

Women in Power and Decision Making

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Former Secretary General Kofi Annan once declared that, “It is impossible to realize our goals while discriminating against half the human race.” Whether in government, business, or their own homes, women who have participated in decision making positions have proven to have profound impacts in the decision making process itself as well as on the final decisions that are made. Women have the right to be active citizens; disallowing them from participating in leadership positions means excluding them from important aspects of modern life and thus excluding them from important decision-making processes that directly affect them. In many countries women are barred from actively participating in leadership positions in the public and private spheres.

Women who are bound to their households by chores, children and tradition have neither the time nor support needed to seek leadership positions within their communities. The United Nations has made recognizable progress toward gender equality for women in power and decision-making roles in the last ten years. Several UN branches and groups have attempted to empower women with zealous goals and meticulous paradigms; however, these steps toward progress have proven weak. Women are still marginalized in the higher levels of power structures by a variety of oppressors.

The promotion of equal opportunity for women to participate in decision-making processes in the public and private sectors is paramount to the creation and

maintenance of accountable, transparent governments and continued development (Division for the Advancement of Women, 1999). This discrimination against and restriction of women within power structures is not only detrimental to their well being, but to the progress of the world.

As part of the Economic and Social Council, the Division for the Advancement of Women (DAW) works to care for and evaluate the progress of women's advancement through society. They devise policy, create, support, and monitor international agreements on gender equality and the empowerment of women. DAW worked to help form one of the most fundamental conventions in protecting women's rights; the Convention for the Elimination of all forms of Discrimination Against Women (CEDAW). Signed in 1979, CEDAW includes two articles that specifically defend women's rights to participate in political and private life. Article 7 reminds states of their responsibility to secure equality among men and women in leadership positions. The concept of equality is outlined to include the right to vote, to be eligible for election, to be able to hold public positions, to perform public functions, and to take part in the formulation of policy (General Assembly, 1979). The CEDAW also has an Optional Protocol that includes a Communications Procedure and an Inquiry Procedure. The Communications Procedure gives individuals and groups the right to complain to the Committee on the Elimination of Discrimination against Women about any violations of the Convention. The Inquiry Procedure enables the Committee to conduct investigations into serious or systematic abuses of women. Member states that ratify the CEDAW and its Optional Protocol must abide by the rules set forth by the convention and allow for the

Committee to intervene when necessary. The Optional Protocol strengthens CEDAW giving it force and imposing consequences on member states that do not comply; but it is only optional which allows several states to choose not to accept the protocol. Many member states have accepted CEDAW with conditions, reservations, or have excluded themselves entirely from certain articles, paragraphs, or clauses due to conflicts with national legislation or religious law. CEDAW, as it stands now, cannot reach its full potential if the global community is not united.

With CEDAW serving as its base, other international plans have attempted to create paradigms for the empowerment of women. At the Fourth World Conference on Women, directed by the Commission on the Status of Women (CSW) with the full support of DAW, the Beijing Platform for Action was created. The Beijing Platform for Action called for aggressive improvement in 12 areas of critical concern including women in power and decision-making. The Platform for Action, in regards to women in power and decision making delineated two objectives. The Platform for Action strived to secure women's equal participation in power structures. Secondly the Platform for Action planned to increase women's knowledge and training in order to be able to access the decision-making and leadership roles (Division for the Advancement of Women, 1995).

In terms of women's political participation and decision making the Platform for Action called upon member states and United Nations entities themselves to aggressively increase the number of women actively participating in authority

positions and decision making processes by approximately 30 % through target setting, and reform. Quotas and/or affirmative action measures were suggested. Governments were encouraged to more actively support research institutes that conduct studies on women's participation in leadership, as well as to monitor the progress of the incorporation of women into decision-making environments. Career advancement programs for women of all ages and measures promoting reconciliation of family and professional life were also suggested by the Platform for Action. The equal division of labor within the household was stressed to allow for women to have the time to pursue their academic and professional goals. These were among the many suggested steps toward the advancement of women in power and decision making (Division for the Advancement of Women, 2005).

Unfortunately, the Platform for Action, lacked the cultural support, and the institutional strength to make a considerable impact. The Beijing Platform for Action was evaluated every five years after its inception and showed reoccurring complications. The progress of the implementation of the Beijing Platform for Action was appraised at the 23rd Special Session of the General Assembly entitled Women 2000: Gender Equality, Development and Peace for the 21st Century, Beijing Plus 5. Both the General Assembly and the Commission on the Status of Women defined numerous logistic and diplomatic obstacles to empowering women to take part in decision-making settings.

Whiles some countries have successfully integrated women into higher level political offices and higher level management positions, some are still struggling to shatter the glass ceiling. While some countries have implemented Affirmative Action

policies and women are indeed reaching offices and senior management positions, they have yet to reach Committee Chair offices and Chief Executive Officer positions. Traditional roles and expectations restrict women's choices in education and career training and force them to submit to household duties. The existing difference between *du jure* and de facto equality in decision making is clearly detrimental to the implementation to the Platform for Action. Women have been able to sustain 30% of seats in parliament as set forth by the Beijing Platform for Action in only 14 member nations. When South Africa implemented Affirmative Action policies to incorporate more women into the upper echelons of management, only one third of male managers were committed to advancing women into their ranks and only one in eight managers supported affirmative action (Equal Opportunity, 2005). In addition to conflicting cultural norms, member states have not enforced the Beijing Platform for Action with the needed enthusiasm to create substantial impacts. Many countries have accepted the Platform with conditions and reservations or are not implementing the plan with haste due to lack of human and financial resources. Unfortunately, the Platform for Action does not include any repercussions for non-participation.

Gender equality is the third Millennium Development Goal. This goal measures the number of governmental assembly seats that are held by women in UN member states. Extra emphasis was given to improving quota systems and finding creative ways around cultural barriers. Instead of a 30% increase in parliamentary assembly seats, the Millennium Project Gender Equality Task Force aspired to achieving a 50% increase. The task force found that the involvement of women in the

governing process diminished levels of corruption in these states. The task force has focused on diminishing discrimination on the basis of marital status and family responsibilities. However, many countries lack data for these statistics and have not measured the quality of this work (UN Millennium Project, 2005). Some groups have criticized the measurements as narrow or misguided. UN authors Grown, Gupta and Khan, suggested replacing the targets for the third Millennium Development Goal with three new target categories including capability, opportunity and agency targets. The new targets would focus more heavily on the quality of progress rather than the quantity of progress. Regarding the empowerment of women in decision making environments, Grown, Gupta and Khan suggested region-specific indicators such as gender gaps in earnings in paid and self-employment, sex-disaggregated unemployment rates, or occupational segregation. They also suggested utilizing indicators regarding the prevalence of physical violence against women as violence is detrimental to the development of women and their careers. Gender equality and the empowerment of women is both a Millennium Development goal in itself as well as a condition for the other goals, such as sustainable development among others, to reach their actuality (UNDP, 2008).

In in 2000 the Security Council passed resolution 1325, which required all member nations to dramatically increase the level of representation of females in national assemblies. This was focused to expand the role of women in leadership positions especially within the resolution of conflicts, peacekeeping, and peace building efforts. This resolution also marked for the first time the Security Council's

recognition of the fact that conflict affects women and girls differently than men and boys. The Interagency Task Force on Women Peace and Security was created by 1325 to ensure collaboration amongst United Nations member states. The task force then promoted election observation missions to ensure fair treatment of women during voting, and within the election itself (United Nations, 2005).

The UN Development Program has also been working to empower women and have devised the Gender Equality Strategy 2008-2011. This strategy calls for the removal of internal barriers like religious law and gender based violence which deters the promotion of gender equality within decision making environments. The UNDP seeks to better educate the international community on the impacts of customary laws, faith-based justice, and informal justice mechanisms on gender equality goals and commitments. Sadly, all of these international efforts to empower women have been insufficient due to lack of commitment, cohesion and resources. Women are still under-valued in both public and private decision making environments.

Despite the goals and efforts of these many United Nations bodies and entities, women are still under represented as authority figures in negotiation processes especially in the political arena. In the public sphere women are under represented in national governments and judiciary bodies. While some progress has been made in the last five years, women are still suppressed through harmful traditions and the ever-present glass ceiling. In the last decade women have run for local and national offices, emerged as a separate electorate, and slowly started to

promote women's issues as a political platform. In 2008, 18.4% of national assemblies consisted of female members; this exceeded 30% of representatives in 22 countries. Of those female members however, only 8% held presiding officer positions in 2005; this percentage fell two points in ten years (General Assembly, 2005). Specific political systems account for a large part of the obstacles in habiting women from taking part in the political decision making process. Non-democratic countries tend to have lower levels of female political participation. In addition proportional electoral systems engendered more female representation in national assemblies than did majority/plurality systems. The relation between electoral systems and political parties is also important to consider. In proportional representation systems, more candidates can campaign for a position, whereas in majority/ plurality systems the political party must choose the candidate who is most electable in the society in which it functions. Decentralization of government has had a similar effect in expanding the number of positions available to women. To achieve gender equality governmental and electoral reforms may be needed.

Initiatives to increase the number of women in decision making positions have been handicapped due to lack of human and financial resources for the training and preparation of women for their authoritative careers. Even when elected, women lack effectiveness due to inexperience and little training before their terms. For this, more qualitative data, microstudies and case studies are needed to determine the amount and quality of training programs when they do arise. In addition, more data on the progress of women at the lower levels of decision making, like state and provincial offices should be compiled and disseminated on a

regular bases. To compound the problem of limited training and political experience, many elected women are not viewed as equals or colleagues because they most likely would not have been elected if not for the quotas or affirmative action measures. Women are then not chosen for special committees or presiding officer positions within these governing bodies. Equal political participations will reflect a more accurate representation of the society in the creation of policy and thus promote and strengthen democracy.

Women cannot reach these high level positions of power and authority without a transformation in the way the civil society sees women. Cultural customs have limited women's ability to run for offices and take authority. Occurrences of violence against female candidates for office have been recorded around the world. Women candidates have been threatened, sabotaged, assaulted, raped, and even killed. Besides outright violence against female candidates, women, once in office, are not taken seriously, are ignored or subject to verbal battering. Mainstreaming cultural perspectives on gender equality is imperative to empowering women.

In the private sector women have been denied positions of power and have been underappreciated in the decision making process. A study of female executive corporate officers found that the Fortune 500 companies have approximately 22 corporate officers each, of which women only held on average 4 positions. Of these women on executive boards less than 2% held leadership positions like the chief executive officer or the chair of the board (General Assembly, 2005). A study quoted by the Commission on the Status of Women (CSW) found that Fortune 500

companies with higher percentages of female corporate officers yielded higher returns than companies with lower percentages of women in managerial positions. Despite these financial incentives, few are the nations that have implemented and enforced quotas to ensure gender equality on the executive boards in the private sector. The glass ceiling—the collection of mechanisms that prevent women from reaching the highest levels of corporate hierarchy—is still firmly in place. This sort of discrimination is harmful not only to the company, but also to women. The UN Millennium project found that access to jobs improves women's self esteem and their bargaining abilities within their community making them more powerful. When women are allowed to participate to their full potential in the decision-making processes they will create change that will directly affect them and their families, as well as the rest of their community. There is a price the international community pays for excluding women in leadership positions. Studies are surfacing that suggest that the world would be better off if women played a larger role in the public and private sectors. Large concentrations of youth within a nation used to be a strong indicator of turbulence and violence. Male domination of a society is now emerging as a central risk factor (Kristof and WuDunn). It seems that female involvement in society and the economy weaken extremism and terrorism. Women are part of the solution to the problems we face. When women are included in decision making they will not only be the beneficiaries of change, they will be the catalysts. Gender quality and empowering women in decision making environments is crucial to achieving the goals of the United Nations. Women's involvement in decision making fosters stability within politics and development within the private

sector. In order to build a successful international system of symbiotic governments that align to better the lives of their citizens we must utilize and value the contributions that women have to offer to that goal.

Questions to consider:

What is your country's position on the following Conventions, and which the weak and strong points of each?

- Convention on the Elimination of all forms of Discrimination Against Women
 - Optional Protocol to the Convention on the Elimination of Discrimination Against Women
- Convention on the Political Rights of Women
- Convention against Discrimination in Employment
- Convention Against Discrimination in Education

What progress has your country made regarding the Beijing Platform for action?

What percentage of women members does your country have in its national governing body?

What cultural subtleties does the United Nations need to be careful of when considering this topic?

What are the major obstacles keeping women from equal opportunities?

What has your country done nationally to improve women's equality? Has it been successful?

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Sustainable Development in Africa

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The pursuit of sustainable development within even the most industrialized of nations is a process of great complexity and of even greater importance for the hope of continued prosperity in modern society. For many nations that are not industrialized, this process faces tremendous obstacles that cause a multitude of instabilities. The continent of Africa faces both a tasks of immense deed and imperative duty for many of the 54 countries that it is comprised of. Economic affliction has deterred much of the continent's development contributing to widespread food shortages and hunger. Often absence of healthcare has allowed the spread of preventable diseases to erode great numbers of African populations, both crippling workforces and stifling the potential of children to contribute to their communities. And even for those who do survive bouts of famine and illness, prospects of self-improvement are scant. The quality of education as well as access to it (both geographically and financially) falls far below standards common throughout the rest of the world.

The United Nations considers efforts toward the Millennium Development Goals (MDG's) in Africa to be of great priority in this endeavor. With respect to the MDG's, extraordinary strides have been made concerning the address of issues of public health, education, and hunger. Yet many experts speculate that unless great heed is taken to create further progress, the current rate of improvement will fall

short of the targets of the Millennium Development Goals as proposed for 2015. UN Secretary-General Ban Ki-moon has warned that the overall progress has been too slow to realistically meet the proposed goals. Moreover, the challenges presented by global climate change have, and will continue to harm many nations of Sub-Saharan Africa placing further strain on efforts toward development. Intensive effort and innovative approaches must be taken on behalf of the United Nations and member countries in order to strengthen promises for the prosperous future of the African continent. Only through an amplified concern and duty to African nations and the systemic problems they face can this promise be kept and a truly sustainable Africa exist.

The countries of Sub-Saharan Africa experience a multitude of economic hurdles as they seek development of the private and public sector. Chiefly, a lack or ill-functioning infrastructure prevents many nations from industrializing. Due to the problems of poor roads such as in Gabon or Botswana and deficient access to communication as in Cape Verde or Nigeria, business and trade struggle. Other essentials for business such as electricity is absent in many places further shrinking the incentive for new investment in Sub-Saharan Africa. More than 500 million Africans do not have access to modern energy. Access to information is a much lower on average in Africa than in other regions of the world. As of 2006, in Sub-Saharan Africa there are only 1.3 Internet subscribers per 1,000 people.

Geographically hindered as well, many African nations are landlocked and positioned far from seaports or rivers where the transportation of goods can be

more easily achieved. The diversity of the economy itself is also a concern. Depending mostly on natural resources and agriculture, much of Africa remains highly vulnerable to external disturbance. Producing the highest GDP's in Africa, South Africa's service market and Nigeria's industrialized oil sector skew continental averages. A diversification of economic output is required for much of Africa to decrease its dependence on natural resources.

Beyond the structure of economies themselves, widespread disease threatens sustainable development in Africa. Of the 10 countries in the world with the highest child mortality rates, 9 of them are in Sub-Saharan Africa. More than half of the citizens of the nations of Burundi, Comoros, Congo, and Sierra Leone are estimated to be undernourished. Among the 42 nations that this data has been collected, 12 them show trends of increasing hunger from 1992. The HIV/AIDS epidemic has devastated populations of much of Sub-Saharan Africa, even as it averages the highest fertility rates in the world. Malaria alone accounts for 1 death every 30 seconds. Diseases that have been eradicated in almost all of the rest of the world kill adults as well as children. These diseases are ravaging local workforces and suppressing the potential of future leaders. Nations highly dependent upon physical labor such as Zambia and the Democratic Republic of Congo and their copper mines face the losses of tens of thousands of work hours as hundreds of employees contract malaria. It is variations of this problem that cripple many African nations in several industries, most of which are highly dependent upon healthy workers. Most vulnerable to disease, children are threatened mortally with diseases that much of the rest of the world has eradicated. As we look toward young

Africans to lead the fate of their nations and continent from within, the promise of their perseverance is bleak even if they do survive illness. For the young people who do weather the storm of diseases that pervade much of the African continent, the prospect of bettering themselves through education is highly limited.

The improvement of access to quality education is essential to the sustainable development of Africa. For women especially, furthering education has shown through many initiatives to be imperative in controlling fertility rates thus allowing accumulation of capital to outpace population growth. This effect of education alone is a highly significant component necessary for sustainable development in Africa. As family sizes decrease, the pool of resources available to offspring becomes less diluted than as for a large family. Education is also essential in developing future generations of African leaders. As much as outsiders can help political, economic and social matters within African nations, the magnitude that just, educated, African leaders can help is much greater. Another issue is the problem referred to as "brain drain". African nations have some of the highest rates of emigration of skilled workers. Over 20,000 educated Africans per year leave their home countries to seek opportunities elsewhere in industrialized nations. There must be efforts made in order to bring incentive to educated Africans to stay in Africa and become the leaders that the continent so desperately needs. It is important that as Africa and the world face the possible perils of climate change that intellectual and commercial investments are made for the most damage-susceptible regions.

“It would be a cruel irony if, just as Africa began to succeed, its prospects were cut short by a crisis beyond its control,” Liberia’s president Ellen Sirleaf-Johnson stated. Much of the continent’s high dependence on natural resources and agriculture make it especially vulnerable to the effects of climate change. As global warming threatens farming and mining communities, African nations will experience further strain. Moreover, the threat of rising sea levels on coastal countries will transform the landscape, leading to forced migrations and millions more internally displaced citizens. Efforts toward development in Africa must be made with considerations for changes likely to occur in highly vulnerable regions. Sub-Saharan Africa possesses the lowest adaptive capacities for climate change of most of the world. Considerations must be made to estimate the difficulties likely to occur, and adjust plans for development accordingly. Both preventative action and precise investment is necessary for African nations to bear the burden of climate change and move toward sustainability.

Every two years the UN issues a biennial program plan and priority report for the period. There are several bodies of the UN that coordinate to make this biennial program, one of which is The Division for Sustainable Development. They are responsible for the subprogram on sustainable development. Within the subprogram it outlines the exact goals for the next two years and the indications of reaching such goals. In the most recent report for years 2008-2009, resolution 61/6/REV.1 the top priority of sustainable development was to review key sustainable development challenges, which included, agriculture, rural development, drought, and desertification in Africa. Secondly it stresses the need for

more policy options and available information on the local, national and regional governmental levels. Lastly, 61/6 discuss the requirement of “enhanced technical, human and institutional capacities” to coordinate with the economic transition of developing nations. These are some of the steps taken by many UN divisions to set goals, measure their progress and enact real change in the world. These underdeveloped nations cannot do this on their own but with a more uniformed commitment from all member states the MGD goals could be attained.

African nations face many hindrances that create great difficulty in the pursuit of sustainable development. Fortunately there are many signs of hope. The majority of positive outcomes shown through efforts of the UN and cooperating entities have placed emphasis on empowering Africans rather than giving direct aid. The rise of microfinance and shared resources has been a leading contributor toward this bottom-up approach. As the UN and member nations seek to provide assistance to the African continent, the urgency for improved means of aid must be examined. Sustainable development is a process that consists of great effort at every sector of business and every branch of governance. Understanding the complexities of Africa as individual nations is pivotal in pursuit of this process. In doing so, the United Nations and cooperating entities can be the difference between decades of further misfortune or progress toward sustainable development in Africa.

Questions to consider:

What progress has your country made in contribution to the Millennium Development Goals? Has this progress been of benefit to nations of Africa?

What history does your country have in its contribution to foreign aid and development in Africa?

How will the sustainable development of Africa affect the global economy and community?

What are the main difficulties keeping the UN from reaching the MDGs and its sustainable development goals?

What difficulties are keeping your country from reaching development goals (yes even if you are not from Africa)?

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Combating and Preventing Transnational Maritime Piracy

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Article 101 of the United Nations Convention on the Law of the Sea defines piracy “any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed on the high seas, against another ship or aircraft”¹. Maritime Piracy is one of the original global however until recently the thought of piracy on the scale that it had once occurred seemed absurd. Pirates were once thought to have gone all but extinct, not only in the developed world, but in every corner of a world where powerful navies control the open oceans and nations-states control nearly every corner of the earth’s surface. All of the world’s coastlines are now controlled by one state or another and the water off that coastline is their territorial waters and that state’s exclusive responsibility. It was believed that global satellites and smart weaponry and other modern technology would be sufficient to keep piracy at its extremely low levels.

