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## **Implementation of the Declaration on HIV/AIDS and the Political Declaration on HIV/AIDS**

As of 2011, approximately 34 million people were infected with Human Immunodeficiency Virus (HIV), of which 3.4 million were less than 15 years old. This is a troubling number of people infected with the disease, which currently has no cure. However, considering the amount of money spent on research, treatment, and prevention, the international community is far more optimistic about the possibility of eradicating this devastating disease.

The Millennium Development Goals (MDGs) are eight international development goals that were officially established following the Millennium Summit of the United Nations in 2000 upon the adoption of the United Nations Millennium Declaration.<sup>1</sup> Targets 6A and 6B of the MDGs respectively attempt to halt and reverse the spread of HIV/AIDS by 2015 and to achieve universal access to treatment for HIV/AIDS for all those who need it. Shortly after the Millennium Summit was held in June 2001, Heads of State and governmental representatives met at the 26<sup>th</sup> United Nations General Assembly Special Session dedicated to HIV/AIDS. The meeting was one of the first to recognize the immense damage that the HIV virus has inflicted on millions of people. At the meeting, Heads of State issued the Declaration of Commitment on HIV/AIDS.<sup>2</sup> In 2006, United Nations (UN) Member States met to reassess progress achieved in realizing the targets set out in the 2001 Declaration on

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<sup>1</sup> "Millennium Summit," United Nations, accessed October 27<sup>th</sup>, 2013, <http://www.un.org/millenniumgoals/bkgd.shtml>.

<sup>2</sup> "2001 Declaration of Commitment on HIV/AIDS," UNAIDS, accessed September 14<sup>th</sup>, 2013, <http://www.unaids.org/en/aboutunaids/unitednationsdeclarationsandgoals/2001declarationofcommitmentonhivaids/>.

HIV/AIDS. Member States adopted the Political Declaration on HIV/AIDS unanimously on June 2, at the close of the United Nations General Assembly High Level Meeting on AIDS. The Political Declaration also recognized the need to increase efforts to reach the goal of universal access to comprehensive prevention programs, treatment, care and support by 2010.<sup>3</sup> Member States further came together at the 2011 United Nations General Assembly High Level Meeting on AIDS in June 2011 in New York to review the progress of the 2006 Political Declaration. The leaders adopted another Political Declaration that included new commitments, such as increasing the number of people on life saving treatment to 15 million and reducing tuberculosis related deaths in people living with HIV by half in 2015.<sup>4</sup> Recognizing the need to increase funding to combat the epidemic, the international community agreed to increase AIDS-related spending to \$24 billion in low- and middle-income countries by 2015.<sup>5</sup>

The Economic and Social Council's (ECOSOC) resolution 1994/24 established the Joint United Nations Programme on HIV and AIDS (UNAIDS) in 1994, which officially launched in January 1996.<sup>6</sup> UNAIDS is guided by a Programme Coordinating Board with representatives of 22 governments from all geographic regions, the UNAIDS Cosponsors, and five representatives of selected nongovernmental organizations (NGOs), including associations of people living with HIV/AIDS.<sup>7</sup> Between 2011- 2015, UNAIDS has three major strategic directions in order to curtail the spread of HIV/AIDS: prevention, treatment, and eradication of the negative stigma surrounding those who are infected. In order to get to the goal of zero new infections, UNAIDS believes that efforts ought to be focused on prevention. By 2015, however, UNAIDS hopes to have sexual transmission of HIV reduced by half, specifically among young

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<sup>3</sup> "Political Declaration on HIV/AIDS," General Assembly, Accessed August 28<sup>th</sup>, 2013

[http://www.unaids.org/en/media/unaids/contentassets/dataimport/pub/report/2006/20060615\\_hlm\\_politicaldeclaration\\_ares60262\\_en.pdf](http://www.unaids.org/en/media/unaids/contentassets/dataimport/pub/report/2006/20060615_hlm_politicaldeclaration_ares60262_en.pdf)

<sup>4</sup> "Bold new AIDS targets set by world leaders for 2015," UNAIDS, accessed September 12<sup>th</sup>, 2013,

<http://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2011/june/20110610psdeclaration/>

<sup>5</sup> Ibid.

