.idrc.ca/en/ev-28508-201-1-DO_TOPIC.html).

The ethical aspect of humanitarian intervention is a source of much polemic. This piece outlines the place of ethics within intervention framework. It presents various ethical justifications for the use of force. Human rights justifications are gradually gaining traction. As a human rights commission, your job is to flesh out the humanitarian grounds for intervention.

Marks, Steven. "The Right to Development: Between Rhetoric and Reality." *Harvard Human Rights Journal* 17 2004: 137-168. <http://www.law.harvard.edu/students/orgs/hrj/iss17/marks.shtml>.

One of this topic's major questions is: which human rights? Traditionally, widespread, interminable human violence has been the fodder of many pro-intervention arguments. However, international law does not exclude other human rights violations from being reasons for intervention. This article explores the "third generation" class of human rights, i.e. those associated with development and economic self-determination. It presents the notion of right to develop (RTD) through the viewpoint of one country. Delegates may wish to argue the same point or a different one. In any case, it is important to remember the breadth of current human rights law.

Heinze, Eric. "The Moral Limits of Humanitarian Intervention." Paper for International Studies Association Annual Meeting. Available from [http://www.allacademic.com/meta/p\\_mla\\_apa\\_research\\_citation/0/7/2/6/0/pages72600/p72600-1.php](http://www.allacademic.com/meta/p_mla_apa_research_citation/0/7/2/6/0/pages72600/p72600-1.php).

This author argues for an intervention criterion that prioritizes human rights most highly. Specifically, the author calls for a doctrine of proportionality based on human rights. The author also assesses the "utilitarianism of rights" argument employed in moral theories of war.

Binder, Leonard. "The Moral Foundation of International Intervention." *Institute on Global Conflict and Cooperation*, Policy Paper #22 1996. <https://connect2.uncc.edu/wps/bil01/.DanaInfo=www.ciaonet.org+bil01.html>.

Through the use of real cases, this article discusses various human rights and moral dilemmas, and how they can be construed as imperatives which merit international intervention. Examples of these rights include: the right to a government, the right to ethnic self-determination, and the right to security. It concludes by stating that there exists a dilemma of *reconciling* competing human rights demands.

Smith, Michael. "Humanitarian Intervention: An Overview of Ethical Issues." *Annual Journal of the Carnegie*

*Council on Ethics and International Affairs*, 12 1998. [https://connect2.uncc.edu/olj/cceia/.DanaInfo=www.ciaonet.org+cceia\\_99smm01.html](https://connect2.uncc.edu/olj/cceia/.DanaInfo=www.ciaonet.org+cceia_99smm01.html).

This describes the intervention justifications of the realist and liberal schools of thought. This article is a good starting point for delegates in the early stages of formulating their countries' stances.

### **Topic III. Promoting Sustainable Human Development through Empowerment**

Esau, M. V. (2007, August). Citizen Participation and the Poor: A Participatory Approach to Achieving Political, Social and Economic Freedom? *Politikon*, 34(2), 187 - 203

Michelle Esau's article highlights the importance of citizen participation in government. Much like the community development programs in Indonesia, Esau writes that "bottom up" approaches to enriching civil society have worked to encourage the active participation and empowerment of the poor and near poor in South Africa. This example is analyzed from a traditional liberal democratic paradigm as well as a post-apartheid rule paradigm that focuses strictly on the South African model examined in her article.

Kenny, C. (2002, May). Information and Communication Technologies for Direct Poverty Alleviation: Costs and Benefits. *Development Policy Review*, 20(2), 141-157. EBSCO Host database. (6528433)

This article focuses on the use of information and communication technologies (ICT) as a source for poverty alleviation and a tool of empowerment for poor communities. The author makes a good case against using the internet and wireless technologies as the "cure all" for poverty alleviation programs, and that television and radio would better serve the purposes in extremely underdeveloped areas due to the high cost and low benefit of the installation of the internet in these communities. The author also analyzes the economics of providing ICTs and how they work to eradicate poverty in the most rural and economically challenged areas.