The International Maritime Bureau’s (IMB) Piracy Reporting Center reports that Maritime Piracy has been rise in recent years, but it was not until the pirates operating off the coast of Somalia caught the international media spotlight that the problem received serious attention.² The alarming numbers of ships of many nationalities that have been hijacked, including supertankers and cruise ships full of tourists, have drawn much attention from the international community. According

¹ United Nations Convention on the Law of the Sea, 1994

² International Maritime Bureau (a division of the International Chamber of Commerce - CSS) <http://www.icc-ccs.org/>

to the IMB, the pirates exist as a major problem in three main areas: 1) The Gulf of Eden, near Somalia and the southern entrance to the Red Sea, 2) The Gulf of Guinea, near Nigeria and the Niger River Delta, and 3) The Malacca Strait between Indonesia and Malaysia. These areas have distinct features that allow piracy to flourish while it has been eradicated elsewhere. However piracy can occur in any place at any time, as evidenced by the seizure of the Russian flagged *Arctic Sea* off the coast of Finland in August of 2009, the first act of piracy in European waters in well over 200 years.

The Gulf of Eden is a vital passage for shipping, especially for oil Persian Gulf and shipping from Asia to Europe, making it a vital waterway in the world economy.³ About 11 percent of the world's seaborne petroleum passes through the Gulf of Eden on its way to the Suez Canal or to regional refineries.⁴ It is here that the international community has chosen to deploy its resources to combat piracy directly. There are nearly 100 international naval vessels including elements of the US Navy's 5th fleet, a NATO task force, and separate Russian, Indian and Chinese squadrons present off the coast of Somalia to patrol the pirate-infested waters.

Most of the patrol vessels are concentrated in the Gulf of Aden, and as a result, the pirates have adapted, moving farther into the open seas. There was a lull in attacks in early 2009, but by April there had already been 60 attacks. In a weeklong period in early April, pirates seized six ships, including the first ship with an American crew. After a five-day standoff, U.S. Navy snipers shot and killed three

³ Importance of Gulf of Eden- http://www.esa.int/esaEO/SEMWOXNFGLE_index_0.html

⁴ Measurement of the World's Seaborne Petroleum- <http://www.itopf.com/information-services/country-profiles/documents/redsea.pdf>

pirates who were holding that ship's captain in a lifeboat. While he was rescued unharmed, this is one of the few examples where a crew was successfully rescued. The majority of ships are released after their owners, and their insurance companies pay off ransoms that go into the millions.

Gulf of Guinea gets much less international attention when compared to the waters off Somalia, but is one of the world's most lawless stretches of coastline.⁵ From January to November of 2008 it has been recorded that there has been 40 pirate attacks within the region. And the conditions are not set to improve anytime soon. The pirates in this region are less successful because both geography and economics. There are no geographic checkpoints, like the Gulf of Aden or Malacca strait, for the pirates to sit and wait for ships to pass through, most international ships can operate out of the pirates range in the deep ocean. However, the region is about to experience a rapid increase in oil production which will bring more venerable international shipping into the region.

The Malacca Strait, this is one of the most important, strategic shipping lanes in the world. This strait is the main shipping channel between the Indian Ocean and the Pacific Ocean; this is a connection to the major economies in Asia such as India, China, Japan, and South Korea. It is also the place where piracy persisted after it was eradicated almost everywhere else.⁶ The problems there that at one point it got so bad that a ship not accompanied by private military contractors or a naval escort

⁵ Guinea Gulf piracy needs International Response-
<http://af.reuters.com/article/beninNews/idAFLT71743420081029>

⁶ How to Defeat Pirates: Success in the Strait-
<http://www.time.com/time/world/article/0,8599,1893032,00.html?xid=rss-topstories-cnnpartner>

was an unacceptable endeavor for insurance companies or for sailors. The only alternative to using the straight is to add days to the transit to go around the affected areas.

International Response

In November 20, 2008 The UN Security Council adopted a resolution, which was proposed by Great Britain, to introduce tougher sanctions against Somalia, for failing to prevent piracy within their area.⁷ Nevertheless, this resolution was never enough to combat piracy for situation especially in the Gulf of Eden has increased in the number of attacked ships within the region. After the first UN Security Council Resolution in November 2008 was proposed, another resolution was introduced in the Security Council on December 17, 2008 – Resolution 1851 that would take anti-piracy measures to another step further. Resolution 1851 is a resolution that will allow for the first time international land and sea occupations in the pursuit of pirates.⁸

In January 14, 2009 The Contact Group on Piracy off the Coast of Somalia was created in New York. The contact group was formed as an international cooperation mechanism against piracy, as stated for in U.N Security Council Resolution 1851. At present, there are 28 nations participating in the contact group representing all of the major powers in the world. There are also six other international organizations the African Union, the Arab League, the European Union, the International Maritime

⁷ UN Security Council – Contact Group on Piracy off the coast of Somalia-
<http://www.un.org/Docs/sc/>

⁸ Council on Foreign Relations-
http://www.cfr.org/publication/18376/combating_maritime_piracy.html

Organization, the North Atlantic Treaty Organization, and the United Nations Secretariat taking part in this effort. The contact group emphasizes the primary role of Somalia in rooting out piracy and armed robbery at sea and the importance of assisting Somalia in strengthening its own operational capacity to fight piracy and bring to justice those involved in piracy.⁹

On January 29, 2009 a meeting was organized by the United Nations Crime and Justice Research Institute, that fostered participation on different organizations including NATO, the European Union, and various navies and intelligence services, chaired by the Italian Navy. Moreover, this meeting was convened in order to discuss further participation by other government representatives as well as the private sector involved in the maritime business. International efforts are showing signs of life and heightened awareness. The increased risks of passage through the hotspots and the consequent increase in the insurance premiums paid by shipping companies threaten to make the rounding up of the piracy hotspots a less costly option. Also noting, the financial resources the states intend to devote to protecting their own commercial interests may achieve better results if they are used to help address the situation in the pirates' origin country. These measures were a given proof that this was no longer just an ordinary case to be disregarded but rather an alarming situation that nation states should involve themselves and cooperate. Above all if they are used to bring some relief to this people afflicted by perhaps one

⁹ The Contact Group on Piracy off the Coast of Somalia-
<http://www.state.gov/r/pa/prs/ps/2009/05/123584.htm>

of the rather than being invested in the announced operations of deterrence and policing.

Questions to consider:

1. How can a discussion of an international counter-piracy front avoid the sensitive issue of jurisdiction in territorial waters?
2. Are there ways to improve the efficiency, responsiveness, and diversity of views within existing coalitions versus piracy?
3. What could be other possible ways to protect the ships entering into these pirate zones?
4. What could the international community do besides sanctioning countries involved in piracy?
5. Is there a role for private security firms to assist in ship protection or should that role be left up to state sanctioned navies?

Countering the Financing of International Terrorism

The College of St. Benilde

Since the early 1960s, international terrorism has been a major concern to the international community. At this time they started to develop legal instruments to fight against terrorism and serve as framework for international cooperation in countering the financing of terrorism. While the international community continues to take measures to avert terrorist acts through several conventions and UN resolutions, countering the financing of international terrorism is an aspect that should be looked upon. Financing international terrorism should be curbed as there is a direct correlation between the financial support that terrorists obtain and the frequency and seriousness of terrorist attacks that they carry out. The question lies on who the real enemy behind terrorism is, how these terrorist groups manage to survive and continue its spread to different parts of the world.¹⁰

Financing international terrorism involves raising funds from both legitimate and criminal sources. Legitimate sources include personal donations and profits from businesses and charitable organizations. For example, in a report given by Jean-Charles Bissard to the President of the Security Council in 2002, it was stated that the Islamic rule of Zakat or almsgiving became a means through which al-Qaeda was able to raise finances for the infamous 9/11 attack on the US. News reports which dated back until the late 90's showed Osama bin Laden urging Muslims to give their Zakat in support of the Taliban regime and the al-Qaeda. The al-Qaida

¹⁰ UNODC Terrorism- <http://www.unodc.org/unodc/en/terrorism/index.html>

network comprehensively utilized the loopholes of the Islamic laws to rely on funds diverted from the Zakat. Osama bin Laden, throughout the following years made repeated calls for Muslims to donate through the Zakat system to his organization. Another method that terrorists commonly use is through the use of a network of financial shell companies and fake charities. Looking at a report by the Council on Foreign Relations on Indonesian based terrorist group Jemaah Islamiyah, relatives, family friends, or members of the terrorist group would scatter themselves at marketable areas such as Southeast Asia and set up legitimate businesses.¹¹ The profits then end up being distributed across the terrorist network to fund their attacks.

Meanwhile, criminal sources include smuggling of weapons and other goods, fraud, kidnapping and extortion. These sources are some of the common means through which terrorist groups gain funding. Because of their extensive underground network, terrorist groups have become mediums through which arms are smuggled to different parties. One such example is Nizar Rayyan, a Hamas leader based in Gaza. In 2007, he proudly revealed to the world how the group has been able to successfully build small arms and light weaponry and move them to and from the West Bank and Gaza Strip. Another common method is through kidnapping. The Philippines based terrorist group Abu-Sayyaf has relied on this method for much of its existence. In one of their most recent exploits, the group went on to kidnap Fr. Giancarlo Bossi, an Italian missionary and requested a hefty ransom for his release. According to the International Tribune, a ransom of \$1

¹¹ A/60/288 The United Nations Global Counter-Terrorism Strategy (2006)

million was paid for his release though the source of the ransom remains anonymous.

The problem on terrorist financing becomes complex as terrorists and terrorist organizations use different methods such as trade-based money laundering, fund-raising through charities, remittance systems such as the Hawala system, and the like to obtain financial resources to ensure their survival and launch attacks. Terrorists and terrorist organizations use trade-based money laundering to raise funds. In this method, they utilize front companies that would partake in trading commodities. These companies would carry out fake transactions in order to transfer funds and disguise funding sources. Terrorist organizations also use charitable institutions and other non-governmental organization to raise and transmit money. In the 9/11 Commission report, they said that in some cases, entire charities from the top down may have full knowledge of and even consented in the movement of money to al-Qaeda. In those cases, al-Qaeda operatives had control over the entire organization, including access to bank accounts. Funds raised would then be channeled to the target people in exchange for services or favors as mentioned earlier; or terrorism, instead of to victims of poverty, war or other humanitarian issues for which the money was original rose. As these illegitimate charities spring up, the question is how can we stop them? One way that was suggested an ABC news report was to check out the charity by inquiring with the local government and a private watchdog group. Some countries require charities to register and provide basic information about their finances to operate legally in the state.

In addition, informal remittance systems, such as the Hawala, are also being used by terrorist organizations. In the Hawala system, the money goes through an informal channel for transferring funds from one location to another through service providers known as hawaladars, regardless of the nature of the transaction and the countries involved. This makes tracking difficult because these trust-based systems of money transfers are untraceable as they are characterized by unwritten credit arrangements and lack of paper trail. Western countries have a different system when it comes to remittances and the check and balance involved is very tedious.

The UN General Assembly adopted resolution 51/210, Measures to Eliminate International Terrorism, on 17 December 1996, which called upon all States to take measures to prevent and counteract the financing, whether direct or indirect, of terrorists and terrorist organizations.¹² In addition, the said resolution also called upon member states to adopt regulatory measures to prevent and counteract movements of funds suspected to be intended for terrorist purposes without impeding in any way the freedom of legitimate capital movements and to intensify the exchange of information concerning international movements of such funds.

Furthermore, the United Nations Security Council passed Resolution 1373 on 28 September 2001 which called on all UN members to take action against those who commit terrorist acts and their supporters. This included criminalizing the financing of terrorism, prosecuting the violators, freezing the assets and funds of persons involved in terrorist acts, denying all forms of financial support to

¹² A/RES/51/210 -Measures to Eliminate International Terrorism (1996)

terrorists, information sharing among governments.¹³ In addition, the said UNSC resolution established the Counter-Terrorism Committee composed of all 15 Council members. The said committee is mandated to monitor the implementation of resolution 1373 (2001).

Furthermore, in the UN General Assembly 60/288, The United Nations Global Counter-Terrorism Strategy (2006), the international community reiterated in the Annex the need to deny terrorists and terrorist organizations the access to financial resources which will help them carry out terrorist attacks. In addition, it called upon member states to take measures to avert financing of terrorism. The EU, for example, in a report by John Howell and Co. entitled: *INDEPENDENT SCRUTINY in Response to Recommendation 41 of the EU Counter Terrorist Financing Strategy presented to the European Council of December 2004 to assess*, the opted to take a full threat analysis within the EU region. In doing so they are able to satisfy themselves that its arrangements for preparing its own periodic and situational threat assessments provide sufficient and necessary data as and when needed. Also, the EU has started financial investigations and analysis as a means to curbing terrorist financing.

Lastly, aside from measures taken by the United Nations, a Financial Action Task Force on Money Laundering was conceived in 1989 with the aim of combating not only money laundering but also terrorist financing. In 2001, the FATF made nine special recommendations to counter terrorist financing.¹⁴ Special

¹³ United Nations Security Council Resolution 1373 (2001)

¹⁴ The Interpretative Notes to the Special Recommendations (SR) on Terrorist Financing (TF)-
<http://www.fatf-gafi.org>

Recommendation 1, the FATF suggests states to carry out important legislative and executive procedures as well as adopt measures needed to implement the 1999 United Nations International Convention for the Suppression of the Financing of Terrorism.¹⁵ Ratification of the said Convention is necessary for it to come into effect. In this connection, the minimum number of ratifications needed (22) was reached on 10 March 2002. In addition, the FATF calls on states to implement the United Nations resolutions relating to the prevention and suppression of the financing of terrorist acts, S/RES/1373(2001) in particular.

Recommendation 2 was developed with the objective of ensuring that countries have the legal capacity to prosecute and apply criminal sanctions to persons that finance terrorism. Given the close connection between international terrorism and money laundering, another objective of Special Recommendation 2 is to emphasize this link by obligating countries to include terrorist financing offences as predicate offences for money laundering. Under the recommendation, the basis for criminalizing terrorist financing should be the United Nations International Convention for the Suppression of the Financing of Terrorism. Recommendation 3 implies the need for states to adopt legislative and executive measures that will strengthen their capacity to freeze and confiscate the funds or assets of terrorists, terrorist organizations, and other actors that finance terrorist acts. According to the FATF, this should be done in relation to S/RES/1267(1999) and S/RES/1373(2001). The FATF believes that both freezing and confiscating terrorist assets are necessary to incapacitate terrorists and terrorist organizations as well as prevent future

¹⁵ United Nations International Convention for the Suppression of the Financing of Terrorism (1999)

terrorist attacks. While ownership of frozen funds and other assets is maintained by the original owner, the FATF suggests that state authorities, through freezing mechanisms, shall have the capacity to stop the usage, transfer, movement, and disposition of such funds and assets at the time of freezing. Meanwhile, confiscating terrorist funds and assets involves transferring the ownership of the said funds and assets to the State.

Recommendation 4 directs itself on a more domestic sense. It states that “if financial institutions, or other businesses or entities subject to anti-money laundering obligations, suspect or have reasonable grounds to suspect that funds are linked or related to, or are to be used for terrorism, terrorist acts or by terrorist organizations, they should be required to report promptly their suspicions to the competent authorities.” Since transparency has been an issue for most financial institutions, the responsibility is left to the individuals who work, invest, or give services to these institutions to flush out their scheme and put them to justice.

Through Special Recommendation 5, the FATF emphasizes the importance of international cooperation in countering the financing of terrorism. Recognizing that countering the financing of terrorism is a transnational problem, the FATF suggests that states must create mechanisms, such as treaties and other forms of arrangement, which will enable them to conduct information exchange on terrorist financing. In addition, the FATF insists that states should deny safe haven to those who finance terrorism as well as that these individuals will be extradited when necessary.

As was mentioned above, money transfer systems have shown themselves vulnerable to illegal acts such as money laundering and terrorist financing purposes. The objective of Special Recommendation 6 is to increase the transparency of payment flows by ensuring that authorities impose consistent anti-money laundering and counter-terrorist financing measures on all forms of remittance systems, particularly those traditionally operating outside the usual financial sector and not currently subject to the FATF Recommendations. This Recommendation highlights the need to bring all remittance services, whether formal or informal, within the field of certain minimum legal and regulatory requirements in accordance with the relevant FATF suggestions.¹⁶ Recommendation 7 has the objective of averting terrorists and other criminals from having easy access to wire transfers for moving their funds and for detecting such misuse when it occurs. Moreover, it aims to ensure that basic information on the sender of wire transfers is immediately available.

The ongoing international campaign against terrorist financing has unfortunately demonstrated that terrorists and terrorist organizations exploit the Non-Profit Organizations sector to raise funds, provide logistics, encourage terrorist recruitment or otherwise support terrorist organizations and operations. The objective of Special Recommendation 8 is to ensure that NPOs are not taken advantaged by terrorist organizations: “to pose as legitimate entities; to exploit legitimate entities as conduits for terrorist financing, including for the purpose of escaping asset freezing measures; or to conceal or obscure the clandestine diversion

¹⁶Financial Action Task Force- <http://www.fatf-gafi.org/vvv>

of funds intended for legitimate purposes but diverted for terrorist purposes.”¹⁷

Special Recommendation 9 was developed with the purpose of guaranteeing that terrorists and other criminals cannot finance their activities or launder the profits of their crimes through the physical cross-border transportation of currency and carrier negotiable instruments. Specifically, it aims to ensure that countries have measures: “to detect the physical cross-border transportation of currency and bearer negotiable instruments, to stop or restrain currency and bearer negotiable instruments that are suspected to be related to terrorist financing or money laundering, to stop or restrain currency or bearer negotiable instruments that are falsely declared or disclosed, to apply appropriate sanctions for making a false declaration or disclosure, and to enable confiscation of currency or bearer negotiable instruments that are related to terrorist financing or money laundering. Countries should implement Special Recommendation IX subject to strict safeguards to ensure proper use of information and without restricting either trade between countries or the freedom of capital movements in any way.”

Questions for consideration:

1. With varying definitions of terrorism, how can states agree on a set of guidelines that will determine if an actor/s is/are already financing international terrorism?

¹⁷ EU Counter Terrorism- http://ec.europa.eu/justice_home/fsj/terrorism/prevention/

2. What measures should be taken in order to track the methods used in financing terrorism such as the trade-based money laundering and informal remittance systems?

3. How will the UNODC ensure cooperation on information sharing and harmonization of the domestic laws (on financing terrorism) of states?

*Transnational Organized Crime: Addressing the Effectiveness of the United Nations
Convention against Transnational Organized Crime*

The College of St. Benilde

Transnational organized crime is considered as one of the major threats to human prosperity and progress, impeding the social, economic, political and cultural development of societies worldwide. It is a multi-faceted phenomenon and has manifested itself in different activities, among others; drug trafficking, human trafficking; trafficking firearms; smuggling of migrants; money laundering; etc. In particular drug trafficking can be considered as one of the main activities of organized crime groups, generating enormous profits. UNODC works closely with Governments, international organizations and civil society to strengthen cooperation to counter the pervasive influence of organized crime and drug trafficking.¹⁸

The United Nations Convention against Transnational Organized Crime is the main international instrument to counter organized crime.¹⁹

UNODC helps countries use the provisions of the Convention to create domestic criminal offences to counter the problem; to adopt new frameworks for mutual legal assistance; to facilitate extradition; law enforcement cooperation; technical assistance and training.²⁰

¹⁸ United Nations Office on Drugs and Crime-
<http://www.unodc.org/unodc/en/treaties/CTOC/index.html>

¹⁹ <http://www.unodc.org/unodc/en/treaties/CTOC/index.html>

The United Nations Convention against Transnational Organized Crime and Its Protocols

²⁰ UNODC and Organized Crime- <http://www.unodc.org/unodc/en/organized-crime/index.html>

In the new global age and as globalization has expanded international trade, borders have opened up, trade barriers have fallen and information speeds around the world at the touch of a button. Everything now is an easy access that leads Business to boom -and so is transnational organized crime. The range of organized crime activities has broadened and diversified. The traditional hierarchical forms of organized crime groups have diminished; replaced with loose networks who work together in order to exploit new market opportunities. For example organized crime groups involved in drug trafficking are commonly engaged in smuggling of other illegal goods. The links between drug trafficking and other forms of transnational organized crime calls for a more integrated approach to address this nexus. Transnational crimes are often operated by well-organized groups like international drug cartels or the so called Mafias, which have been involved in racketeering, fraud, tax evasion, gambling, drug trafficking, arson, robbery, and murder.²¹

The La Cosa Nostra, the most prominent organized crime group in the world from the 1920s to the 1990s. They have been involved in violence, arson, bombings, torture, loan sharking, gambling, drug trafficking, health insurance fraud, and political and judicial corruption. Their operations originated in the rural areas of Sicily but have spread throughout all of southern Europe and large areas of America. However they were severely crippled by actions of the American FBI in the 1970s and 80s. The Yakuza in Japan, they are often involved in multinational criminal activities, including human trafficking, gambling, prostitution, and undermining licit

²¹ National Institute of justice (Transnational Organized Crime)-
<http://www.ojp.usdoj.gov/nij/topics/crime/transnational-organized-crime/major-groups.htm>

businesses. These are just some of the examples of groups that are responsible in the occurrence of transnational crimes. Groups like the given examples typically involve certain hierarchies and are headed by a powerful leader. These transnational organized crime groups work to make a profit through illegal activities. Because groups operate internationally, their activity is a threat to global security, often weakening governmental institutions or destroying legitimate business endeavors.