<sup>6</sup> "UNAIDS Programme Coordinating Board," UNAIDS, Accessed October 28<sup>th</sup>, <http://www.unaids.org/en/aboutunaids/unaidsprogrammecoordinatingboard/>

<sup>7</sup> "Political Declaration."

people and gay men. Another target by 2015 is to have vertical transmission of HIV (in which a mother gives an unborn fetus a disease or infection) reduced by half and eventually completely eradicated. In order to achieve these targets, UNAIDS strongly encourages a transformation in prevention politics, policies, and practices. Educational movements regarding sexuality, drug use, and HIV education, led by people living with HIV, women and young people, can help achieve this target. Targeting epidemic hotspots is particularly critical in large cities, and ensuring equitable access to high-quality, cost-effective HIV prevention programs that include rapid adoption of scientific breakthroughs are also vital.<sup>8</sup>

UNAIDS's ultimate vision is to eliminate AIDS-related deaths. Their targets for 2015 are to establish universal access to antiretroviral therapy for people living with HIV who are eligible for treatment; reduce TB deaths among people living with HIV by half; and address people living with HIV in all national social protection strategies.<sup>9</sup> In order to meet these targets by 2015, UNAIDS posits that universal access to treatment can be achieved through the use of simple, affordable, and effective drug regimens and delivery systems. Connecting antiretroviral therapy services with primary health and reproductive health services will further reduce costs. Nutritional support and social protection services must also be strengthened for people who are affected by HIV, including orphans and vulnerable children.<sup>10</sup>

UNAIDS's third major goal is to curb the negative stigma around those who are infected with HIV/AIDS. The targets for 2015 are to halve the number of countries with punitive laws and practices around HIV transmission, sex work, drug use, or homosexuality that block effective responses. Steven Kraus, the UNAIDS director for Asia and the Pacific, claims laws that punish same-sex activities and impose harsh drug sentences have prompted a rise in

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<sup>8</sup> "Getting to Zero: 2011 -2015 Strategy," UNAIDS, accessed August 28, 2013, [http://www.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2010/JC2034\\_UNAIDS\\_Strategy\\_en.pdf](http://www.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2010/JC2034_UNAIDS_Strategy_en.pdf)

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

transmissions in parts of Asia.<sup>11</sup> Additionally, UNAIDS seeks to reduce HIV-related restrictions on entry, stay, and residence. UNAIDS insists that at least half of all national responses address HIV-specific needs of women and girls and adopt a zero tolerance for gender-based violence.<sup>12</sup> The international community must examine the intersections between HIV vulnerability, gender inequality, and violence against women and girls. In order to achieve these goals by 2015, UNAIDS states that countries must make greater efforts to realize and protect HIV-related human rights, including the rights of women and girls. UNAIDS expresses the need for effective protective legal environments for people living with HIV and populations at higher risk of HIV infection. Lastly, UNAIDS professes the importance of HIV coverage for the most underserved and vulnerable communities. People living with and at higher risk of HIV should know their HIV-related rights and be supported to mobilize around them.<sup>13</sup>

HIV/AIDS affects economic growth by reducing the availability of human capital. People living with HIV/AIDS will not only be unable to work, but will also require significant medical care. The increased mortality in affected regions will result in a smaller skilled labor population. The smaller skilled labor force will be predominantly young people, with a decreased amount of knowledge and work experience, leading to a reduction in productivity.<sup>14</sup> An increase in workers' time off to look after sick family members or for sick leave will further lower productivity. Increased mortality weakens the mechanisms that generate human capital and investment through loss of income and death. Sectors employing large numbers of women, such as education, will be negatively impacted because HIV disproportionately infects and impacts women.<sup>15</sup>

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<sup>11</sup> "UN urges Asia to ditch punitive laws to fight AIDS," Yahoo!, Accessed October 24<sup>th</sup>, <http://news.yahoo.com/un-urges-asia-ditch-punitive-135408243.html>

<sup>12</sup> "Getting to Zero."