Lekoko, R. N., & van der Merwe, M. (2006, May). Beyond the Rhetoric of Empowerment: Speak the Language, Live the Experience of the Rural Poor. *International Review of Education*, 52(3-4), 323-332. doi:10.1007/s11159-006-0010-0

This article from the *International Review of Education* focuses on development in rural areas and why there is a need for empowerment. This study focuses on Botswana, and the authors discuss the key factors that lead to the feeling of disenfranchisement in rural communities: apathy, lack of trust, and adversity to change. One of the most intriguing ideas presented in the article is the Botswanan cultural concept of *athama-o-je*, or roughly, open your mouth and eat, (which emphasizes independence and personal strength), that deters people in rural areas of Botswana from participating in a government or government activities that they see as furthering their dependence on anything other than their own personal strengths.

Lyons, M., Smuts, C., & Stevens, A. (2001). Participation, Empowerment and Sustainability: (How) Do the Links Work? *Urban Studies*, 38(8), 1233–1251. doi:10.1080/00420980120061007

Authors Lyons, Smuts and Stevens emphasize the importance of participation in local government activities as one of the main tools of empowerment and sustainable development. The article is written from a development agency point of view, using the World Bank definition of empowerment, “the transfer of control over decisions and resources to communities or organizations.” This view holds true in the realm of rural development--the promotion of human development through empowerment must focus on participation by those that are the targets of the empowerment programs.

Office of the United Nations High Commissioner for Human Rights. (2007). *Ninth session of the Open-ended Working Group on the Right to Development, 18-22 August 2008, Room XXI, Palais des Nations, Geneva* . Retrieved August 16, 2008, from United Nations Web site: <http://www2.ohchr.org/english/issues/development/groups/index.htm>

The OHCHR site on the Working Group on the Right to Development (established by the United Nations Human Rights Council by Resolution 4/4), gives a broad overview of the working group and its mandate. The Working Group on the Right to Development is required to monitor and report on the advancement of development programs, report to UNHRC annually, and to review reports on development submitted by other agencies. The Working Group on the Right to Development’s mandate is only extended to 2010 at the present time.

Taylor-Ide, D., & Taylor, C. E. (1995, February). *Community Based Sustainable Human Development A Proposal for Going to Scale with Self-Reliant Social Development* (Monograph No. 94-0093). United Nations Children’s Fund (UNICEF). <http://www.future.org/downloads/greenbook.pdf>

UNICEF commissioned this monograph to highlight and analyze the progress of sustainable human development programs. Section III details what the monograph calls the “three basic principles of sustainable human development,” and all three principles are detailed in this section. Principle Two states, “Action must grow from a combination of a bottom-up and top-down programming.” This is one of the most important and oft-mentioned issues in sustainable human development--it takes all sides to be committed for sustainable human development to succeed.

United Nations Department of Economic and Social Affairs. (2004, December 15). Agenda 21. In *Combating Poverty*. United Nations Division for Sustainable Development Web site <http://www.un.org/esa/sustdev/documents/agenda21/english/agenda21chapter7.htm>

Agenda 21 is a plan of action that details the global status of development. It was signed by over 170 countries and is a seminal document for the arsenal of the UNESA to promote sustainable development activities. Chapter 3 focuses specifically on combating poverty and uses a management perspective as the prescription for sustainable development and also has a subsection on empowerment.

United Nations Population Fund. (2005, December). *Exploring the Links between Population, Poverty and Development*. United Nations Population Fund. <http://www.unfpa.org/pds/index.htm>

This site is an outline and preview to the United Nations Population Fund (UNFPA) work on development and poverty eradication. There are links to policy and analysis information sites and also on related topics, such as women’s empowerment and reproductive health. UNFPA views the link between these issues holistically and therefore their approach to sustainable human development is much more rounded.