The United Nations Convention against Transnational Organized crime was adopted by the General Assembly Resolution 55/25 on the 15th of November 2000. It is the main international instrument in the fight against transnational organized crime. It opened for signature by Member States at a High-level Political Conference convened for that purpose in Palermo, Italy, on the 12th -15th of December in year 2000 and entered into force on the 29th of September in year 2003.²² To target specific areas and Manifestations of organized crime, the convention was further supplemented by three protocols. First is the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*.²³ It was adopted by General Assembly resolution 55/25. It entered into force on 25 December 2003, in which prevent and combat trafficking in persons, paying particular attention to women and children, protects and assist the victims of such trafficking, with full

²² TENTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS- <http://www.un.org/events/10thcongress/2088f.htm>

²³ PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN- http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20trafficking.pdf

respect for their human rights; and promotes cooperation among States Parties in order to meet those objectives. Second is the *Protocol against the Smuggling of Migrants by Land, Sea and Air*²⁴. It was adopted by the General Assembly resolution 55/25, and entered into force on 28 January 2004. It deals with the growing problem of organized criminal groups who smuggle migrants, often at high risk to the migrants and at great profit for the offenders. A major achievement of the Protocol was that, for the first time in a global international instrument, a definition of smuggling of migrants was developed and agreed upon. The Protocol aims at preventing and combating the smuggling of migrants, as well as promoting cooperation among States parties, while protecting the rights of smuggled migrants and preventing the worst forms of their exploitation which often characterize the smuggling process. And lastly, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms. It was adopted by General Assembly resolution 55/255 of 31 May 2001. It entered into force on 3 July 2005. Their Parts and Components and Ammunition in which the primary purpose is to strengthen and unify international cooperation and to develop cohesive mechanisms to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. Countries must become parties to the Convention itself before they can become parties to any of the protocols.²⁵

²⁴ PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR-
http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_smug_eng.pdf

²⁵ Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition-
<http://www.unodc.org/documents/treaties/Special/2001%20Protocol%20against%20the%20Illicit%20Manufacturing%20of%20and%20Trafficking%20in%20Firearms.pdf>

The Convention commits states to introduce a range of measures, including the creation of domestic criminal offences to counter the problem; the adoption of new frameworks for mutual legal assistance; extradition; law enforcement cooperation; technical assistance and training. The UNODC also works closely with national governments, organizations and civil society to enhance international cooperation to counter the pervading influence of organized crime and drug trafficking. The Unit has initiated and oversees numerous counter-narcotics and anti-organized crime projects. Assisting Member States in the ratification and implementation of the TOC Convention; Like Monitoring the implementation of the Convention; Developing and promoting best practice in countering organized crime across the globe; Improving the exchange of information; judicial cooperation and mutual legal assistance between law enforcement officials and; Determining the most effective method for collecting information on organized crime from a regional and global perspective and ensuring that such information is available to policymaking and technical assistance projects.

Questions:

1. What does the national government do to fight transnational organized crimes aside from ratifying to A/Res/55/25 of 15 November in year 2000?
 2. Since everything today is an easy access like the internet for instance, what should UN do to monitor the acts of these Transnational Criminals? How could the UN identify them?
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3. How will the UNODC Monitor those countries that have ratified the A/Res/55/25 is complying with the protocol? Is there any penalty if the signatories did not follow the protocol of A/Res/55/25?

The Issue of the Overexploitation of Natural Resources and the depletion of the Global Commons in the 21st Century

Alexandra Lohman, CSULB

The international community first became aware of the degree of human impact upon the natural environment in 1972 with the establishment of the United Nations Conference of the Human Environment (UNCHE). Taking place in Stockholm, Sweden, this was the first global governmental conference on the environment. While it popularized the issue of the environment and permanently placed it on the international agenda from then on, it also revealed crosscutting beliefs that still persist on in current environmental discussions. Interests within the environment differ with a nation's economic perspective and outlook: for example, industrialized nations primarily concern themselves with the implications of industrial pollution, while lesser and least developed nations have prioritized their agendas to focus primarily on the issue of natural resource usage. While both agendas take into consideration human implications upon the environment, one perspective incorporates economic development, while the other would call for the international community to forgo economic development in order to preserve such natural resources²⁶.

The UNCHE, along with creating various legislations on how nations should act in terms of their environment, called for the establishment of the United Nations Environmental Program, located in Nairobi, Kenya, making it the first agency of the

²⁶ Haas, Peter M.. "Environment: Pollution." *Issues in Global Politics* (2008): 311. Print.

United Nations to be located within a lesser-developed country²⁷. With the creation of the UNEP and important legislation, such as the Stockholm Declaration, which established twenty-six principles of behavior and responsibility to serve as the basis for future legally binding multilateral agreements, the United Nations Conference on Environment and Development (UNCED) was also implemented in 1992 in Rio de Janeiro. Out of this conference the Rio Declaration was adopted, creating twenty-seven principles for guiding environmental policy while promoting sustainability.

The United Nations Commission on Sustainable development (UNCSD) was also established, which created a shared agreement between nations of both the economic North and South, working in correlation with one another to improve the environmental status of the environment. This agreement, which is still upheld in international policies pertaining to the environment and the international political economy, states that the environment and development are complementary ideas in terms of future development. That said, the economic North should aid the South to pay for and develop new technologies to affect conditions elsewhere in the world and not just in the relative proximity of their own national borders²⁸. The irony of unanticipated environmental threats can be noted when they are sometimes the result of well-intentioned efforts at improving national prosperity. This statement clearly supports the sentiments of the UNCSD, noting that in the long run, the environment and development must be preserved and implemented in correlation with one another in order to conserve the international environment.

²⁷ The United Nation's Environment Program (UNEP). "Organizational Profile: The UNEP." The United Nations Environmental Porgram. 7 Sep 2009 <<http://new.unep.org/PDF/UNEPOrganizationProfile.pdf>>.

²⁸ Haas, Peter M.. "Environment: Pollution." *Issues in Global Politics* (2008): 311. Print.

Historically, nations have looked at the environment from a relatively close proximity, evaluating the environment in terms of their national resources and the impact they may be having on such resources. However, as nations evaluate the value and importance of these national resources, the question of the Global Commons is becoming more and more apparent.

The Global Commons, whose definition dates back to early English law, is a term that was codified to exemplify our shared natural resources. The word global sets the perspective and the term commons refers to the aspect of the environment that is shared. In early English society, the commons was referred to as the tract of ground that was shared between villages²⁹. Applied to the global perspective, the commons becomes a wide range of natural elements that are shared amongst nations in the international community.

What environmental resources do we define as the Global Commons of today's international society? The list of shared natural resources is endless, however, prominent elements include the atmosphere, hydrosphere, lithosphere, and biosphere. The atmosphere is the blanket of air that surrounds the earth; it absorbs the energy from the sun, recycles water and other chemicals, and moderates our climate in correlation with electrical and magnetic forces³⁰. Our hydrosphere contains all of the earth's water found in streams, lakes, the soil,

²⁹ Palmer, A.R.. "What do we mean by the Global Commons?." *Basin: Toward a Stewardship of the Global Commons: Engaging "My Neighbor" in the issue of Sustainability* 06/07/2009 Web.7 Sep 2009. <http://74.125.95.132/search?q=cache:Nt6qR_094PYJ:bcn.boulder.co.us/basin/local/sustain1.htm+global+commons&cd=2&hl=en&ct=clnk&gl=us&client=safari>.

³⁰ NASA, "Earth's Atmosphere." *Student Features* 10/04/2009 Web.7 Sep 2009. <http://www.nasa.gov/audience/forstudents/9-12/features/912_liftoff_atm.html>.

groundwater, and in the air, and is commonly referred to as the “water sphere”³¹.

The earth’s crust and the top part of the mantle that covers the earth’s surface is the Lithosphere, which is broken into different lithosphere plates that contain both continental and oceanic crusts of the earth’s surface³².

Our impact on these Global Commons translates into *The Tragedy of the Commons*: a collective good dilemma that is created when common environmental assets (such as the world’s fisheries) are depleted through the failure of states to cooperate effectively³³. This lack of cooperation roots in national interests pertaining to the environment and the benefits of using (and exploiting) shared natural resources at the global level.

This notion of one state’s actions effected another state’s environment can be exemplified in many ways. Chemical emissions, such as chlorofluorocarbons (CFCs) of more industrialized nations do not just, simply, impact the section of the Ozone layer that is directly above them. In fact, those emissions will damage the protective layer that is the Ozone (which plays a vital role in protecting life on earth from harmful ultraviolet rays from the Sun)³⁴ in its entirety, ultimately harming all populations around the world, and not just the population of the nation who elected to produce such chemical byproducts in the first place.

³¹ Ritter, Michael E. *The Physical Environment: an Introduction to Physical Geography*. 2006. Date visited. http://www.uwsp.edu/geo/faculty/ritter/geog101/textbook/title_page.html

³² Castro, Peter, and Michael E. Huber. *Marine Biology*. 7. New York City: McGraw-Hill Higher Education, 2008. Print.

³³ Goldstein, Joshua S., and Jon C. Pevehouse . *International Relations*. 2008-2009 Update. New York City: Pearson Longman , 2009. Print.

³⁴ NOAA Research. "The Ozone Layer." *NOAA Office of Oceanic and Atmospheric Research* 14, June, 2007 Web. 7 Sep 2009. <http://74.125.95.132/search?q=cache:l2v7bLbkN-UJ:www.oar.noaa.gov/climate/t_ozonelayer.html+The+Ozone&cd=3&hl=en&ct=clnk&gl=us&client=safari>.

A prominent example cited in the discussion of the tragedy of the global commons is that of over fishing. The waters (oceans) from which companies fish from are viewed as a collective good, seeing as one nation does not have sole ownership of it. Due to the work of international bodies, multinational corporations, and nongovernmental organizations, there are some laws and protocols in place, such as the International Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks³⁵, that limit the amount of actions taken by these industries that would ultimately deplete the stocks of fish present within the oceans. However, the lack of force to implement such regulations has not deterred the over fishing of these resources, noting that as of 2007, fifteen-percent less fish are caught in each catch, and as species of seafood deplete, fisheries simply move on to another species in order to provide some sort of supplement³⁶.

The environmental conscience and awareness of the depletion of such resources and species is not enough to surpass the economic incentive behind such overexploitation. Even though nations are paying up to \$20 billion annually in order to subsidize the growing number of bankrupt fishing industries (due to the lack of attention given to fixing the problem of over fishing)³⁷, the economic gain still stands as a greater incentive when a multinational corporation has the choice to either abide by international protocols protecting the global commons or to continue to overexploit the natural resource in question. The irony of economic

³⁵ "Fisheries Conference agrees on conservation measures". UN Chronicle. FindArticles.com. 07 Sep, 2009. http://findarticles.com/p/articles/mi_m1309/is_n2_v32/ai_17369732/

³⁶ Goldstein, Joshua S., and Jon C. Pevehouse . *International Relations*. 2008-2009 Update. New York City: Pearson Longman , 2009. Print.

³⁷ Goldstein, Joshua S., and Jon C. Pevehouse . *International Relations*. 2008-2009 Update. New York City: Pearson Longman , 2009. Print.

betterment is a striking feature in this case study as the economic gain of one multinational corporation comes at the price of the national economic health of a country and at the price of the depletion of the world environmental community.

The question of the tragedy of the global commons, or the issue of the overexploitation of natural resources and the depletion of the global commons in the 21st century, is not just a question of our international environmental conscience and awareness. It is a growing question of national and international priorities; how long shall our national economies and policies take precedent to the international environment that sustains life for our current generation and future generations to come? How long will the green of our national livelihood deplete the green of our international environment, and in summation, how can we as the United Nations Environmental Program rewrite the ending to the tale that is the tragedy of the global commons?

Questions to consider while researching:

1. What are the prominent aspects of the environment that are frequently overexploited and for what reasons?
 - a. Is the emphasis on this overexploitation due to necessity (i.e.: water) or is it due to the economic incentive that backs it?
2. What pieces of international legislation are currently in place to protect different aspects of the environment?
 - a. What is their emphasis and what do they protect?
 - b. How would you rate its efficiency?
 - i. If inefficient, where is the loophole or lack of incentive within the legislation?
3. Where does your nation stand on the issue?

- a. Are there recent efforts within the past 10-15 years that should suggest a change in national environmental policy?
 - b. What programs have worked within your nation to deter the depletion of natural resources?
 - c. How could national policies be translated and implemented to the international level?
4. What nations are currently leading the international community in the fight for the preservation of the environment?
 - a. What programs have they invested in/created at the domestic and international level that show significant improvement within the preservation of the environment?
5. What technologies are in development or are currently being implemented in order to deter overexploitation?
 - a. What is the basic function, expense, and how easily could it be implemented on an international scale?
 - b. How could the UNEP implement such technologies with strong legislation behind it in order to ensure its ultimate success?
6. How could the economic North continue to aid the economic South in developing greener national practices while still preserving their right to industry and economic self-determination?
7. What incentives are currently in place or could be developed that would take precedence to economic development?

Addressing the Global Carbon Market
Chandler-Gilbert Community College

Since the United Nations Intergovernmental Panel on Climate Change (IPCC) established that "Most of the observed increase in global average temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic greenhouse gas concentrations." there has been a sense of urgency among the global community to reduce greenhouse gases in the Earth's atmosphere. In 1992 the United Framework Convention on Climate Change (UNFCCC) encouraged industrialized countries to stabilize greenhouse gas emissions and in 1997 The Kyoto Protocol committed the countries that ratified it to do so. The primary goal of the Kyoto Protocol is to stabilize the amount of greenhouse gasses (GHG) that are in the Earth's atmosphere to a level that will not interfere with the climate system. In December of 2001 the Marrakech Accord, which set the rules and standards for all participating nations, was adopted and their implementation began.³⁸

The Kyoto Protocol set up two groups in which a nation can be categorized; Annex I and Non-Annex. States that are a part of the Annex I group are industrialized and are recognized as being chiefly responsible for the amount of greenhouse gases in the atmosphere today. Annex I members have been industrially active for the past 150 years. This means the countries like The Peoples Republic of China and India are not a part of Annex I, because they have only been very recently

³⁸ "Carbon Finance." The World Bank. 5 July 2009 <<http://web.worldbank.org/>>. Kyoto Protocol Reference Manual. <http://unfccc.int/kyoto_protocol/items/2830.php>.

that they have become industrialized and have been releasing large, measurable amounts of greenhouse gases. Annex I countries are required to reduce six of the main greenhouse gases: Carbon dioxide (CO₂), Methane (CH₄), Nitrous oxide (N₂O), Hydrofluorocarbons (HFCs), Perfluorocarbons (PFCs), and Sulphur hexafluoride (SF₆). The levels of these six gases have to be collectively reduced by 5.2%, compared to the levels in 1990, by the year 2012. This table shows the varying percentage of greenhouse gases that each Annex I member is limited to or must reduce by. This percentage is also known a party's assigned amount.

Annex I Members	Limitations/Reductions
European Union, Bulgaria, Czech Republic, Estonia, Latvia, Liechtenstein, Lithuania, Monaco, Romania, Slovakia, Slovenia, Switzerland	8%
United States	7%
Canada, Hungary, Japan, Poland	6%
Croatia	5%
New Zealand, Russia, Ukraine	0%
Norway	+1%
Australia	+8%

Iceland	+10%
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Source: Kyoto Protocol Reference Manual

Non-Annex members are developing countries that currently and in the recent past have not greatly contributed to the global amount of greenhouse gases and/or have an economy that is in transition. Being that the economies in Non-Annex countries are in their infancy and not yet stable enough, they do not have assigned amounts. This policy was established under the principle of “common but differentiated responsibilities.” This has caused some nations to disagree the implementation of the Kyoto Protocol, in particular The United States. The United States’ stance is that there should be equal responsibilities when it comes to the domestic reduction of greenhouse gases. As of today the US has signed the Kyoto Protocol, but not yet ratified it, therefore they are not bound to their assigned amount of 8%.

One of the three mechanisms that the Kyoto Protocol established as a way for Annex I members to reach their assigned amounts is through the use of Emissions Trading, also known as “The Carbon Market”.³⁹ This market is set up like any other, with the exception that carbon credits are the main commodity. A carbon credits is a permit that allows an entity to emit a specified amount of greenhouse gases. Annex I nations with efficient, low greenhouse gas-emitting industries, and high environmental standards are allowed to purchase carbon credits on the world market instead of reducing their greenhouse gas emissions domestically. If a nation comes in under their assigned amount they can sell their unused carbon credits to

³⁹ "Mechanisms under the Kyoto Protocol." United Nations Framework Convention on Climate Change. 5 July 2009 <http://unfccc.int/kyoto_protocol/mechanisms/items/1673.php>.

countries that have exceeded theirs. Carbon credits can also be bought and sold from international businesses that specialize in the production of carbon credits and Non-Annex countries that operate programs that reduce greenhouse gases.

The other two mechanisms, The Clean Development Mechanism (CDM) and Joint Implementation (JI) are what allow Annex I countries to interact with Non-Annex countries and independent business. Countries have also set sub-markets within the Global Carbon Market. One example is The European Union Emission Trading System (EU ETS). Countries can trade carbon credits within this market and as a whole with other sub-markets in the Global Carbon Market. The Clean Development Mechanism and Joint Implementation have paved the way for a new branch of Environmental Finance, Carbon Finance.⁴⁰

All of the transactions between the countries and businesses create the Global Carbon Market. In essence, Emissions Trading forces countries to pay a monetary price for the pollution they add to the atmosphere, while rewarding countries that pollute less by giving them the ability to profit from their reduction. Countries are given the incentive not only to reduce the amount of greenhouse gases they emit, but also to emit less than their assigned amount. The World Bank has set up the Carbon Finance Unit, which uses funds from governments and independent business to support greenhouse gas reducing programs in Non-Annex countries as part of the Clean Development Mechanism. The Carbon Finance Unit does not loan or grant funds to these programs, but instead purchases carbon credits from the

⁴⁰ "About the World Bank Carbon Finance Unit." The World Bank. 5 July 2009
<<http://web.worldbank.org/>>.

programs. The World Bank assures that these transactions not only uphold the goals of the Kyoto Protocol, but also their own mission of reducing poverty and improving the living standard in the developing world.

Even though many nations have taken part in the global carbon market there is still plenty of opposition to its use. One of the main arguments by critics is that emissions trading, or a so called cap and trade system, do little to solve overall problem of pollution. Groups that do not pollute sell their conservation to the highest bidder, so in fact the amount of pollution is not being reduced, but its emission is being redistributed. They claim that significant reductions need to come from a smaller amount of allowances/permits available in the market. Another concern is that the agencies that regulate the amount or emissions credits in the market may issue too many of them. With more emissions credits on the market, parties are able to add more carbon dioxide in to the atmosphere than reduce it.

Climate Action Network Europe (CAN-E) is strongly in favor of reform to the current emission trading system. In their report to policy-makers, subtitled Phase II of the European Union's Emissions Trading System, they advocate auctioning off carbon credits instead of grandfathering, which is currently being practiced.⁴¹ Grandfathering is where a government buys carbon credits and then distributes them to the polluters with no cost to them, in an attempt to prevent excessive costs from harming businesses. Groups like Carbon Trade Watch and The Corner House see the emissions trading as the wrong way to reducing carbon. Instead they claim

⁴¹ CLIMATE ACTION NETWORK EUROPE-
http://www.climnet.org/EUenergy/ET/NAPsReport_Summary0306.pdf

that the carbon market will find a way to stay at equilibrium in the short term, even if it is not in the benefit of the long term goal of reducing the amount of carbon in the atmosphere. A World Bank press release entitled "Developing Countries Show Increasing Benefits from a Decade of World Bank Carbon Finance" mentions that the World Bank's assets have grown from US\$180 million with one greenhouse reducing program to US\$ 2.6 Billion today with almost 12 programs operating successfully.⁴² East Asia has the largest share of all active greenhouse gas reduction programs, with more than US\$1.5 Billion in carbon assets. Second are Latin America and the Caribbean and third is Central Asia and Europe. According to the yearly report, "State and Trends of the Carbon Market 2009" the Global Carbon Market has doubled since 2008 to be currently valued at US\$126 Billion.⁴³ The report is based on data from trading under the European Union Emissions Trading Scheme and from transactions that occurred under the Clean Development Mechanism and Joint Implementation.