<sup>13</sup> "Getting to Zero."

<sup>14</sup> "The Long-run Economic Costs of AIDS," Worldbank, Accessed August 28<sup>th</sup>, 2013, [http://siteresources.worldbank.org/INTPRH/Resources/Longrun\\_economic\\_costs\\_of\\_AIDS.pdf](http://siteresources.worldbank.org/INTPRH/Resources/Longrun_economic_costs_of_AIDS.pdf)

<sup>15</sup> Ibid.

High rates of HIV/AIDS can present serious social and economic challenges for communities in developing countries. People debilitated by HIV/AIDS are unable to do their daily work, including growing or purchasing food to meet their nutritional needs. Parents with HIV not only put children at risk for being born HIV positive, but also increase their child's chances of being orphaned. AIDS has orphaned an estimated 16 million children under 18.<sup>16</sup> These orphaned children sometimes become the caregivers for younger siblings, a responsibility that can prevent them from gaining an education as they work to meet their family's basic needs. In regions with poor infrastructure, working to care for an increasing number of HIV/AIDS patients may also put a strain on local health care resources and government funds for these types of projects. When poor communities suffer from these types of social and economic setbacks, it can become incredibly difficult for them to rise out of poverty.

New HIV infections among adults and children were estimated at 2.3 million in 2012, a 33% reduction since 2001. New HIV infections among children have been reduced to 260,000 in 2012, a reduction of 52% since 2001. AIDS-related deaths have also dropped by 30% since the peak in 2005 as access to antiretroviral treatment expanded.<sup>17</sup> Due to the progress that has been seen over the last decade, signatories of the 2011 Declaration have jointly agreed to increase spending to \$22-24 billion by 2015.<sup>18</sup> Additionally, one of the more promising parts of the global response to the AIDS epidemic is EDUCAIDS. Launched in 2004 by the UNAIDS Committee of Cosponsoring Organizations, EDUCAIDS is led by the United Nations Educational, Scientific and Cultural Organization (UNESCO), comprising one of the Organization's three core initiatives to achieve the goal of Education for All.<sup>19</sup> EDUCAIDS has two primary goals: to

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<sup>16</sup> "Children Orphaned by HIV and AIDS," Avert, accessed September 18<sup>th</sup>, 2013, <http://www.avert.org/children-orphaned-hiv-and-aids.htm>

<sup>17</sup> "UNAIDS reports a 52% reduction in new HIV infections among children and a combined 33% reduction among adults and children since 2001," UNAIDS, accessed August 12<sup>th</sup>, 2013 <http://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2013/september/20130923prunga/>

<sup>18</sup> "Implementing the 2011 UN Political Declaration on HIV/AIDS," Interagency Coalition on AIDS and Development, accessed August 18<sup>th</sup>, 2013, [http://www.icad-cisd.com/pdf/Political\\_Declaration\\_Info\\_Sheet\\_EN.pdf](http://www.icad-cisd.com/pdf/Political_Declaration_Info_Sheet_EN.pdf)

<sup>19</sup> "Framework for Action," EDUCAIDS, accessed September 10<sup>th</sup>, 2013, <http://unesdoc.unesco.org/images/0014/001473/147360E.pdf>

harness education to prevent the spread of HIV and to protect the core functions of the education system from the worst effects of the epidemic. In order to reach these goals, EDUCAIDS has a comprehensive education sector response composed of five essential components: quality education; content, curriculum and learning materials; educator training and support; policy, management and systems; and approaches and illustrative entry points.<sup>20</sup> UNESCO supports country-level efforts to promote comprehensive education sector responses to HIV and AIDS, plan and prioritize actions, build partnerships, and promote coordination. Without educating newer generations on how to prevent the transmission of the disease, as well as how to mitigate risk factors, the goals of the UN and global community may never be reached.<sup>21</sup>

Despite progress, considerable challenges and gaps remain in the fight against HIV/AIDS. First, global and regional statistics mask the differences within countries in HIV prevalence and amount of access to HIV services. For example, the number of new HIV infections and AIDS-related deaths are declining in most regions, but they are still rising three-fold in Eastern Europe, Central Asia, the Middle East and North Africa.<sup>22</sup> Globally, young women (aged 15–24), have HIV infection rates twice as high as in young men, and account for 22% of all new HIV infections and 31% of new infections in sub-Saharan Africa.<sup>23</sup> Unfortunately, despite the lopsided infection numbers between young women and men, expanding access to services has lagged for adolescent girls aged 10–19 and young women.<sup>24</sup>

Another key issue for the Post-2015 Development Agenda is the sustainability of the response to the epidemic. There has been a slowdown in international investments, which raises concerns about the ability of the international community to reach the target set in the 2011

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<sup>20</sup> Ibid.

<sup>21</sup> “A Comprehensive Education Sector Response,” UNESCO, accessed September 10<sup>th</sup>, 2013, <http://www.unesco.org/new/en/hiv-and-aids/our-priorities-in-hiv/educaids/>

<sup>22</sup> “AIDS response in the Post-2015 Development Agenda,” UNAIDS Programme Coordinating Board, accessed October 13, 2013, [http://www.unaids.org/en/media/unaids/contentassets/documents/pcb/2013/pcb32/agendaitems/20130528PCB%20discussion%20paper\\_AIDS%20in%20post%202015\\_27%20May\\_Final%2019H30.pdf](http://www.unaids.org/en/media/unaids/contentassets/documents/pcb/2013/pcb32/agendaitems/20130528PCB%20discussion%20paper_AIDS%20in%20post%202015_27%20May_Final%2019H30.pdf)

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

Political Declaration to close the resource gap by 2015.<sup>25</sup> While domestic investments are on the rise, many countries still rely heavily on international assistance. Sixty-one countries receive more than half their HIV funding from abroad and 38 rely on international sources for 75% or more.<sup>26</sup> In order to sustain the achievements of the past decade, securing international funding for the future will have to be addressed in the Post-2015 Development Agenda. Furthermore, coverage of HIV prevention and treatment remains inadequate for high-risk populations. Female sex workers, homosexual males, and people who inject drugs are respectively estimated to be 13, 19, and 22 times more likely to be living with HIV than the general population. However, domestic funding still accounted for less than 10% of total spending on HIV program for these groups.<sup>27</sup> Increasing efforts and awareness for these high-risk individuals will be paramount to continue having an effective response against this epidemic.

### **Questions to consider:**

1. UNAIDS envisions for 2015 halving the number of countries with punitive laws regarding HIV transmission, sex work, drug use, and homosexuality that block effective responses. At what point should UNAIDS request that all countries remove these laws, and why is UNAIDS not advocating for complete eradication now?
2. On the whole, new HIV infections are down globally, but certain regions are still experiencing increasing numbers of new infections. What can be done to ensure that these regions receive the proper attention from the global community?
3. How can international investments in HIV/AIDS be not only secured, but also increased, for 2015 and beyond?

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<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

4. Health systems in many low- and middle-income countries remain fragile and unable to provide necessary HIV-related health services. For the Post 2015 agenda, what actions must the international community take to help strengthen these health systems in economically disadvantaged regions?
5. Does your State have any laws in place that harm HIV/AIDS-infected persons? If so, has your State attempted to remove them? What is your State's stance on this issue?
6. Has your country given any monetary assistance to AIDS related research or prevention? If not, has it taken any action on promoting investment in research or prevention?

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[http://www.unaids.org/en/media/unaids/contentassets/documents/pcb/2013/pcb32/agendaitems/20130528PCB%20discussion%20paper\\_AIDS%20in%20post%202015\\_27%20May\\_Final%2019H30.pdf](http://www.unaids.org/en/media/unaids/contentassets/documents/pcb/2013/pcb32/agendaitems/20130528PCB%20discussion%20paper_AIDS%20in%20post%202015_27%20May_Final%2019H30.pdf).

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[http://www.icadcisd.com/pdf/Political\\_Declaration\\_Info\\_Sheet\\_EN.pdf](http://www.icadcisd.com/pdf/Political_Declaration_Info_Sheet_EN.pdf).