In a recent publication "Climate and Trade Policies in a Post-2012 World", UNEP elaborates on its possible plans for future modifications of the current global carbon market. It states that having a set price for carbon credits is "critical for development and dissemination of clean energy technologies as it will create the economic incentives needed for private actors to take action."⁴⁴ In order to set a

⁴² The World Bank. Carbon Finance. "Developing Countries Show Increasing Benefits from a Decade of World Bank Carbon Finance." Press release. Washington, 2009

⁴³ The World Bank. Carbon Finance. "State and Trends of the Global Carbon Market 2009." Barcelona, 2009.

⁴⁴ UNEP Report- Climate and Trade Policies in a Post-2012 World
<http://www.unep.org/climatechange/LinkClick.aspx?fileticket=zb4Wio0kiAI%3d&tabid=389&language=en-US>

universal price it is required that fossil fuel subsidies be completely eliminated and to tax emitters of carbon among other things. The publication goes into further detail on the implications of a carbon tax mechanism, "in which countries would tax carbon emissions at an internationally harmonized "carbon price". If a "carbon price" were to be achieved it would get rid of the need for countries to restrict the flow of technology through the use of tariffs, subsidies, and differential tax treatment. The Kyoto Protocol mentions that one way for nations to reach their target emissions is to reduce or completely do away with subsidies and market imperfections. A large portion of the publication is also spent discussing the role that developing countries play in the carbon market. Industrialized countries are calling for the use of unilateral trade measures. This would entitle larger developing nations like India and China to take a larger role in reducing their levels of green house gases.

Since 1997 there have been many post- Kyoto Protocol negotiations. Most are non-binding talks that are intended to further the goal of reducing greenhouse gasses. A particular example includes the February 2007 "Washington Declaration", in which G8+5 leaders agreed to a global cap and trade system which would be utilized by both industrialized and developing nations. Their goal was to have this plan implemented by 2009. During the 33rd G8 Summit in June of 2007 the members aimed to reduce CO₂ emission in half by 2050 and financially support climate control projects in developing countries.

The next scheduled post-Kyoto Protocol negotiation is for the 2009 United Nations Climate Change Conference in Copenhagen, Denmark. The issues that will dominate the discussion at the conference will be carbon capture and storage, biofuels, technology transfer, sustainable agriculture, and emissions targets. Another major point that will be made at the conference is the importance of furthering the development and distribution of new technologies in order to reduce carbon emissions. Still there are critics that claim that United Nations Climate Change Conference and G8 Summits are more for show and do not contain enough substance or a concrete plan to actually reduce the amount of greenhouse gasses in the atmosphere. The conclusion formed at the 33rd G8 Summit in June of 2007 was called by many an empty promise because it was never fully implemented. The reason was that members could not designate a specific base year at which all nations had to return their gas emission levels to.

Questions for Discussion:

- 1) Is the Global Carbon Market effective in stabilizing the amount of greenhouse gases in the atmosphere? If not, how can it be utilized to its fullest potential?
- 2) Which of the three mechanisms stated in the Kyoto Protocol does your state implement?
- 3) Is the distribution of responsibility between Annex I and Non-Annex member's fair in the Global Carbon Market?
- 4) Should Non-Annex members be doing more to stabilize greenhouse gases?

- 5) Whom does the Carbon Market financially benefit the most?

- 6) Are the expectations of the Kyoto Protocol, to reduce GHG levels to those of 1990 reasonable?

- 7) Is the world community gaining financially from the Global Carbon Market?

The Environmental Impact of Conflict

Chandler-Gilbert Community College

Over the years we have seen how conflict in various parts of the world have affected the human race and that has always been the main focus, however, has the world taken a look at what type of environmental impact conflict has caused? The most common problems that arise due to conflict are; the risks of pollution near drinking water sources; the treatment or removal of surface soil contaminated with heavy oil, heavy metals and other hazardous substances. There are also high demands of continued monitoring of air, water, soil, agricultural products and human health, livelihood and security.⁴⁵ Since 1999 UNEP has made environmental assessments in 25 different countries including Sudan, Rwanda and in the Balkans, as well as publishing 18 environmental assessments which include fieldwork and laboratory analysis. By carrying out these assessments they are able to initiate and implement capacity-building and recovery programs, clean-up and rehabilitation projects, and or environmental cooperation for peacebuilding.⁴⁶

Within these assessments experts in the field have seen that there are two types of impacts that are put on the environment; direct and indirect. As mentioned earlier air and water pollution are one of the most common however it is not only

⁴⁵ UNEP Disasters and Conflicts- <http://www.unep.org/conflictsanddisasters/>

⁴⁶ From conflict to peacebuilding: the role of Natural resources and the environment. By UNEP Vanassent, Wendy. World resources 2002-2004; Armed conflict refugees and the environment. <http://www.ratical.org/radiation/dhap/index.html>

limited to the area in conflict it can also cross borders and contaminate the lives of others in bordering countries. As stated in the The Africa Water Vision for 2025, “a new way of thinking about water and a new form of regional cooperation.”⁴⁷ At the regional level, it calls for partnership and solidarity between countries that share common water basins. At the national level, it will require fundamental changes in policies, strategies and legal frameworks, as well as changes in institutional arrangements and management practices. It will necessitate the adoption of participatory approaches, management at the lowest appropriate level, and the mainstreaming of gender issues and the concerns of the youth. At the global level, it will call for assistance from Africa’s development partners in mobilizing seed funding for priming the urgent developments needed to underpin sustainable management of the region’s water resources.”⁴⁸ As stated in the study access to adequate water and sanitation is low in Africa.⁴⁹ It states that poverty and its connection with water are linked, Yet due to the inadequate access to safe water and sanitation, there is a high incidence of communicable diseases that reduce vitality and economic productivity on the continent. Contamination due to movement of troops, landmines, unexploded ordinance, weapons containing depleted uranium as well as production, testing, stockpiling and disposal of weapons add to the direct

⁴⁷ The Africa Water Vision for 2025

⁴⁸ African Union- IMPLEMENTATION OF THE POSTCONFLICT RECONSTRUCTION AND DEVELOPMENT POLICY AND DECISION

⁴⁹ Environmental and socioeconomic impacts of armed conflict in Africa-

http://www.eoearth.org/article/Environmental_and_socioeconomic_impacts_of_armed_conflict_in_Africa

impact as well as deforestation, and the exploitation of natural resources to say the least.⁵⁰

For example during the Gulf War, American and British forces introduced armor-piercing ammunition made of depleted uranium, a radioactive and toxic waste used because of its strength and density. By war's end, more than 290,000 kilograms (640,000 pounds) of depleted uranium contaminated equipment and the soil on the battlefields of Saudi Arabia, Kuwait, and southern Iraq. Though investigations, it now appears that some veterans and civilians exposed to depleted uranium contamination are suffering health problems including kidney damage and cancers. The U.S. Army states cleanup involves removing the top layer of soil, which could be potentially devastating to an environment, especially if depleted uranium contaminates arable land or wetlands. Further, the cost involved in removing the topsoil from contaminated areas could be astronomical. As an example, the cost of cleaning up and disposing of the estimated 69,000 kg (152,000 lbs) of depleted uranium dust and debris on 200 hectares (500 acres) of the U.S. Army's Jefferson Proving Ground in Indiana has been placed at \$4 to 5 billion (U.S.\$). The cost of cleaning up 290,000 kg (640,000 lbs) of depleted uranium on thousands of hectares in Saudi Arabia, Kuwait, and Iraq could therefore easily be tens of billions of dollars (U.S.\$).

Indirect impact is just as important as direct seeing that these types of impacts are more related to the livelihood of humans and they undermine the

⁵⁰ Conflict Prevention- <http://cyberschoolbus.un.org/briefing/conflicts/pcprogress.htm>

delivery of humanitarian aid. Conflict also forces populations to adopt coping strategies that lead to internal displacement and or migration to neighboring countries.⁵¹ Migration leads to land degradation as well as puts even more pressure on natural resources within that host nation.

In Sudan alone (IDPs) and international refugees currently live in rural camps, informal settlements and urban slums. The condition in which many of them live in is one that is unacceptable. The most significant impact that IDP's and refugees have on the environment is sever deforestation, particularly in the dry lands, has resulted in a near permanent loss of resources including seasonal forage for pastoralists and natural fertilizer/soil recovery services for farmers. Deforestation rates in the areas studied by UNEP average 1.87 percent per annum. Land degradation in camp areas is caused by over-harvesting of seasonal fodder and shrubs by camp residents and their livestock (commonly goats). Aside from its environmental impact, this activity places camp residents in direct competition and potential conflict with local residents.⁵²

UNEP proudly works with the UN Peace building Commission in order to use the environment as a way for countries to come together in a cohesive manner that will serve as a way for both countries to capitalize their natural resources in a peaceful way without exploiting the resource. Both UNEP and the Peacebuilding

⁵¹ UNEP- Population Displacement and the Environment

⁵² The legacy of conflict- <http://new.unep.org/OurPlanet/imgversn/113/haavisto.html>

Commissions have set out six different prioritized areas to focused efforts on, this include:

1. Prioritize on the early prevention of conflict breakout over natural resources. The acknowledgement that prevention is good does not necessarily translate into practical support for preventive measures. It is easier to react when something happens than to act in order for something not to happen. For this reason, political leaders might find it hard to convince the public that prevention policies abroad are worth the investment. These policies might carry heavy costs, and the benefit is a vague concept when weighed against those costs. For this reason, Ex Secretary-General Kofi Annan noted that "prevention is first and foremost a challenge of political leadership."⁵³

2. When there is a conflict, have there be a group in which will prioritize in looking over the natural resources when there is a conflict.

3. Make sure that natural resources and the environment are used as ways of peace making and peacekeeping. Environmental peacekeepers could be deployed to areas in environmental crisis. Such forces could be comprised of women and men with the needed environmental, health, public safety, and other forms of expertise to assess the environmental threat. They could propose ways of containing the threat, either by developing capacities within

⁵³ Kofi A. Annan, We the Peoples. *The Role of the United Nations in the 21st Century*, New York: United Nations, 2000, pp. 44-45, www.un.org/millennium/.

the community necessary for doing so and/or organizing local representatives of the broad based environmental movement of international NGO's and local community based organizations, including political parties (e.g. Green parties), formal organizations (e.g. the Sierra Club, Audubon Society), and spontaneous groupings for purposes of advocacy. They could propose short-term remedies for containing the damage and preventing further harm. They could monitor public health and safety and work with the local residents in developing ways to prevent further harm and restore environmental health.

4. Have it know that natural resources as well as environmental issues need to be addressed in the post-conflict planning. Addressing the issue of natural resource governance in post conflict settings fits squarely within the overarching objective of addressing the root causes of conflict and preventing a relapse of violence.

5. The UN, as well as other INOs NGOs and governmental bodies, needs to stress the importance of developing and engaging in policies that are specific to the environment. In doing so they can help prevent future conflicts from rising as well as facilitate the peace keeping process.

6. To encompass environmental rights within the constitutional process in order to connect with in diverging interest.

The environmental impact of conflict is an issue of the highest international importance. In view of the facts that have been stated above and in order to help

ourselves we are in debt not only to one and other but also to those natural resources that are vital to the existence of the modern human society.

Integrating safe uranium energy into National Domestic Infrastructures,

*Encouraging Equal Nuclear Energy Capability into all Nations, in a Safe and
Diplomatic Manner.*

Elnora Jefferson, Holy Names University

In order to address the environmental consequences of our global energy system, consideration of the availability of alternative energy resources may need to be scrutinized. An increase in the world population per capita energy demand is expected to cause an immense rise in the amount of energy used around the world. IAEA scientists have predicted that the current world energy usage will increase 50-70% by the year 2020. Currently, only 17% of the world's power is generated by nuclear energy and carbon fuels generate only one third of that. The suggestion of using nuclear energy as a noncarbonated-based replacement has been a topic of discussion for many years. It is hypothesized that this solution would decrease the amount of green house gases outputted, especially in developing countries. Developing countries are responsible for about 67% of net carbon emission from fossil fuel burning and land use (deforestation). Ecologists believe that developing countries could drastically decrease their percentage of net carbon emission by using alternative sources for energy.

For example, if China and India were to use nuclear energy as an alternative instead of burning coal and oil, the amount of green house gases would decrease, resulting in the gradual decrease of global temperatures. Supporters of nuclear energy argue that radioactive metallic elements such as uranium, are perfect for

nuclear energy. It is the chemical composition of uranium that has convinced supporters that uranium is the answer to alleviate global warming. Although uranium seems to be the answer to nuclear energy supporters, it stirs signs of worry and doubt in others. Non-supporters seem to hesitate towards the idea of using uranium as nuclear energy for two main reasons: concerns of safety and fear of misuse. Some worry that the production of uranium is not safe enough to use as nuclear energy, since not enough information about this chemical is known. Others fear that once a nation state begins to use uranium as nuclear energy they will then in turn use it for nuclear weapons, since there is no exact way to ensure that nation states use uranium for its intended purpose.

For years now, the IAEA has worked towards the implementation of safe production and mining of uranium. Scientists state that uranium mining pollutes the air, water, and soil with radioactive chemicals and heavy metals. These heavy metals are often absorbed in the water and soil making it almost impossible to clean up polluted areas. In addition to the environmental hazards, uranium mining is also related with radiation hazards, and poisonous processed chemicals. Ecology researchers are concerned with both short and long term effects of uranium mining. Nuclear waste is a major concern in countries where safe uranium mining is not enforced by supervisors of mine sites. This nuclear waste sometimes moves away from the mine site and begins to move into the regions and neighborhoods of local residences. The health issues that have been reported by people, who live near uranium mine sites where nuclear waste contamination has occurred, cite higher incidents of cancer, birth fault, high infant mortality, and chronic lung, eye, skin, and

reproductive illnesses.

The molecular composition of uranium makes it a good candidate for the production of nuclear power, since it is a heavy, metallic, enriched in uraninite and carnotite. However, it is this same chemical composition of uranium that makes it a key component in the production of nuclear weapons. Some believe that placing a multifunctional radioactive element in the hands of some nations would be a high security risk, since there is no way to ensure that states would use uranium for nuclear power purposes only.

With the news of North Korea 's nuclear missiles, and rumors that Iran has nuclear missiles of their own, people fear that the approval for uranium use as nuclear energy will result in numerous nation states having access to radioactive elements that could potentially be used to produce nuclear weapons. But as the demand for nuclear power seems to increase, so does the demand for safety precautions in the production and mining of radioactive metals. Incidents such as the Three Mile Island accident of 1979 showed that nuclear power plants may not have been as safe as the world may have presumed. In order to ensure that safe production, mining, and disposal of uranium is occurring, the IAEA created the Uranium Production Site Appraisal Team (UPSAT). The purpose and objective of UPSAT is to assist member states in improving the operational and safety performance of uranium production facilities throughout all phases of the uranium production.

UPSAT conducts a peer review by which nation states are reviewed for

months by teams of experts from a variety of countries. These teams consist of renowned international experts whose job is to review whether member states are within the operational safety procedures of the IAEA regulations. When the team of international experts review a member state, they evaluate the state on the following criteria: organization and management, general safety, mining and processing engineering, waste management, radiation protection, monitoring systems, environmental impact assessment, and security. UPSAT is also responsible for facilitating the transfer of knowledge and information from states with extensive experience in uranium mining and production to “newcomers” of the sector. The purpose of this program is to help share best practices with one another to help make sure that every state is in compliance with the IAEA safety standards.

Conversations of nuclear energy are often wrangled by the notion of nuclear weapons. Some believe that there is a strong possibility that if some nation states do indeed get their hands on radioactive elements such as uranium that the race towards building the most deadly nuclear weapon may soon be underway. The U.N. recognized this possibility years ago and in response to it created the Treaty on the Nonproliferation of Nuclear Weapons (NPT). The objective of this treaty is to “prevent the spread of nuclear weapons and weapons technology, to promote cooperation in the peaceful uses of nuclear energy and to further the goal of achieving nuclear disarmament and general and complete disarmament.”

The Nonproliferation Treaty was entered into effect in 1970, when a total of 187 states joined the treaty, five of which were nuclear weapon states at the time. In

the non-proliferation treaty, a safeguard system was admitted and the IAEA was named as the responsible party for this safeguard system. The purpose of the IAEA safeguards is to verify that nuclear material is not diverted to nuclear weapons or other explosive devices. Deterrence is created by the risk of timely detection and international notice of any attempted diversion. If the safeguards find any country in violation of the IAEA regulations, then the IAEA's Board of Governors can notify the UN Security Council, whose members could impose economic, political, or military sanctions on the violator. These safeguards have agreements with more than 145 states around the world and are considered to be the center of the NPT.

Although the concept of using radioactive elements such as uranium for nuclear energy is an incandescent idea, there is still more work that needs to be done. Despite the fact that mining companies and military officials have not made any official statements yet, it has been reported that plutonium nuclear weapons are still active and hidden in some countries. A nuclear weapon expert reported that, "although it is more than ten years since the cold war, thousands of weapons are still on hair trigger alert ten." This concept of level ten nuclear weapons is in relation to the yield of each nuclear weapon. The yield (kilotons) of a nuclear weapon is nothing more, but the amount of energy that is discharged when a nuclear weapon is detonated. So, when a nuclear weapon is referred to as being a level ten it is basically just stating that this weapon discharges 10 kilotons of energy when detonated. This is an immense amount of energy seeing as how the bomb "little boy" which hit Hiroshima on August 6, 1945 discharged 12 kilotons of energy.

These weapons need to be removed and need to be deactivated so that the fear of contamination, health issues, and birth defects can be put to rest. The notion that nuclear weapons are active and still hidden in some countries is daunting and worrisome. The global community must take a stand against the ignorance that continues to cause nuclear accidents. Some have suggested that the IAEA safeguard teams should be sent to areas where it is suspected or known that nuclear weapons are hidden so that they can be properly discarded.

Furthermore, organizations and radioactive experts are teaming up to combine proposals in hopes of creating a complete solution to some of the issues associated with using radioactive elements in nuclear energy production. For example, the World Nuclear Association (WNA) and UPSAT have combined some of their ideas and created an official policy document. These ideas helped the WNA create the policy document entitled "Sustaining Global Best Practices in Uranium Mining and Processing." This document is a guide towards the principles of managing radiation, health, safety, waste, and the environment.

In this document, it is suggested that workshops and regular conferences be held to make sure that member states are indeed using uranium for nuclear energy and not for nuclear weapons. These workshops/conferences would also be the ideal time for member states to inquire about questions or concerns they have about the safety or guideline procedures of uranium mining. During these meetings, the WNA documents are read and reviewed and uranium symposiums are handed out.

It is imperative that as a global community the correlation between the rise in

the global population and the rise in greenhouse gases be acknowledged. Although some believe that uranium is the answer and solution to this problem, others still believe that there are various areas that need to be researched and studied. One of these areas of concern is the health risk factors associated with radioactive elements. Radiation exposure from nuclear power plants can sometimes be a side effect when dealing with radioactive chemicals. Radiation exposure can typically be controlled in countries where buildings are properly designed to minimize radiation exposure, but in countries where resources are not available for such buildings radiation exposure can be a deadly problem.

The need and demand for alternative energy sources is a great one. Is nuclear energy the solution? Many scientists and nation-states are still debating the issue. Radiation exposure, possible meltdowns, waste storage, and efficient global safeguards are just some of the issues that need to be addressed. Is “clean” nuclear energy worth the risk of more countries with nuclear power? Would other alternative energy sources be just as efficient as nuclear energy?

Questions:

Uranium as an alternative energy source seems like a great idea, but does it have any negative affects? And if so, how could those negative affects be overcome?

Is uranium considered to be a renewable or non-renewable energy source? If it is a non-renewable source, then what research or progress has been made in the hopes of finding a renewable energy source?

Will the supply of uranium as an alternative energy ever run low? And if it were to indeed expire, what alternative energy source would we then use as an alternative for uranium?

Has research on solar energy as an alternative energy source instead of nuclear energy been explored? If so, what are some of the pros and cons of this option?

Resources:

"http://www.need.org/needpdf/infobook_activities/SecInfo/UraniumS.pdf"

www.need.org/needpdf/infobook_activities/SecInfo/UraniumS.pdf

"<http://www.iaea.org>" www.iaea.org

"<http://www.un.org>" www.un.org

www.desipundit.com/ashutosh/2008/10/15/uranium-problems-and-indias-future \
"<http://www.wise-uranium.org/umkk.html>" www.wise-uranium.org/umkk.html

www-pub.iaea.org/MTCD/publications/PDF/Pub1104_scr.pdf –

"<http://www.guardian.co.uk/world/2009/feb/19/iran-iaea-united-nations-nuclear-weapon>" <http://www.guardian.co.uk/world/2009/feb/19/iran-iaea-united-nations-nuclear-weapon>

"<http://www.iaea.or.at/OurWork/ST/NE/NEFW/documents/RawMaterials/UPSAT2008Brochure.pdf>"

<http://www.iaea.or.at/OurWork/ST/NE/NEFW/documents/RawMaterials/UPSAT2008Brochure.pdf>

"<http://www.worldwide.edu/ci/tunisia/schools/51210.html>"

www.worldwide.edu/ci/tunisia/schools/51210.html

International Atomic Energy Agency (IAEA)
Reviewing the Principles of the Nuclear Non-Proliferation Treaty as New Elements and
Divisions Appear in the Current International Community

Elizabeth Hogan, Holy Names University

Introduction/Main Ideas:

The Treaty on the Non-Proliferation of Nuclear Weapons was signed in triplicate in the cities of Washington, London, and Moscow on 1 July 1968 and was entered into force on 5 March 1970. The Treaty on the Non-Proliferation of Nuclear Weapons (hereafter referred to as the Treaty) sought to eliminate the use of nuclear weapons and nuclear explosive devices for all purposes that are contradictory to the efforts of peace. To date, one hundred eighty nine countries have signed the Treaty, only five of which are nuclear-weapon States according to the Treaty. These States, the Security Council Permanent Five Members (China, France, Russian Federation, United States, and United Kingdom of Great Britain and Northern Ireland) received this status by having manufactured and detonated any nuclear weapon or other nuclear explosive device before 1 January 1967.

The pre-ambulatory clauses of the Treaty affirm the benefits of the peaceful applications of nuclear energy, but recall the ban on nuclear weapons testing in the atmosphere, in outer space, and under water. The Articles of the Treaty outline “that nuclear-weapon State Parties to the Treaty should not transfer to any recipient nuclear weapons or other nuclear explosive devices or control over such weapons; each non-nuclear-weapon State Party to the Treaty should not receive the transfer of nuclear weapons or other nuclear explosive devices; non-nuclear-weapon State

Parties to the Treaty must submit to IAEA safeguards to ensure all nuclear energy is used for a peaceful purpose; no State Party to the Treaty shall provide any fissile material or equipment to produce fissile material to any non-nuclear-weapon State Party to the Treaty unless internationally monitored and subject to IAEA safeguards; safeguards shall not hamper economic or technological advancements of Parties to the Treaty; all benefits to peaceful nuclear energy should be made available without prejudice to all non-nuclear-weapon State Parties to the Treaty; cessation of nuclear arms race; declares United States, Russian Federation, and United Kingdom of Great Britain and Northern Ireland as Depository Governments; and sets up a timeframe whereby every five years, the Parties to the Treaty will gather to review the operation on the Treaty." These conditions allow all parties to the Treaty to regulate one another and to set forth specific and detailed accounts of what is not acceptable conduct concerning the use, transfer, and expansion of all nuclear weapons or nuclear explosion devices.

The issue at hand is the weight of the Treaty and its relevance to modern times, given North Korea's withdrawal from the Treaty and establishment of a nuclear program in that country. Additionally, the Islamic Republic of Iran's nuclear program is under observation from the international nuclear community over concerns of the nation's adherence to the safeguards established by the Treaty. It is the actions of these two United Nations Member States that have captured the attention of the nuclear powers and those worried about the threat of a nuclear crisis.

The risk of nuclear proliferation increases as developing nations use the technology provided to them by nuclear-weapons nations. Conversely, as the benefits of nuclear power become more widespread, changes to the Treaty will be necessary for the protection of society. Also, should the Treaty be revised or amended, it should seek to define what exactly a peaceful purpose of nuclear energy is. As technology advances, it will become more ambiguous as to which uses of nuclear energy are beneficial to society, given that there are so many.

As a result of the Islamic Republic of Iran's continually expanding nuclear program, varying opinions have emerged, leaving the United States of America, Canada, the European Union, and China squaring off with the Islamic Republic of Iran, Cuba, and other non-allied member states. As a result, specific Security Council Resolutions that relate directly to the Iranian Nuclear development program have been passed. Until approximately 2006, Iran was a signatory state on the Treaty, claiming that the nuclear program run by the nation was one run by civilians, but after an investigation by the IAEA, Iran was found non-compliant with safeguards, and as a result was ordered by the Security Council to suspend its nuclear program.

Past Policies

It has been necessary during the last five years for the United Nations Security Council and the IAEA Board of Governors (made up of thirty five Member States elected by the General Committee) to intervene in the Islamic Republic of Iran's nuclear program because of non-compliance along with the violation of established safeguards. To date, there have been four major Security Council

resolutions directly regarding Iran's Nuclear Proliferation Program and violations of the Treaty. These resolutions, (S/RES/1835, S/RES/1803, S/RES/1747, S/RES/1737), each require that Iran comply immediately with the IAEA guidelines and safeguards, as well as respond to all claims made by the IAEA Board of Governors regarding non-compliance with these standards.

Additionally, the resolutions listed above seek to reaffirm the authority of the IAEA and will, if necessary, take further steps to assure that Iran is compliant with the International Atomic Energy Agency's standards on nuclear development programs and the uses of nuclear energies. These resolutions give the IAEA the authority to verify all parts of the nuclear program to ensure that all safeguards are being followed. They alert all states to be vigilant in their observations of Iran, including stopping the transfer of any nuclear related substances by any member of another nation using both private and public means to do so.

Each of the aforementioned resolutions endorses the proposal put forth by China, France, Germany, the Russian Federation, the United Kingdom, and the United States, with European Union support for a long-term agreement allowing for the development of relations with Iran. This dual-track approach is one that would offer financial and technological support to Iran if they agree to cooperate with the IAEA Board of Governors while voting in favor of Security Council imposed sanctions if Iran refuses. This approach is one that provides incentives for Iran to cooperate because of the significant trading relationship between the European Union and the Islamic Republic of Iran.

In conjunction with the UN Security Council, the IAEA Board of Directors has issued several statements and plans of its own. In the document entitled "Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council Resolutions 1737 (2006), 1747 (2007), 1803 (2008), and 1835 (2008) in the Islamic Republic of Iran", the Director General concludes that Iran is in violation of the order of the Security Council by not suspending its enrichment or heavy water related activities as required. The final conclusion of the report is that Iran has, in general, been non-compliant with the IAEA and the Security Council.

Risks and Possible Solutions:

While dealing with a member state that has the capacity to engage in nuclear combat with any of its neighbors, there is an immediate threat to global safety since the total effects of nuclear explosions are still not totally understood. Therefore, in all dealings with Iran there is a risk that there will be some unforeseeable and devastating outcome. But, the IAEA and Security Council have worked to overcome these risks by exploring alternatives that don't involve infringing on the sovereignty of the member state.

As a result of any action taken within Iran, there is a possibility for some type of Amendment to the Treaty, establishing further rules and consequences for any non-compliant member state. In an effort to observe the rights of member states to their sovereignty, a set of guidelines that will protect citizens of the globe but also allow a nation to develop and assume all the rights of other member states should be considered. One like this would be necessary so as to remain a United Nations

entity and respecting the sovereignty of a nation while still seeking to protect societies. In conjunction with the Security Council, the IAEA seeks to expand the peaceful use of nuclear energy and nuclear capabilities while protecting the global citizens from any threats, with the continued mission of complete disarmament.

Questions:

With nuclear weapons nations growing their arsenal of weapons, how should the Treaty be amended to allow for certain nations to expand their programs while forcing others to shut down?

Is the dual-track approach proposed by the European Union and other nations a good policy? Why or why not? Should other nations begin using this policy with non-compliant members as well?

How should peaceful uses of nuclear energy be defined in the Treaty and what implications would a textual definition have on the International Nuclear Community?

What role should the Security Council and the IAEA play in each state's expansion of their own nuclear program?

How successful has the Treaty been at achieving disarmament? What could be changed to make it more successful?

In situations with non-compliant member states, what are some possible steps that could be taken by the IAEA in conjunction with the Security Council that would persuade states to be compliant?

Resources:

International Atomic Energy Agency, <<http://www.iaea.org>>

Iran Tracker, <<http://www.irantracker.org>>

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The Effects of Routine Use of Nuclear Energy on the Environment and Agriculture

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Despite the great progress that has been made since the 1996 World Food Summit towards the 2015 MDG goal of halving the number of undernourished people, there is still a global crisis when it comes to the number of people, 800 million, who are still impoverished to a point that prevents them from enjoying basic necessities like food. Nuclear energy in the form of radiation has sought to assist member nations and UN bodies in achieving the 2015 goal. Improving agricultural productivity is one of the central goals of the UN and specifically the Food and Agriculture Organization and the International Atomic Energy Association. In conjunction, these two UN bodies have worked to enhance infrastructure at a national and international level by facilitating the adoption of nuclear and related biotechnologies. Worldwide, there are over 100 countries working together through the joint division to increase their harvests, combat animal and plant diseases, and pests, to protect the lands, water resources, and environments on which food and agriculture depend. The primary focus of member states is on improving productivity in agriculture through soil management practices, efficient crop nutrition, and control of insect pests.

According to the FAO, as much as 40 percent of the world's food is grown using irrigation with large amounts of water lost to leakage in the irrigation system itself. With the impending threat of climate change due to global warming, there are several regions of the world that are at great risk of exhausting resources, and being

unable to cultivate on the same soil. With respect to crops, IAEA researchers have used “tags” to monitor how plants use isotopes at the molecular level. The IAEA is using nuclear technology to try to increase crop production, particularly in regions where water is becoming a scarce resource. The program is currently underway in West African countries: Burkina Faso, Mali, Niger, and Senegal. The strategy in these three nations is (1) sustainable agricultural intensification; (2) conversion of marginal lands to appropriate land uses, and (3) eliminating the extensive overgrazing of some land. Nuclear energy is being used in cooperation with multiple organizations as a means of improving agriculture. As a whole, the seven challenges for food security are: feeding more people, conserving lands and water, achieving higher yields of productivity, protecting animals and crops, adapting to climate changes, balancing food and fuel needs, and responding to higher costs according to the IAEA.

Nuclear energy is quickly becoming one of the most widely considered modern sources from which to draw energy. Advancements in nuclear technologies have drastically improved what can be achieved. More specifically, the use of radiation as a means of preserving food resources has become useful in the preservation of cultivated foods. More than 40 countries around the world have approved the use of radiation to help preserve different varieties of foods. With a focused regard to its application, radiation has been useful in the process of irradiation. The irradiation process exposes food to gamma rays that are produced through electron beams. In the United States, the USDA has approved the use of food irradiation for fruits, vegetables, red meat, poultry, and spices. The process of food irradiation kills

bacteria, insects and parasites that cause food-borne illness. This process has been especially useful in the prevention of the spread of diseases like salmonella, trichinosis, and cholera. Although radiation is an important component of this process, the most important thing to consider is that this preservation tactic does not make the food radioactive. The governments of: the United States, Denmark, Sweden, the United Kingdom, and Canada have reaffirmed the safety of food irradiation. Even though food irradiation helps in removing some of the dangerous bacteria that can be found in food, it must be stated that the process does not result in sterile produce. The changes that the food undergoes are almost the equivalent of the changes made during the canning or freezing process. The irradiation of food has been approved in over 37 countries for dozens of products. The largest marketers of irradiated foods are Belgium and France - which irradiate 10,000 pounds of produce a year, and the Netherlands, which irradiates 20,000 pounds respectively. Likewise, radiation also helps to breed new seed varieties that return higher yields like the "miracle" rice that has greatly expanded rice production in Asia. Radiation has proven itself as a great means of eliminating harmful entities in agriculture. By the end of the 1980's radiation had eradicated approximately 10 percent of species of pests in wide areas. In agricultural research, radiation has been used to develop several varieties of more disease resistant crops including peanuts, tomatoes, onions, rice, soybeans, and barley. Nuclear energy in the form of radiation has also been used to improve the nutritional value of some crops, including contributing to a reduction in cooking time. Nuclear sciences offer some of

the most promising results with regard to preserving the resources that are becoming scarce, and cultivating new agriculture at higher levels.

The FAO/IAEA also has undertaken the task of allowing nations interested in applying nuclear techniques with assistance in meeting the needs of their food and agricultural sector. In theory, the techniques will enable farmers, food processors, and government agencies with the ability to provide people with a greater amount of safer foods while conserving the soil and water resources that they depend on. The foundation of these developments is safe utilization of nuclear science. The FAO and IAEA only take into account regions in which the sustainability of this energy will not only have a significant contribution, but also only when it is determined to be safe. This new work comes only as success from the application of nuclear energies to sustainable environmental projects. The economic benefits from the savings in the price of fertilizer per year are estimated at 6 billion dollars. Nuclear energy is used to determine how much nitrogen plants can capture from the atmosphere within a cropping rotation. In addition these technologies have furthered the development of more disease and drought resistant soil.

On an environmental level nuclear technology could help contribute to the construction of energy efficient infrastructure, and more eco-friendly transportation. As reported by the IEA - International Energy Agency - change in global infrastructure could reduce the world's projected energy needs by 1/3 by the year 2050. The IEA concluded that we should, on a global level, make greater use of low-energy technologies for electron generation and transport like nuclear power. Although developing nations are encouraged to reduce their global greenhouse

emissions, they are not bound, like developed nations, by the Kyoto Protocol. The Kyoto Protocol is a protocol to the United Nations Framework Convention on Climate Change. The intent of the UNFCCC is to achieve the goal of the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent irreversible consequences to the atmospheric system. Like most environmental treaties, there are separate requirements for both developed and developing nations. While developed nations often are able to form committees, and delegate funds toward the achievement of these environmental goals, developing nations often lack the infrastructure and the funding to adequately address the task at hand. As a result there exists a schism between the requirements between the developed and developing World. In addition to the aforementioned reasons, developing countries also have other concerns to address within limits of their resources like reducing the levels of poverty, disease, and increasing levels of education. All responsibility, however, is not relinquished as “developed countries should help developing countries deploy low-energy technologies” according to Claude Mandil, former executive director of the IEA. Furthermore, the Nuclear Energy Agency nuclear power plants aid the compliance with Clean Air Act of 1970, which set standards specifically to improve air quality in the United States. According to the Nuclear Energy Agency, modern nuclear energies are capable of improving air quality because they generate heat from fission, rather than the burning of fuel, producing none of the greenhouse gases that would be associated with environmental catastrophes like acid rain or smog. Partnership with the United Nations Environmental Programme and GEMS has given the IAEA the capability to

properly manage limited water resources. As these agencies have the intent of preserving the environmental resources that we utilize, the collaboration encourages a greater knowledge that the resources being cultivated are being used responsibly, and sustainably.

The contemplation of the future of nuclear energy comes with an understanding of what it is capable of. Insect pests threatening high value fruit and vegetable production are now being more widely controlled in more environmentally friendly ways. The IAEA and FAO have achieved developmental milestones in several ways. Among these include increases in crop production, agricultural pest control, animal health and productivity, environmental protection, and food safety. In Northern Africa, the screwworm fly was eradicated using the sterile insect technique benefitting the value of livestock by over 300 million. At the current time 95 countries use isotopic and nuclear techniques to identify land and water management practices to improve nutrient and water use efficiency for crop productivity and environmental sustainability. 100 countries are currently using radiation- based plant breeding techniques to improve food, and industrial crops. 64 countries are using isotope discrimination techniques to assess crop genotypes for tolerance to draught and salinity, and to evaluate the accumulation and storage of organic carbon in soils.

With nuclear energies becoming increasingly important to the preservation of food resources there are several concerns that should be addressed. In addition to the number of ethical considerations, questions should also be considered of whether or not all nations in regions in which the soil is deemed rich enough should

be allowed to develop nuclear energies to preserve and enhance their agricultural systems? Few have forgotten the Chernobyl accident, or the consequences that this beneficial, but in this case detrimental energy resource caused to the generations who remain on that land. Even with the development of more manageable nuclear technologies, is it safe? Furthermore it becomes a question of beyond whether or not the nuclear technology itself is safe, but what are the best means of disposal of nuclear waste?

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Microlending in the International Economic Community

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In our contemporary economic environment, the international community has attempted to create practices that not only benefit the countries that support that ideas brought forth, but also, the people they directly influence and affect. One of the most successful and widely used is the economic application of Microlending. Microlending “is the lending of small amounts of money at low interest, especially to a start-up company or entrepreneur.”⁵⁴ This definition leaves out one of the finer points about Microlending; that it is heavily relied upon in third world or developing countries. Some families rely upon Microloans as small as \$20 in order to live their lives. Though the idea of Microlending or Microcredit has been in existence for quite some time, some elements of the theories have been traced back as far as the 18th century. The economic theorist Lysander Spooner published a work that presented the idea of administering small loans to the poor would help alleviate poverty as a whole. When the Marshall Plan was created after the conclusion of WWII, hints of Microlending practices were evident throughout the rebuilding plan cited in the document.⁵⁵

The practice of Microlending was made popular during the famine of Bangladesh in 1976. Muhammad Yunus founded the Grameen Bank, an institution

⁵⁴ Dictionary.com, “Microlending,” Ask Corporation, <http://dictionary.reference.com/browse/microlending>.

⁵⁵ WomensTrust, “History of Microlending,” Women’s Trust Incorporated, <http://www.womenstrust.org/content/history-microlending>.

that focused solely on Microlending. The first microloans ever administered were issued to village workers who used the aid to manufacture crafts to be sold. Business flourished for the Grameen, thus, becoming a tool of the economy of Bangladesh and its citizens. Today, the Grameen Bank has issued more than \$5 billion in funds to small business owners, and families in need all over the world. In order to help push the repayment of loans over time, the local members of the bank meet weekly with current loan owners to discuss the advancement of their businesses and lives.⁵⁶ In 2006, Yunus won the Nobel Peace Prize for his work in Bangladesh, and for establishing a model of economic success that has been emulated globally.⁵⁷ The international community has accepted that the debt and length of time these debts will be repaid is, understandably lengthy, however, many high profile members of the international economic community are major contributors to Microlending organizations. Interestingly enough, around 96% of loans issued are given to women. Studies have shown that women are more likely than men to devote the funds towards the advancement and support of their families, making them far more attractive to lend to as well as reliable clients.⁵⁸

The World Bank estimates that there are currently over 7,000 Microlending institutions serving more than 16 million impoverished people around the world. In another World Bank estimate, Microlending has directly affected more than 500

⁵⁶ Grameen Bank, "A Short History of the Grameen Bank," Grameen Bank & Grameen Communications, http://www.grameen-info.org/index.php?option=com_content&task=view&id=19&Itemid=164.

⁵⁷ WomensTrust, <http://www.womenstrust.org/content/history-microlending>.

⁵⁸ Ibid.

million people since its introduction to the world economy.⁵⁹ While several skeptics of Microlending cite the outstanding debt and unpaid loans to the banks, it is important to understand that these banks knowingly practice Microlending, as well as accept the time period some loans take to be finally paid off. Economics in developing countries is are far different than in developed ones. Not only is the political climate more influential or unstable, it is also more difficult on the citizens of these nations to profit from their entrepreneurship. For example, taxes on home produced items may be too large to gain any substantial profit from, therefore it is important to have resources such as Microlending to help supplement the scarce profits one makes from their business.

Another source and institution that supports microlending as well as establishes a connection between the administering bodies of microloans and the global community is the International Monetary Fund (IMF). According to the IMF, it monitors the international community's financial status in three ways.

“Surveillance involves the monitoring of economic and financial developments, and the provision of policy advice, aimed especially at crisis-prevention. The IMF also lends to countries with balance of payments difficulties, to provide temporary financing and to support policies aimed at correcting the underlying problems; loans to low-income countries are also aimed especially at poverty reduction. Third, the IMF provides countries with technical assistance and training in its areas of expertise. Supporting all three of these activities is IMF work in economic research and statistics.”⁶⁰

⁵⁹ Ibid.

⁶⁰ The International Monetary Fund, “What the IMF Does,” IMF, <http://www.imf.org/external/work.htm>.

The IMF directly affects the progress of microlending because it will intervene in situations that require direct aid to a country in financial distress. It is important to note that though the IMF plays a major role in microlending, it does not in fact, control the approval rate or number of loans permitted. The IMF is constantly advising countries that need assistance with their economic forecast and future. Through regional representatives employed by the IMF, a certain country has expertise at its disposal that it hadn't had prior to the creation of the IMF. These representatives also are present at the national and global levels as well.

One regulation that the IMF forces upon itself is the 'One-Year Forward Commitment Capacity' regulation. This financial security rule is in place in order to assure the IMF that it can successfully support all of its loans within the next year only, allowing for the organization to remain constantly financially stable. The financial stability of the IMF is constantly updated by its research department, which also provides specific information on the countries represented within its body of 186 independent, governed nations. This stability allows for microlending to reach the target class it was created to focus on, the communities living in extreme poverty.⁶¹

According to the United Nations World Food Program, about 25,000 people die everyday from hunger alone.⁶² These deaths are mainly caused by inability to purchase or reach the sources of food needed for survival. A family income of some

⁶¹ The International Monetary Fund, "Overview & Organization and Finances," IMF, <http://www.imf.org/external/about/overview.htm>.

⁶² Poverty International, "Hunger and World Poverty" Poverty.com, <http://www.poverty.com/>.

sort is vital to survival in all cases. Microlending provides a jumpstart for that income to either begin, or grow to standards that are needed for a family's survival. Children are typically the most affected by poverty and suffer most from a lack of family income.⁶³ Noting that most impoverished countries are members of the IMF or have received aid from the Grameen Bank or IMF, these numbers are estimated even with the aid these organizations provide.

Many opponents to the practice of microlending call for a reform within the system to make it more reasonable (or less-risk) for the nations that provide the funding initially, as well as holding the recipients of the loans more accountable. Discussion has frequented recent international gatherings, as well as G-20 summits. This practice has been one of the most reliable, successful, and life-changing economic ideas ever created, but in a world of micromanagement and skepticism, will the international community allow for its issues to pass unnoticed? Internationally, the world must take the necessary steps towards making microlending feasible and attractive to each and every country of the world; only then can the framework upon which microlending was created become the economic tool it was intended to be.

Questions to Consider:

1. Address the issues of Microlending directly, how does your country position itself when addressing this topic?

2. Why has the International Community embraced this practice as a meaningful, innovative system?

⁶³ Ibid.

3. Consider the role that the International Community has played in addressing poverty, is microlending the best possible solution from a financial standpoint to address this global issue?

4. Reform talks have existed for years, how does your country feel about changing a system that has successfully existed for decades?

5. What solutions can you provide as a delegate that innovate microlending? Are there ways to successfully transition to a new system of aid?

6. Should International organizations like the IMF and Grameen Bank be fully supported in the global community? Why is there opposition to these organizations?

7. Risk is the deciding factor in most, if not all, large financial commitments countries make. Consider the risk your country must take when discussing new ideas, financial safety is a priority to any nation.

Useful Resources to Consult:

www.microcreditsummit.org

www.gdrc.org/icm

www.grameen-info.org

www.kiva.org/about/microfinance

www.imf.org

www.worldbank.org

International Free Trade Policies and their effect on the Global Economy

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In 1999, as a response to the global economic meltdown of the 1990's, the first meeting of the Group of 20 (G-20) was held in Berlin. The mandate of the G-20 is simple: it is an informal forum for global leaders and emerging markets to come together to discuss issues that affect the global economy and to share national policies as well as international policies. The goal is simple yet hard to reach: global economic stability.

The G-20 is made up of finance ministers and central bank governors from the 20 member nations, which are: Argentina, Australia, Brazil, Canada, China, France, Germany, India, Indonesia, Italy, Japan, Mexico, Russia, Saudi Arabia, South Africa, South Korea, Turkey, the United Kingdom and, the United States of America. The final member of the G-20 is the European Union (EU) which is represented by the current EU council president. As a group, the G-20 represents 80% of all global trade including EU internal, which makes the topic very important to this group. Membership in this elite group is prized. It is gained by reaching a point of economic stability that is hard, yet at the same time, achievable. The 20 members of the group could change at any point now or in the future due to changing markets and currency rates, and also economic changes that effect a countries ability to maintain economic stability.

The idea of International Free Trade is not a new one. In 1776 Adam Smith wrote about the advantages of free trade in his book The Wealth of Nations. Many

economists throughout history have agreed that free trade policies are good policy, which nations must practice.

Free trade agreements that are at the forefront globally are NAFTA (North American Free Trade Agreement) and the EU (European Union). NAFTA, which is made up of Canada, Mexico, and the United States, are all members of the G-20. NAFTA first took effect on January 1st, 1994 and since its implementation, NAFTA has within the past year seen its full potential because of carefully placed restrictions that call for tariffs to be phased out gradually. Gary Clyde Hufbauer and Jeffrey J. Schott, two experts at the Peterson Institute for International Economics wrote this about NAFTA thus far,

“NAFTA was designed to promote economic growth by spurring competition in domestic markets and promoting investment from both domestic and foreign sources; it has worked. North American firms are now more efficient and productive. They have restructured to take advantage of economies of scale in production and intra-industry specialization.”

These findings conclude that the objectives of NAFTA, both domestically and internationally, what been successful. However in 2003, the Congressional Budget Office of the United States conducted a full-scale study to examine NAFTA thus far; it came up with these results:

- U.S. trade with Mexico was growing before NAFTA's implementation, and would likely have continued to grow with or without the deal on a scale that “dwarfs the effects” of NAFTA itself;
- The direct effect of NAFTA on U.S.-Mexico trade is fairly small, and thus the direct impact on the U.S. labor market is also small; and

- Overall, the NAFTA deal has expanded U.S. gross domestic product (GDP) “very slightly,” and has had a similar effect—both positive and small—on the Canadian and Mexican economies.

The European Union, like NAFTA, promotes free trade through its 27 member countries. However, in contrast to NAFTA, the EU is much farther along the road of regional integration than NAFTA. The EU was created in post World War II Europe, via the European Coal and Steel Community, and the goal was free movement of goods such as coal and steel between France and Germany. This group grew and now is a premier area for business and labor. Modern day Europe allows for free movement of labor and capital. In 16 of the 27 members the currency is the same and is quickly becoming the worlds leading currency, which is the Euro. However the union does have its downfalls. Many point to the fall of Ireland from economic dominance as a key failure of the union. The rise of the “Celtic Tiger” is a great example of this. The Irish “rebirth” was a great sign of the power and influence the Union can have. However, many say the fall was due to the Unions policies, such as the many thousands of documents and treaties that make up the union. That said, many have a hard time grasping the policies and more often than not lawyers must be consulted to understand it all. Nevertheless, the EU is a great example of a working free trade area, and is atop the leaders in global economics.

The World Trade Organization (WTO) was founded on January 1st 1995, under the Marrakesh Agreement. The WTO currently has 153 members, and the purpose is to regulate trade among its members. In 2000, the World Trade Organization secretariat released a study that makes a case for free trade agreements. The study conducted by Dan Ben-David of Tel Aviv University and L. Alan Winters of Sussex

University, was titled “Trade, Income Disparity, and Poverty.” In this study they concluded that, “Trade liberalization helps poor countries to catch up with rich ones and that this faster economic growth helps to alleviate poverty.” Director of the WTO, General Mike Moore, had this to say about free trade and this study:

“This report confirms that although trade alone may not be enough to eradicate poverty, it is essential if poor people are to have any hope of a brighter future. For example, 30 years ago, South Korea was as poor as Ghana. Today, thanks to trade led growth, it is as rich as Portugal.”

One main point of the study is that the living standards in developing countries are not reaching the levels of those in developed ones, but some developing countries are making strides. However, the difference between those who are and those who are not is simple; the ones with a free trade agreement are the ones making the progress and the more open they are, the faster they are growing economically. Also the study found people who are from a lesser-developed nation benefit from trade liberalization. “...Which is generally a strongly positive contributor to poverty alleviation—it allows people to exploit their productive potential, assists economic growth curtails arbitrary policy interventions and helps to insulate against shocks”.

During this time the study supported a similar study conducted by the World Bank, which, “[by] using data from 80 countries over four decades, confirms that openness boosts economic growth and that the incomes of the poor rise one-for-one with overall growth.”

In November 2001 members of many leading industrial nations meant in Doha, Qatar to discuss a wide range of topics, the most pressing of which was international trade. After the meeting was over the Doha Declaration was released,

which addressed the mandate for negotiations on a range of subjects and other work, including issues concerning the implementation of the present trade agreements. One of the major topics within the declaration was the question of agricultural subsidies (however, this issue of agricultural subsidies is why the Doha Round talks broke down):

“The declaration reconfirms the long-term objective already agreed in the present WTO Agreement: to establish a fair and market-oriented trading system through a programme of fundamental reform. The programme encompasses strengthened rules, and specific commitments on government support and protection for agriculture. The purpose is to correct and prevent restrictions and distortions in world agricultural markets.”

Governments also committed to have comprehensive negotiations on the following, without prejudging the outcome:

- Market access: substantial reductions
- Exports subsidies: reductions of, with a view to phasing out, all forms of these
- Domestic support: substantial reductions for supports that distort trade

Those present at the meeting took into consideration special and differential treatment for developing countries integral throughout the negotiations.

So as a delegate at Model United Nations of the Far West, what does this all mean? International Free Trade is a very important topic in the current economic climate we live in today. Consider this hypothetical situation: in your country, should the government choose protectionism (not opening trade to other countries) over open trade (opening trade with other countries); in general, what kind of effect will that have on the people living in your borders? Also, is your country more capitalist or socialist in nature, and how does this effect your domestic policies

toward free trade? Take into consideration the global climate and how free trade will affect the current international economic and political climate and its future generations. It is important to have an open mind with regards to change; International Free Trade is a great place to start the discussion on international economic change.

As the members of this committee, the Group of 20 (+10), delegates have the power to make a difference in the world seeing that it is a majority of the economically developed world. As a member of this committee, it is your responsibility to be a global leader and help guide the world out of the current economic problems it faces.

Questions to Consider:

- 1.) What benefits could your country have from extending a Free Trade agreement to a developing nation? What could be an obstruction for your country?
- 2.) Does your Country belong to an agreement similar to NAFTA or the EU? If so since when and how has the economy changed since the agreement?
- 3.) On a global scale is free trade a benefit or interference for your countries stance on the issue?
- 4.) Would your country be willing to extend a free trade agreement to a historically hostile nation for the improvement of the global economy?
- 5.) Do existing trade agreements your country has need to be amended into free trade agreements, for the betterment of the region, or global economies?
- 6.) How would your country's GDP be affected by opening trade? How would it be affected by free trade?
- 7.) How has, free trade agreements such as NAFTA effect the global climate? Will this trend continue?
- 8.) What kinds of issues are pressing from NGO's in concern to free trade?
- 9.) What is the difference between free trade and fair trade?
- 10.) How has Copenhagen effect free trade?
- 11.) How have agricultural subsidies effected trade in your country?

Suggested Web resources:

<http://www.wto.org/>

<http://www.worldbank.org/>

http://www.cfr.org/publication/15790/naftas_economic_impact.html

<http://www.cbo.gov/doc.cfm?index=4247&type=0&sequence=1>

<http://www.g20.org/index.aspx>

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<http://www.g20.org/about_what_is_g20.aspx>

International Debt Forgiveness

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The idea and the usage of International Debt Forgiveness is a vital tool used in global economics. Many nations around the world do not experience the luxury of having a developed national economy. There could be several occasions where a lack of experience or knowledge in an official governmental leader, leading his or her nation astray and destroying the economical fundamentals on which the nation was held upon. The 1995 Mexico crisis is an example of such a situation. The President did not destroy his nation or its economy but his chosen actions hurt his nation more than it helped. For many years, International Debt Forgiveness has been a tool promoted throughout the United Nations, urging countries to provide relief to those in need of it. The idea of lending has proven to be beneficial to international economics, while assuring safe and stable interactions between nations. There are various forms that forgiveness can come in, which will be examined below. New forms of implementation may prove to be more efficient, while the international community is also looking at former cases to truly understand the idea of International Debt Forgiveness. This idea is a cornerstone in global economics helping provide a little stability in the world. While, wanting others to grow as developed nations in turn grow and develop our own societies.

The idea of Debt Forgiveness is a simply based off of a childhood lesson taught onto us from our parents: "Treat others as you would want to be treated."

When examining this rule, it is self-explanatory; if one wants to be treated well, treat others well. When one thinks about it, this lesson can be transferred into an economic sense. If one nation is struggling and asking for aid, why not provide it for them? A struggle for the lender may occur; however, one day the tables could “be turned” and it could be the, once striving nation who may be asking the international community for aid. What would the incentive be for the nation one is asking for aid from, if the striving nation did not provide aid for them when previously asked? Some mistakes are made due to lack of experience and knowledge by governmental leaders, and others because of disasters or unexpected occurrences’ that can destroy a country’s morale and national economy. The idea is very similar to the idea of “There Ain’t No Such Thing As A Free Lunch” (TANSTAFL) a book written by Edwin G. Dolan⁶⁴. Similar to treating others as one wants to be treated, this philosophy presents the idea that when you help out a nation that is ailing, you would hope/ expect the same action to be taken when you are in a crisis situation. The idea of TANSTAFL presents the idea that everything has a cost, but many things are taking away costs from ones or nations “direct” money or it could also be depleting the only stable source of income⁶⁵. Incidents happen whether they are unplanned or are a direct result of prior actions or decisions, but the idea is to aid those in need, nations must realize that everything has its price, and the price paid runs a risk of either being a good or bad investment, intention and motivation aside.

⁶⁴ Dolan, Edwin G. *TANSTAFL*. Thomson Learning, 1971.

⁶⁵ Dolan, Edwin G. *TANSTAFL*. Thomson Learning, 1971.

A common tool that is used in the practice of debt forgiveness is rescue packages. A rescue package is a group of loan commitments made by others that will assist an ailing nation, in an effort to get through the crisis at hand. The rescue packages serve several different purposes to its users. During any financial crisis a nation's private lending may decrease due to the lack of available funds, including crucial international investments, issued in the Crisis of Asia in 1997⁶⁶. These packages will help reestablish the private lending in the nation, which will help jumpstart the cash flow of the ailing nation, helping their economy to slowly increase, giving them the ability to lend money, retaining money, and to spend money to continue to boost their own economy. The money that is lent out will also help the nation meet the needs for foreign exchange, investments, and trading, while providing the necessary financial backing for domestic investments, that will provide financial security in case of any decline that may occur in national aggregate demand. Aggregate demand is defined as the total goods and services that is demanded by an economy at a given overall price at a given time period.

A vital part of the lending is to provide economic security for the country in question for the country whose economy is crashing. It allows the country to not hit "rock-bottom," in which the crisis becomes immensely difficult to emerge from. It is difficult because in their economic crisis while also allowing the government to spend money and to have a cushion to attempt to turn around their economy. The money that is loaned to a nation goes directly into the national economy, to help

⁶⁶ Pugel, Thomas A.. *International Economics*. 13 ed. New York: McGraw-Hill/ Irwin, 2007 pg. 494-495.

rejuvenate the cash flows within that nation. It allows the nation to take the necessary risks when trying to turn around their economy when trying to stabilize and improve their economic health, helping them learn from their mistakes and turning red into green.

A recent economic event in occurred in Malawi, in which the government received \$80 million which was issued by the Group of 20 (G-20) summit in London in April of 2009 as a cushion to help combat off the world's economic crisis. The nation's rates of foreign currency, reached an alarming low due to the foreign currency shortages the nation had recently experienced. For months Malawi's exchange rates were steadily decreasing, until the point where it became an issue that needed to be immensely addressed. The rescue program was officially implemented in the nation of Malawi at the beginning of August in hopes it could be put to use by the end of the same month⁶⁷.

In the idea of foreign exchange, the general theory is to help the ailing nation slowly become active in Global Economic Market so they can continue to find trading partners in hope of raising their national exports to create more national revenue. Increasing their exports allows the ailing nation to invest in their own domestic companies in hopes that they grow and establish themselves as a vital corporation to the national economy. In the theory of "Protectionism vs. Globalization" it is often argued that trade policy is an insufficient form of

⁶⁷ Gondwe, Gregory. "Malawi to receive US\$80m IMF funds as economic cushion." July 31, 2009. <http://www.bizcommunity.com/Article/196/87/38495.html> (accessed August 10, 2009).

redistributing income, while the opposing theory is that free trade widens the available options of goods, benefiting the trading nations by increasing the economy's total output. It is vital that foreign exchange does not spend any reserves too quickly, and also makes sure it has international reserves. In most scenarios, such as China's foreign exchange reserves, they require a detailed structure of the reserves assets and the commodities of the international and national reserves⁶⁸. International and National, or Domestic, Reserves are vital to nations because they are domestic and foreign currency held in banks. The two most common domestic assets available are bonds and loans that the central banks can make. While the two most widely available international reserves, are foreign currency and foreign debt securities⁶⁹. These forms of relief are vital to interacting nations as it creates a similar transaction course. China views the Law of Diminishing Return as a theory to strongly watch over, in which it states "At a certain point each additional unit of input yields less and less output"⁷⁰.

Another purpose in these packages is the International Monetary Fund (IMF) along with other official lenders, such as governmental, hoping that these effects of the packages will limit the growth of the financial crisis into other national economies. A main purpose of the IMF is to organize an "international safety net" that compares to that of deposit insurance and discount lending, which is used to

⁶⁸ Daxian, Carles. "Globalization and the Egalitarian Backlash: Protectionism Versus Compensatory Free Trade." (2002): 1-2.

⁶⁹ Pugel, Thomas A.. *International Economics*. 13 ed. New York: McGraw-Hill/ Irwin, 2007 pg. 547.

⁷⁰ Daxian, Carles. "Globalization and the Egalitarian Backlash: Protectionism Versus Compensatory Free Trade." (2002): 2.

prevent the spreading of economic instability of one bank to other banks. The idea of deposit insurance was established in the United States in 1933 by the Federal Deposit Insurance Corporation (FDIC). The idea was to encourage the public to deposit money while also providing and maintaining the public confidence in the bank. The FDIC set a standard of insuring up to \$250,000 per institution only if the bank is a member of the FDIC firm⁷¹. Discount lending, or rate, is an interest rate that a depository, that is eligible, would be charged to borrow a short-term funds loan directly from a Federal Reserve Bank. When issuing the interest rate the bank calculates the potential borrower's present cash flows. The interest rate is typically one of two interest rates set by the Federal Reserve, either the Federal Fund Rate or the Overnight Lending Rate⁷². Deposit insurance and discount lending is used by the IMF to help the ailing nations slowly rise out of debt, while not creating a large amount of debt in loan funds. It is presenting safety and security when it comes to the funds, by offering insurance for the funds in the banks and quality, premium rates from the loans.

Rescue packages give the IMF the power to impose conditions as a part of a nations new lending, where it would require the government to make crucial policy changes, increasing the recovery rate of the ailing nation. This idea allows the lending government to dictate the new policies and procedures that must be implemented into the ailing nation before any form of relief is given. The idea of

⁷¹ Kaufmann, George G. "Deposit Insurance" *Library of Economics and Liberty* 1. (2002), <http://www.econlib.org/library/Enc1/DepositInsurance.html>. (accessed September 2, 2009).

⁷² "The Discount Rate." August 11, 2009. <http://www.federalreserve.gov/monetarypolicy/discountrate.htm> (accessed September 2, 2009).

globalization is presented in this scenario. It's the idea of trying to connect national economies through investments and international trade⁷³.

Major questions arise when the use of rescue packages are at hand. In the case of the Mexico financial crisis of 1995 the rescue package that was issued was viewed to be successful. Soon after, Mexico began to notice an increase in the nation's deficit as it climbed to six percent of the Mexican Gross Domestic Product. In response to this crisis the government decided to increase taxes and reduce the national spending⁷⁴. The main lender in the relief for the Mexican crisis was the United States government. The United States, being one of Mexico's largest trading partner, became nervous of the at time, current state of the Mexican economy. The amount of aid offered from the IMF and the United States to Mexico reached in total of \$50 billion. In total Mexico only borrowed \$23 billion from the United States, showing that more of the relief funding came from the rescue package from the IMF. This scenario is a perfect example of the success that rescue packages can have, showing Mexico's crisis being resolved in a timely manner⁷⁵.

The crisis of Asia in 1997 was a scenario where the rescue packages were considered at best minimally successful. The fall of Asia originated in Thailand, and spread throughout several Eastern Asian countries. The spread was caused due to the exclusive trading that took place between the neighboring nations of the region. The closeness of the nations led to their collapse, followed by forms of relief to try

⁷³ Pugel, Thomas A.. *International Economics*. 13 ed. New York: McGraw-Hill/ Irwin, 2007 pg. 4-5.

⁷⁴ Meza , Felipe. "Financial Crisis, Fiscal Policy, and the 1995 GDP Contraction in Mexico" *Econ Papers* 40. 6 (2008), 1239-1247, http://econpapers.repec.org/article/mcbjmoncb/v_3a40_3ay_3a2008_3ai_3a6_3ap_3a1239-1261.htm. (accessed September 3, 2009).

⁷⁵ Pugel, Thomas A.. *International Economics*. 13 ed. New York: McGraw-Hill/ Irwin, 2007 pg. 493-494.

and pull their trading partners out of the crisis simultaneously. However, due to a lack of economic stability within each nation, the effort made to relieve Thailand, caused the supporting nations to enter into their own form of economic crisis. When the crises were examined the economies of the nations affected were examined and no terrible flaws, such as irresponsible spending or over borrowing creating a larger debt to repay, were found. The weak financial systems, inadequate policies, exclusive trading, and panic throughout the nations were the determining factor in the causes of the Asian crises⁷⁶. For all of the Eastern Asian nations in need of aid; the IMF organized \$115 billion dollars in relief. Similar to the Mexico crisis the money helped stimulate the economy however, due to the poor policies held by the recipient it shaded limited growth. This factor is the main flaw when it comes to rescue packages. Money can be applied for crises; however it comes down to the policies of the recipient nation to ensure a full stimulation⁷⁷.

The issue of "Moral Hazard" is a common problem when dealing with the issuing of rescue packages. Moral Hazard is the risk that one party of a transaction has not entered the contract in good faith, has misleading financial information, or has the incentive to take unusual and unnecessary risks. Moral Hazard can be reduced and increased easily in several situations. An easy way to reduce the risk of an issue is to evenly distribute responsibilities of the issue at hand between the two parties, to ensure both are staying responsible of the duties. The issuing of relief

⁷⁶ Moreno, Ramon. "What Caused East Asia's Financial Crisis?." August 17, 1998. <http://www.frbsf.org/econsrch/wklyltr/wklyltr98/el98-24.html> (accessed September 2, 2009).

⁷⁷ Pugel, Thomas A.. *International Economics*. 13 ed. New York: McGraw-Hill/ Irwin, 2007 pg 494

packages is a vital part of the process is deciding whether an ailing nation is deserving and responsible to receive the aid and which form of relief is proper for their debt restructuring⁷⁸.

The idea of debt restructuring refers to two types of changes in debt, which are debt rescheduling and debt reduction. The idea of debt reduction is the act of lowering the amount of debt, while the idea of debt rescheduling refers to the changes of payments, by pushing payment dates further into the future. Both ideas present a similar scenario, trying to solve the crisis at hand, however the main issue is finding the right resolution to reverse the direction of the economy. Looking more in depth into both options gives more of a clear description of what both options entail⁷⁹.

Debt reduction is a more difficult form of restructuring debt. It is a difficult task to decide upon a new total of debt while also finding a way that both parties are able to agree upon the new set rate. The Debt Crisis of 1982 is an example of when debt reduction was used. The crisis began in August of 1982, when Mexico announced it was no longer able to repay their large foreign debt. Shortly after Mexico's declaration dozens of other developing nations announced, the inability to repay their previous loans⁸⁰.

⁷⁸ "Moral Hazard."

2009. <http://www.investopedia.com/terms/m/morallhazard.asp?viewed=1> (accessed August 5, 2009).

⁷⁹ Pugel, Thomas A.. *International Economics*. 13 ed. New York: McGraw-Hill/ Irwin, 2007 pg 507-508.

⁸⁰ Pugel, Thomas A.. *International Economics*. 13 ed. New York: McGraw-Hill/ Irwin, 2007 pg 491.

Several factors went into the cause of the crisis, yet the interest rates of the United States played a large role. During this time the interest rates of the United States sharply increased, due to the shifting the US Federal Reserve; a decision made to make a tighter monetary policy in hopes to reduce inflation. In response to the debt crisis that sent several industrialized nations, including the United States into a severe recession. The crisis lasted throughout most of the 1980's due to the lack of a set framework to recover their nations. In 1989, The Brady Plan was instituted, to give a proper framework for the rebuilding. In a typical "Brady deal" the creditor has a choice between the debt reduction and the continuance of its loans agreements. The debt reduction took place when the bank chose to exchange its loans for a smaller amount of new bonds. The Mexican Government received United States Treasury Bonds at a below market rate of 6.25% issued by Federal Reserve Banks. For aiding Mexico in its debt, the US government issued Treasury Bonds that were securitized and were in turn financed by international financial organizations, to the aiding banks⁸¹. The Brady Plan relieved 18 nations with crisis totaling \$65 billion, which was one-third of the total debt⁸².

This idea of rescheduling does not affect the total amount of debt; it just expands that debt over a longer period of time. Stretching out payments, allows the ailing country to have more of a manageable time table to recover their economy from the debt crisis. It helps the nation to not become overwhelmed with the

⁸¹ Vasquez, Ian. "THE BRADY PLAN AND MARKET-BASED SOLUTIONS TO DEBT CRISES *The Cato Journal* 16. 2 (1996), <http://www.cato.org/pubs/journal/cj16n2-4.html>. (accessed September 5, 2009).

⁸² Pugel, Thomas A.. *International Economics*. 13 ed. New York: McGraw-Hill/ Irwin, 2007 pg 491-493

allotted amount of money to repay from the aid relief. The idea of rescheduling tends to be the usual tool of restructuring that is implemented. It usually favors both the indebted and the lending nation and is more easily agreeable on terms than debt reduction. In this process the key issue is to find creditors and borrowers that can agree to terms. A creditor has the right to hold out until the contract that is most satisfying to them is presented. Here lies the problem, finding a suitable lender that can agree on a reasonable, loan and a repayment plan that is achievable for the borrower. It is the similar idea of that of a “free rider”. A free rider can be repaid in full faster than other lending nations which leads to frustration and the future inability to restructure deals ⁸³

When it comes to theories of improving the “international financial architecture” there are certainly no shortages. Many proposals raised are very controversial, while others suggest development in the opposite direction for the struggling nation. One major controversial theory is to abolish the IMF, or at the minimum its rescue activities should be limited, because their lending creates moral hazard. However, there are four proposed reforms that receive a widespread amount of support and are not as controversial⁸⁴.

The first proposal is that the developing nation needs to pursue quality and sound macroeconomic policies to avoid possible over borrowing or create a loss of confidence in the government to send the nation into a crisis. Many macroeconomic

⁸³ Pugel, Thomas A.. *International Economics*. 13 ed. New York: McGraw-Hill/ Irwin, 2007 pg 507-508

⁸⁴ Pugel, Thomas A.. *International Economics*. 13 ed. New York: McGraw-Hill/ Irwin, 2007 pg 508-510.

policies are judged by efficiency by meeting goals like steady growth, stable prices, and full employment. The debatable issue people link microeconomics to is the openness of international cash flows. As new developing nations are integrated into the foreign market volatility becomes an increasing fact of life. In 1970, only 30% (34 countries) of the IMF membership had assumed the Article VIII of the IMF's Articles of Agreement, in which it states to declare their currency convertible on all current account transactions. By the year of 1997 the percentage of nations had increased to 77%⁸⁵.

The second proposal is the idea that nations need to improve the financial data that they report to the public to provide detailed information on their total debt and all its components, as well as holding on international reserves. The idea is that it is vital for the government to release this data promptly for the public to become aware. It is believed that this data will become informational to lenders and in turn will make wiser and more informed decisions which will result in overspending less likely to occur. This proposal while not controversial does have some limits. Any developing nation's government has incentive to release misleading data at crucial time periods when lenders need the most accurate information available⁸⁶.

⁸⁵ Dailami, Mansoor, and Nadeem Ul Haque. "What Macroeconomic Policies Are Sound? ," *Social Science Research Network* (1998): http://papers.ssrn.com/sol3/papers.cfm?abstract_id=597197 (accessed September 2, 2009).

⁸⁶ Pugel, Thomas A.. *International Economics*. 13 ed. New York: McGraw-Hill/ Irwin, 2007 pg 510.

The third proposal is that a developing country's governments should avoid short-term borrowing. It is crucial that governments avoid borrowing in foreign currencies to avoid crises that start by the foreign lenders suddenly demanding repayments. The current foreign debt structure of Romania is a good example of this scenario. In April of 2009, Romania's short-term debt fell over 400 million Euros, while the private medium and long-term debt rose over 476 million Euros, according to the National Bank of Romania (NBR). Beginning at the end of May, the National Banks will no longer allow minimum reserves to be held with over a two year maturity. This movement encourages turning short-term credit lines into medium or long-term loans⁸⁷.

The final proposal enjoys the most widespread support of the four, which is the promotion of better regulations and supervision of banks in the developing nations. Banks are known to have a special role in economies. They are the central unit of payment and facilitate economic transactions. In developing nations stock markets are underdeveloped; government regulations and supervision of banks is weak. Weaker regulations allow banks to engage in risky activities. Banks also assume large exposures to exchange rate risk by borrowing foreign currency in terms of funding loan in local-currency⁸⁸. Bank regulations have often included the safety and stability of a bank and the operations that take place in that bank for a broader financial system as well as consumer protection. It is vital to understand

⁸⁷ Voican, Razvan. "Roman Economics." June 23, 2009.<http://rom-econ.blogspot.com/2009/06/romania-economics-change-in-foreign.html> (accessed September 3, 2009).

⁸⁸ Pugel, Thomas A.. *International Economics*. 13 ed. New York: McGraw-Hill/ Irwin, 2007 pg 509-510.

that banks and their customers take on a large part of the costs of regulation. So it is important to minimize any regulatory burden on banks. A key step in creating quality regulatory policies requires that we take a broad view of the way the rules effect the economy, while also maintaining a bit of humility, about our ability to relate the benefits and costs to the society as well⁸⁹.

International Debt Forgiveness is a vital part of International Economics. Financial crisis often happen when not expected and can be crippling to a nation's economy and moral. Unfortunately financial crisis events have occurred, and have depleted several nations' economies. However several efforts have been created to help out nations that enter rough times. Various forms of relief from debt rescheduling to prime rate loans, have been established in an effort to provide nations confidence to regain their nation's economical status. Between willing nations and organizations such as the G-20 and the IMF Debt Forgiveness has helped the global economy stabilize and continue to grow in many respects.

Questions to Consider:

- Should there be set repayment plans for rescue packages? Obviously every situation is different, but should there be particular lengths of time that an ailing nation has to repay its lenders?
- What would be possible options, when deciding to choose Debt Restructuring? What tools would be useful to create the possibility?

⁸⁹ Burnanke, Ben S.. "Bank Regulation and Supervision: Balancing Benefits and Costs." October 16, 2006.<http://www.federalreserve.gov/newsevents/speech/bernanke20061016a.htm> (accessed September 4, 2009).

- Should there be banks established and dedicated solely for the purpose of International Debt Lending, instead of using for instance, the United States Federal Reserve Banks?
- How does one decide if another nation is worthy of receiving any sort of relief? It is understandable that many nations trade with each other and need both to succeed. The issue is what if there is a nation that provides no vital exports to other nations and their governing body creates a crisis on their own? Do they deserve the relief? If so, which nations provide it?

Aerial Herbicide Spraying (Ecuador v. Colombia)

Olga Kostina, Model United Nations of the Russian Far East

(Ecuador is an applicant and writes a memorial, Colombia is respondent and writes a counter-memorial)

Background

In 2000, Colombia launched an aerial herbicide spraying project called “Plan Colombia,” to eradicate illegal coca and poppy plantations in its frontier areas, financed with assistance from the United States of America. Plan Colombia became of the country’s most crucial governmental programs for combating illicit drug production and trafficking, both within the country and over its borders.

Even though the United States and Colombian governments, along with the assurance that the chemicals used were manufactured in an environmentally approved method, extensively vetted the project, Plan Colombia still caused extensive concern among many for its potential environmental harm. A significant number of environmental experts and non-governmental organizations (NGOs) protested the program, arguing that it would lead to irrevocable ecological consequences in a fragile ecosystem. Despite the protests, the Colombian government proceeded with the spraying campaign.

The nation of Ecuador claims that the spraying and its effects went beyond Colombia’s borders, causing serious damage to Ecuador’s ecology while also becoming a detriment the health of their citizens. Despite Colombia and Ecuador’s

bilateral negotiations to find a solution about the spraying, the two parties have been unable reach a consensus and as a result, Ecuador filed a suit to the International Court of Justice.⁹⁰

"Plan Colombia"

Colombia has, for a long time, suffered from the scourge of large scale, illegal coca production and trafficking. Not only is Colombia currently home to a significant portion of the world's illicit coca and cocaine production, but is also a major growing area for opium poppies (*papaver soniferum*) and marijuana plants (*cannabis somniferum*).

In order to deal with illicit drug production, the Colombian government decided to spray coca and poppy plantations using powerful herbicides dispersed from airplanes and helicopters. This strategy involved the use of the herbicide glyphosate, which was thought to insulate the program from public notice, as it produces no smell.

Effects of Aerial Herbicide Spraying on Plants, Animals, and Human Health

The spraying began in the Colombian provinces of Putumayo and Narino and soon carried over to the vicinity of the Ecuadorian border. In late 2000, the Ecuadorian Provinces of Carchi and Esmeralda were allegedly detecting the

⁹⁰ "Plan Colombia Aerial Spraying Program –Analysis & Critique of the U.S. Department of State report to congress regarding risk to amphibians and threatened species". Interamerican Association for Environmental Defense
<http://www.earthjustice.org/library/references/AIDASprayingCritique122106.pdf>

herbicides presence on their territories. For two months, the herbicides were sprayed on a daily basis from the early morning into the late afternoon. It was not long after that two deaths were reported and many Ecuadorians living in the vicinity of the sprayings were found with symptoms such as diarrhea, intestinal bleeding, and fevers.⁹¹

A 2007 study conducted by the Pontificia Catholic University in Quito, Ecuador on twenty four local residents living within three kilometers of the border revealed significant chromosomal damage in comparison to those individuals who lived ten times further away. Such damage poses the risk of cancer and birth defects to affected populations. These individuals also suffered immediate consequences directly following the spraying which included: intestinal pain and vomiting, diarrhea, headaches, dizziness, numbness, burning of eyes and skin, blurred vision, difficulty breathing, and rashes.⁹²

In addition to affecting human health, numerous food crops, including coffee, cocoa, fruit, and corn have been destroyed. In correlation, several animals died and others became severely ill. During the seven-year period, some Ecuadorian provinces were affected by the herbicides, including Esmeraldas, Carchi, Sucumbíos,

⁹¹ "The politicization of fumigations: Glyphosate on the Colombian-Ecuadorian border" Transnational Institute.

http://www.tni.org/detail_page.phtml?&lang=en&page=policybriefings_brief20&lang_help=en

⁹² "COLOMBIA: Studies Find DNA Damage from Anti-Coca Herbicide". Inter Press Service News Agency

<http://www.corpwatch.org/article.php?id=14538>

where people have claims that they have come into contact with the chemicals from the aerial spraying several times.

Composition of Aerial Herbicides

Despite the fact that Colombia has not officially revealed the exact components of its aerial herbicides, experts assert that glyphosate is the main component.⁹³ It works by inhibiting a vital biochemical pathway in plants, resulting in sickly growth, color loss, and wrinkled leaves. Ecuador asserts that glyphosate is harmful for animals, citing laboratory test results showing above average long-term toxicity, genetic damage, and negative influences on reproduction. These laboratory tests also link glyphosate to cases of premature births, and Hodgkin's lymphoma.

Previous Attempts at Conflict Resolution

The government of Ecuador had expressed its anxiety to the Colombian government before the "Plan Colombia" was launched. In July of 2000, Ecuador sent a diplomatic note to the Colombian Embassy in Quito, expressing Ecuador's desire to prevent potential negative effects of the herbicide spraying on the environment and the health of humans and animals. Despite Ecuador's expression of concern, a response allaying these concerns has not been forthcoming from the Colombian officials.

In July 2001, Ecuador sent another request for details about the herbicides being used, the areas to be sprayed in the future, along with those currently being

⁹³ National Pesticide Information Center- <http://npic.orst.edu/factsheets/glyphogen.pdf>

sprayed. The Ecuadorian diplomatic note requested for the herbicides to not be used within 10 kilometers of its border, however, Colombia did not comply with this request.⁹⁴ Within its response, the Colombian government stated that such an action would be unacceptable for the Government of Colombia for multiple reasons, including the fact that forced eradication is accepted as a legitimate method for eliminating the production of illicit crops. Colombia also stated that the program was being carried out based on procedures compatible with the preservation of human health and the environment, in conformity with the *principle of precaution* enshrined in the 1992 *Rio Declaration on Environment and Development*. By the end 2003, both governments agreed to create the *Scientific and Technical Commission* to investigate influence of herbicides in Ecuador. The commission met four times during the following year, but was not able to form a conclusion. In December 2005, the governments commenced negotiations and reached an agreement under which Colombia would stop spraying within the 10-kilometer border, demanded by Ecuador. Subsequently, Colombia violated this bilateral agreement and, in 2006, started spraying again, allegedly within the 10-kilometer border zone.

To solve the problem, another Scientific Commission was created in early 2007, but two meetings later it announced that it could not reach the agreement to settle the dispute. Consequently, Ecuador decided to submit the dispute to the International Court of Justice for a judicial settlement.

⁹⁴ "American Treaty of Pacific Settlement" <http://www.oas.org/juridico/english/treaties/a-42.html>

In bringing its application to the ICJ, Ecuador argues the following:⁹⁵

(A) Colombia has violated its obligations under international law by causing or allowing the deposit of toxic herbicides over the territory of Ecuador resulting in damage to human health, property and the environment;

(B) Colombia shall indemnify Ecuador for any loss or damage caused by its internationally unlawful acts, namely the use of herbicides, including by aerial dispersion, and in particular:

(i) Death or injury to the health of any person or persons arising from the use of such herbicides; and

(ii) Any loss of or damage to the property or livelihood or human rights of such persons; and

(iii) Environmental damage or the depletion of natural resources; and (iv) the costs of monitoring to identify and assess future risks to public health and the environment resulting from Colombia's use of herbicides; and

(C) Colombia shall

(i) Respect the sovereignty and territorial integrity of Ecuador; and

(ii) Forthwith, take all steps necessary to prevent, on any part of its territory, the use of any toxic herbicides in such a way that they could be deposited onto the territory of Ecuador; and

(iii) Prohibit the use, by means of aerial dispersion, of such herbicides in Ecuador, or on or near any part of Colombia's border with Ecuador.

⁹⁵ Application of the Republic of Ecuador

Ecuador states that the International Court of Justice has jurisdiction over this case as a consequence of Article XXXI of the 1948 *American Treaty on Pacific Settlement of Disputes*, also known as the *Pact of Bogotá*, which states:

In conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, the High Contracting Parties declare that they recognize, in relation to any other American State, the jurisdiction of the Court as compulsory ipso facto, without the necessity of any special agreement so long as the present Treaty is in force, in all disputes of a juridical nature that arise among them concerning:

- a) The interpretation of a treaty;*
- b) Any question of international law;*
- c) The existence of any fact, which, if established, would constitute the breach of an international obligation;*
- d) The nature or extent of the reparation to be made for the breach of an international obligation.*

Ecuador also calls upon Article 32 of the 1988 *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* which declares:

Any such dispute [relating to the interpretation or application of the Convention] which cannot be settled in the manner prescribed in paragraph 1 of this article [that is, by negotiation, enquiry, mediation, conciliation, arbitration, recourse to regional bodies, judicial process or other peaceful means of the parties' choosing] shall be referred, at the request of any one of the States Parties to the dispute, to the International Court of Justice for decision.

Lingering Effects of Aerial Herbicide Spraying Today

Ecuador asserts that the dispersion of air herbicides has adversely affected its people and territory, including a marked reduction of grain crops and food production for goods such as corn, coffee, rice, and ayucca. Such herbicide spraying

has also exerted negative consequences on the health of its citizens. Furthermore, Ecuador is fearful about future negative health effects that may arise that have yet to be discovered if these programs are continued. There is also growing concern that it may be too late to stop the damage to both the environment and the people. With DNA damage reported among the Ecuadorian citizens living in the border region, there is not only concerns about damage to the current generation, but it could also lead to serious birth defect or health problems for their children and the future generations of Ecuador.

Points for advocates to consider in their legal briefs:

1. Were the actions of Colombia legal?
2. To what extent is the Colombian government actually responsible for the alleged damage to Ecuadorian property and citizens?
3. State and explain the country's position by citing legal documents.
4. How this case can be regarded from the point of environmental law?

Maritime Delimitation Dispute (Peru vs. Chile)

Olga Kostina, Model United Nations of the Russian Far East

(Peru is an applicant and writes memorial, Chile is a respondent and writes counter-memorial)

Background

Border disputes have long been a threat to the security, stability, and prosperity in Latin America. Chile and Peru have had a long-term contradiction about their sea boundary delimitation; Chile's assert borders along a geographical parallel, which passes by point on which the land border between both countries reaches the seas, while Peru states that such a sea border was never coordinated.⁹⁶

The dispute has its historical roots in the 1879 – 1883 War of the Pacific, in which Peru and Bolivia lost substantial territory to Chile. The contested area, consisting of around 10,280 navigating miles² (35 280 km²) of open sea, contains a very rich fishery. Of particular significance is the rich sea fishing region of approximately 38,000 square kilometers, which Chile continues to consider its own territorial seas. National borders in the area had have been definitively established; these two countries negotiated an agreement, which recognized 24th parallel as the borderline, while it also granted Chile the right to divide export taxes to minerals of the territory of Bolivia between 23rd and 24th parallels. However, Bolivia was afraid of the Chilean confiscation of its coastal area where the Chilean interest groups already operated the mining industry. Peru's interest in the conflict has formulated

⁹⁶ ICJ Case- <http://www.icj-cij.org/docket/index.php?p1=3&p2=1&code=pc&case=137&k=88>

from its traditional tensions with Chile over hegemony on the Pacific coast.⁹⁷

In 1883, Chile and Peru signed the Agreement Ancón, in which Peru transferred the area of Tarapacá to Chile. Peru also had to transfer portions of the areas of Arica and Tacna. They would remain under Chilean control until a later date, when there was to be a plebiscite to solve the question of what nation would provide the control over Arica and Tacna. Chile and Peru, however, were incapable to agree on when to hold plebiscite, and in 1929, both countries signed the Agreement concerning Lima, in which Peru received the area of Tacna, and Chile had control over Arica.

With the objective of protecting, preserving, and using the natural resources existing in the sea adjacent to its national coasts (by means of Supreme Decree No. 781 of 1 August 1947), Peru proclaimed its sovereignty and jurisdiction over a zone between said coasts and an imaginary line parallel to them. Peru also traced on the sea at a distance of 200 nautical miles, measured outward from the geographic parallels. Peru reserved its right to “modify such limits in accordance with supervening circumstances which may originate as a result of further discoveries, studies or national interests which may become apparent in the future.” This is to say that such measurement was made with a provisional character and was therefore subject to modification.

⁹⁷ Royal College of Defense Paper- <http://www.scribd.com/doc/14860631/Maritime-Boundary-Chile-Peru-Dissertation>

Chile, Ecuador, and Peru proclaimed the Declaration on the Maritime Zone (Annex I) on August 18, 1952, at the First Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific. Article II of the declaration states that as a "principle of their international maritime policy," each state possesses sovereignty and jurisdiction over the area of sea adjacent to its own territory extending, "not less than 200 nautical miles from the coast." In Article IV the maritime boundaries between the states are proclaimed to be the "parallel of latitude drawn from the point of which the land frontier between the two countries reaches the sea." Both Chile and Peru have ratified the declaration.⁹⁸

On December 4, 1954, Chile, Ecuador, and Peru issued an agreement (Annex II), creating a special maritime frontier zone of 10 nautical miles' breadth on each side of the parallel of latitude, forming the maritime boundary between the respective states. The zone commences 12 nautical miles from the coast of each state. The purpose of the zone is to avoid inadvertent violations of the maritime boundaries by national fishermen. Fishing and hunting within 12 nautical miles from the coasts, however, are to be reserved exclusively for each respective state. Both Chile and Peru have ratified the agreement.

Article 4 of the 1954 Agreement additionally establishes that "All the provisions of this Agreement shall be deemed to be an integral and supplementary part of, and not in any way to abrogate, the resolutions and decisions adopted at the

⁹⁸ Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, Agreements and Other Documents 1952-1966 (English Version). Lima, Peru: General Secretariat, 1967.

Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, held in Santiago de Chile in August 1952.” Consequently, this Agreement cannot cancel the fundamental principle contained in the Declaration of Santiago, regarding the rights of the coastal State over the sea adjacent to its coasts up to the minimum distance of 200 miles.

Peru ratified the 1954 Agreement on 6 May 1955, while Chile ratified it only on 16 August 1967, and forty years later on 24 August 2004, Chile also unilaterally ratified it before the United Nations. In 1980, in the Third Conference of the United Nations on the Law of the Sea, the President of the Delegation of Peru expressed the official position their nation, concerning the issue of maritime delimitation.⁹⁹ In accordance with that position, the Peruvian Minister of Foreign Affairs set out the non-existence of an agreement of maritime boundaries between both countries to the Minister of Foreign Affairs of Chile. The Ambassador commissioned for this and underlined that, “the parallel line should be considered as a formula which, despite having fulfilled the express objective of avoiding incidents with seafarers with scant knowledge of navigation, was not adequate to satisfy the requirements of safety to the greater attention in administrating marine resources, with the aggravating circumstance that an extensive interpretation could generate a notorious situation of inequity and risk situation, to the detriment of the legitimate interests of Peru, that would come forth as seriously damaged.”¹⁰⁰

⁹⁹ UNCLOS- http://www.un.org/Depts/los/convention_agreements/texts/unclos/UNCLOS-TOC.htm

¹⁰⁰ The translation of “Delimitación Marítima entre el Perú y Chile”, edited by the Ministry of Foreign Affairs on 22 March 2009.

In a year 2001, in clear infringement to the Agreement concerning Ancona, which established the border between both states, Chile entered into the Peruvian territory through the installation of military control over Vigilance, a shore in the north of point where the land border reaches the seas. Peru brought the diplomatic claim to Chile, and after many weeks, Chile removed the military control over Vigilance, but did not recognize the infringement of the Peruvian sovereignty.

On January 26th of 2007, the government of Peru initiated a protest against a disputable establishment of borders by Chile, consisting of a coastal border. According to the Peruvian Ministry for Foreign Affairs, the Chilean legislature confirmed the plan concerning Area Arica-Parinacocha, which did not correspond to the established borders. They also asserted that Chilean law includes a statement, which recognizes the sovereignty of more than 19 000 sq. metres of the land in portion of Peruvian territory (Tacna). According to the Peruvian Ministry for Foreign Affairs, Chile has defined new areas while, "not respecting an establishment of borders of Concordia." The Peruvian government asserts that dispute pertaining to the Chilean plan, which has been presented to the Chilean Constitutional Court, is a part of the proceeding sea dispute, by means of which Chile tried to expand its sea border.

For last 50 years, Peru has supported requirements from the aforementioned, including about 40 000 square kilometres of ocean territory. On the other hand, the Chilean government has asserted that the disputable area is not

a coastal site under the name Concordia. However, Chile recognizes an onboard stone Number 1, which is located on the northeast and 200 metres in the country.

Considering, that Chilean law does not recognize the border established by both nations in 1929 agreement, Peru has lodged diplomatic protests against Chile. In this territorial dispute, Chile has tried to change the Pacific border to correspond with a geographical parallel, instead of continuing its national border to the sea, which is recognized and confirmed by Peru. This decision to change the Pacific border would cut off at least 19 000 square metres of the Peruvian territory. However, the possible border dispute has been prevented, when the Chilean Constitutional Court operated on January 26 2007 unconstitutional legislation which Peru interfered on its sea territorial sovereignty.¹⁰¹ Agreeing with court management, the Chilean government has repeated its position that sea borders between these two nations have not been considered and formally recognized by the international community. Although, according to the 1952 declaration, the maritime zone of each state is to be bounded by the specific parallel of latitude on which the seaward terminus of the land territory is situated, the agreed-upon parallel of latitude is actually located slightly to the north of the land boundary terminus.

The maritime boundary extends along the 18° 23' 03" parallel of South latitude, which coincides with the parallel of latitude on which the Peru-Chile land

¹⁰¹ GA Report "Oceans and the law of the sea"
<http://www.un.org/documents/ga/docs/56/a5658a1.pdf>

boundary marker No. 1 has been placed. Marker No. 1 lies a short distance to the northeast of the Chile-Peru coastal boundary point.² The seaward limit of the maritime boundary is not clearly defined in the declaration. On the attached map the maritime boundary is depicted as extending 200 nautical miles from each coast. Owing to coastal configurations, the Peruvian segment of the boundary

In 1969 the Joint Chilean-Peruvian Boundary Commission established two land alignment towers to aid mariners to establish their position with respect to the maritime boundary. Both towers have been placed on the 18° 23' 03" South parallel of latitude. One tower has been placed 6 meters west of marker No. 1, in Peruvian territory, while the other tower has been placed 1,843.8 meters east of marker No. 1, in Chilean territory extends farther seaward than the Chilean segment. Point C on the map is situated 200 nautical miles from Chile (i.e., from the land boundary terminus that is the nearest point on the Chilean coast); however, this point is approximately 120 nautical miles from the nearest point on Peru's coast. The point on this parallel of latitude 200 nautical miles from Peru (i.e., from Pta. San Juan) is not reached until Point P; this point is more than 360 nautical miles from the land boundary terminus.

The maritime boundary traverses rather deep water; depths reach 2,500-3,000 fathoms (15,000-18,000 feet). Areas of less than 100 fathoms are virtually non-existent along this portion of the South American coast. The outer limits of the special maritime frontier zone are also not clearly defined because of the coastal configuration. The Peruvian 10-nautical-mile wide zone extends approximately 160

nautical miles farther seaward from the western end of the Chilean zone. The eastern end of the Peruvian special frontier zone is delimited by 12-nautical-mile arcs drawn from the coastline. The nearest Chilean territory to the eastern section of the frontier zone is situated at the land boundary terminus. Article II of the 1952 declaration states that Chile and Peru possess "sole sovereignty and jurisdiction" over the area of sea extending "not less than 200 nautical miles" from their coasts. As stated in the preface to the declaration, the purpose for establishing the zone was to "ensure the conservation and protection of its natural resources..."

Prior to 1952, Peru had declared national sovereignty and jurisdiction over the continental shelf and adjacent sea (Supreme Decree No. 781, August 11, 1947). This decree, however, did not affect "the right to free navigation by ships of all nations" (Article 4). In 1965 Peru implemented a law creating a 200-nautical-mile territorial sea.¹⁰² Chile currently claims a 3-nautical-mile territorial sea and a 200-nautical-mile "maritime zone" gives it exclusive jurisdiction "necessary to preserve, protect, preserve, and exploit the natural resources and wealth of any kind which may be found over, in or under the said seas."¹⁰³

¹⁰² The United States does not recognize any state's claim to a territorial sea breadth in excess of 3 miles. In the UN Law of the Sea negotiations, however, the United States has expressed its willingness to accept a maximum territorial sea breadth 12 miles within the framework of a comprehensive and acceptable Law of the Sea treaty.

¹⁰³ Law of the sea and managing maritime conflicts-
http://www.allacademic.com//meta/p_mla_apa_research_citation/2/1/1/2/3/pages211239/p211239-1.php

Points for advocates to think over:

1. How important are the past treaties to determining the current state of the problem and the legal solutions to it?
2. How the maritime boundaries can be delimited in accordance with the United Convention of the Law of the Sea?

Advisory opinion: the legality of use of force in South Ossetia and Abkhazia

Olga Kostina, Model United Nations of the Russian Far East

(States other than Peru, Chile, Ecuador, and Columbia write memorial of advisory opinion)

Background

The current conflict between Georgia and the Russian Federation has its roots in the events of the late 1980s, starting with the rising of the Georgian national movement for independence. This led to a sharp strain in relations between the ethnic Georgians and other ethnic minorities, the Abkhaz and the Ossetians who already attempting to gain independence. In 1989 South Ossetia, already an autonomous region, proclaimed itself as autonomous republic, and a year later an independent state. On 10 December 1990, in response to that, the Supreme body of Georgia abolished the autonomy of Ossetia in general, having divided its territory on six administrative areas of Georgia in an attempt to squash the independence movement.

Political strife quickly exploded into armed conflict, and in 1991 1,000 people died and 2,500 were wounded. In the spring of 1992, after a revolution and civil war in Georgia, military actions against South Ossetia renewed. Under the pressure of Russia, Georgia began the negotiations, which ended on June 24, 1992 with signing of the Dagomys agreement on principles of settlement of the conflict. Dagomys agreements provided creation of special body for conflict settlement with

a mixed supervisory commission that includes representatives of four parties; Georgia, South Ossetia, Russia and the North Ossetia.¹⁰⁴

After 1992, South Ossetia became de facto the independent state, and established its own constitution. However the authorities of Georgia still considered it as an administrative unit Tshinvalsky region; however, actions to establish control of the resistive region were abandoned. In the 1990s, there was an active process of acceptance of the Russian citizenship by the population of South Ossetia. On July 1st, 2002 a new law on citizenship was introduced in Russia, which allowed former citizens of the USSR to receive Russian citizenship. Russian Ministries of Internal Affairs and the Ministry of Foreign Affairs sent a special staff to actively encourage and process the registration of inhabitants of Abkhazia for Russian citizenship. The result was approximately 220 of the 320 thousand inhabitants of Abkhazia acquiring Russian passports. By the end of July 2002, 60% of the population of South Ossetia were Russian citizens, and by 2006, 80% of the population possessed Russian passports.¹⁰⁵

In February 2006, the Georgian authorities declared that the Russian peacekeepers were allowed to enter into South Ossetia to prevent conflict in zones of interethnic tension, which required visas. This policy created frequent incidents, including the arrests and harassment of many Russian military personnel along the

¹⁰⁴ International Crisis Group. Georgia-Russia: Still Insecure and Dangerous
<http://www.crisisgroup.org/home/index.cfm?id=6171>

¹⁰⁵ Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation)

<http://www.icj-cij.org/docket/index.php?p1=3&p2=1&code=GR&case=140&k=4d>

border of South Ossetia because of their lack of appropriate visas. In response, the Russians did not recognize the legality of the Georgian requirements and continued to cycle peacekeepers through the conflict zone. On July 20th, 2006, the Russian Minister of Defense promised to help Abkhazia and South Ossetia in case of the Georgian aggression. This promise included the assurance of military response if Russia perceived an incident as Georgian aggression.

In the beginning of 2008 there was another spike in the confrontation between Russia and Georgia. On April 20, a Georgian unmanned aerial vehicle (UAV) on a reconnaissance mission was shot down over the Abkhazian conflict zone. According to the Georgian authorities, a Russian Mig-29 fighter shot down the UAV while it was still in Georgian territory; Russia denied Georgian accusations. Later, the Russian Ministry of Foreign Affairs accused Georgia of violating the 1994 Moscow agreement and United Nations resolutions, addressing the status of Abkhazia, by deploying a UAV without authorization, since it could be used for military purposes. Although the incident was referred to and discussed by the UN Security Council, Russia increased a number of peacekeepers in the zone of the Georgian-Abkhazian conflict on April 29th, 2008. This action raised a huge protest from Georgian side of the conflict.

On July 15, Georgia launched joint training operations with United States forces near Tbilisi, called "Immediate Response 2008." Simultaneously, as a response, Russia launched "Caucasus 2008," a military exercise involving 8,000 troops, located not far from the Roki tunnel which connects Russia and South

Ossetia. Despite the fact that the main, stated, goal of these exercises was to train personnel to counter terrorist threats, the Russian Ministry of Defense also stated that it would include training for peacekeeping measures in conflict zones.

At the end of July, violent clashes between Georgian and South Ossetian forces intensified. Three days of constant violence from both sides resulted in several hundred Ossetian civilians fleeing to Russia. The conflict gained new strength on August 7th while the world's attention, and the majority of its leaders, were in Beijing for the Summer Olympics. Georgia's version of these events states that their soldiers opened fire in response to South Ossetian dissidents firing on villages inhabited by ethnic Georgians. At the same time, Georgian forces were involved in an operation to capture a strategic hill to observe a road connecting Tskhinvali and several Ossetian villages.¹⁰⁶

On the evening of August 7th, Georgian forces started an attack on Tskhinvali, the de facto capital of South Ossetia, and its surrounding regions. The official Georgian reason for the operation was states to be a response to South Ossetian dissidents who had previously attacked Georgian peacekeepers. Later, on August 8th, in response to what the Russians claim was Georgian aggression, regular Russian ground forces moved through the Roki tunnel toward Tskhinvali, where they began to engage elements of the Georgian Army. That day Russian aircraft attacked targets in several villages in Georgia proper, including Gori city and Georgian military airports near Tbilisi. Over the next two days, Russian ground

¹⁰⁶ "Up in flames" report of Human Rights Watch- <http://www.hrw.org/en/reports/2009/01/22/flames-0>

forces grew in number and moved further into South Ossetia. Early in the morning of August 10th, Georgia withdrew its military personnel from Tskhinvali; however, Russian armed forces crossed the administrative border out of the disputed territories and into Georgia.¹⁰⁷ Within three days Russian troops had overcome Georgian defenses and were 45 kilometers west of Tbilisi. At the same time, Russia conducted a separate operation from the west by occupying the strategically important cities of Poti, Zugdidi, and Senaki in western Georgia, along the Baltic coast. Here is where the controversy over the Russian response to the conflict begins.

Instead of just retaking their former positions in the conflicted areas they proceeded to invade Georgia in full. The Russian Black Sea fleet engaged in a skirmish with the Georgian Navy, which resulted in the loss of several Georgian patrol boats. Russian rockets and attack aircraft destroyed oil infrastructure, including a pipeline, a former aircraft factory, along with shipbuilding and port facilities along the Black Sea coast. Russian paratroopers also seized Georgian military bases and airfields to prevent their continued use in the conflict. These operations ranged hundreds of miles from the disputed territories leading to speculation that there were other motives to the attacks besides safeguarding the de facto independence of South Ossetia.

¹⁰⁷“Statement from the Ministry of Foreign Affairs of the Russian Federation,” Ministry of Foreign Affairs of the Russian Federation, 1246-26-08-2008, August 26, 2008
http://www.mid.ru/brp_4.nsf/sps/6E758FAF78A475AFC32574B100545BD9

On August 16th, President Saakashvili and President Dmitry Medvedev signed “Sarkozy plan,” a six-point ceasefire agreement, which was mediated by French President Nikolas Sarkozy. That ceasefire agreement allowed Russian peacekeeping forces to implement some security measures they had before the conflict until the international monitoring would take effect. It further called both parties to stop hostilities and for the withdrawal of all forces to their pre-August 6th positions. Following the plan, the gradual withdrawal of Russian forces began, however, Russia insisted on establishing checkpoints in the villages of Variani and Karaleti to create a “buffer zone.” The final withdrawal of Russian troops from South Ossetia finished in early October, although Russian troops still occupy a village on the border. The European Union launched a mission under the European Security and Defense Policy, but military observers were denied access. On August 26, 2008, the Russian Government formally recognized the independence of Abkhazia and South Ossetia, however, only the nations of Ukraine and Venezuela have followed suit.

Advisory opinion: the legality of use of force in South Ossetia and Abkhazia

The objective of the International Court of Justice with this topic is to provide an advisory opinion on the legality and legitimacy of the use of force by both sides of the conflict.¹⁰⁸ Both sides claim that they were acting in response to a perceived threat to their security, concerning the state of their citizens and to their territorial integrity. Both use that claim to say that they were justified in the use of force;

¹⁰⁸ International Law and the Use of Force- http://chinesejil.oxfordjournals.org/cgi/pdf_extract/1/1/1

however, questions still remain on the issue. These questions are what the court must address.

1. Did both sides meet the legal and commonly accepted requirements for the legitimate use of force? Address these three criteria in each phase of the conflict.¹⁰⁹
 - a. Were there grounds for military retaliation? (Military Necessity)
 - b. Was it a proportional response to the level of force? (Proportionality)
 - c. Did both sides properly identify and avoid unnecessary damage and civilian deaths? (Distinction)
2. Were Georgia's actions against South Ossetian militants, civilians and property in the territory of South Ossetia and Abkhazia legal?
3. Were Russian actions against Georgian troops in South Ossetia and Abkhazia legal?
4. Were Russian actions against Georgian troops, civilians and infrastructure in the territory of Georgia legal?
5. What of the accusations of war crimes made against both sides related to death of civilians and excessive destruction of personal and state property?

¹⁰⁹ Refer to Geneva Conventions and the Hague Conventions