The Long-run Economic Costs of AIDS.” Worldbank. Accessed August 28<sup>th</sup>, 2013.

[http://siteresources.worldbank.org/INTPRH/Resources/Longrun\\_economic\\_costs\\_of\\_AIDS.pdf](http://siteresources.worldbank.org/INTPRH/Resources/Longrun_economic_costs_of_AIDS.pdf).

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[http://www.unaids.org/en/media/unaids/contentassets/dataimport/pub/report/2006/20060615\\_hlm\\_politicaldeclaration\\_ares60262\\_en.pdf](http://www.unaids.org/en/media/unaids/contentassets/dataimport/pub/report/2006/20060615_hlm_politicaldeclaration_ares60262_en.pdf).

“UN urges Asia to ditch punitive laws to fight AIDS.” Yahoo!. Accessed October 24<sup>th</sup>, 2013.

<http://news.yahoo.com/un-urges-asia-ditch-punitive-135408243.html>.

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## **Question of equitable representation on and increase in the membership of the Security Council**

Despite considerable changes in geopolitical circumstances since the inception of the Security Council in 1948, the Security Council structure itself has remained unchanged. The veto, in addition to other organizational practices within the Security Council, have been called into question by Member States due to concerns that the present model should not continue to be solely representative of the national interests of the victors of the Second World War.<sup>28</sup> Since the last amendment to the UN Charter in 1963, which increased the number of non-permanent members of the Security Council to 10, the world has continued to change.<sup>29</sup> With the monumental addition of more than 100 additional Member States since the original crafting of the UN Charter,<sup>30</sup> and the emergence of more global power players, many Member States have sought a more equitable representation within the Security Council that is both congruent with the present geopolitical circumstances and their own national interests. Proposed plans vary broadly in their desired changes and their implementation; however, a common theme is the attention paid to the following major areas of consideration: the emergence of new major economies, contributions to the UN (both monetarily and militarily), fair representation of post-colonial states, and the emergence of regional unions such as European Union, African Union,

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<sup>28</sup> "Security Council Reform." What's new. <http://www.globalpolicy.org/security-council/security-council-reform.html> (accessed September 23, 2013).

<sup>29</sup> Australian Treaty Series. "Australian Treaty Series 1968 No 11." Australian Treaty Series. [www.austlii.edu.au/au/other/dfat/treaties/1968/11.html](http://www.austlii.edu.au/au/other/dfat/treaties/1968/11.html) (accessed September 21, 2103).

<sup>30</sup> "Rappresentanza Permanente d'Italia all'ONU." Rappresentanza Permanente d'Italia all'ONU. <http://www.italyun.esteri.it/> (accessed September 22, 2013).

<sup>30</sup> "United Nations Member States." Welcome to the United Nations: It's Your World. [http://www.un.org/News/Press/docs/2006/org1469.doc.htm#\\_edn9](http://www.un.org/News/Press/docs/2006/org1469.doc.htm#_edn9) (accessed September 23, 2013).

and ASEAN.<sup>31 32 33</sup> This issue book will provide a brief history of Security Council reform, highlight the major historic and preset proposals for Security Council reform, issues and implications of hypothetical reform actions, and ask relevant questions that the General Assembly may consider when addressing the issue of Security Council reform.

The issue of Security Council reform has been a hotly debated topic. As a result of major contention, little progress has been made since 1993. The P5, the five permanent Security Council Member States wielding veto power, generally oppose expansion of permanent membership. Though negotiations are currently stalled, some P5 members have occasionally supported specific states' bids for permanent membership, including the recently voiced support by the United States for India's bid, and France's support for the African Union. Other groups of states have put forward reform options. In the 1990's, the *Coffee Club* supported regional selection of new non-permanent Security Council members while opposing the expansion of permanent membership. This position was reintroduced in mid-2005 by Italy under the Uniting for Consensus movement, which is described in more detail later in this issue book. The small five (S-5), another group offering a reform proposal, supports greater transparency and coordination between the GA, Security Council, and the economic and social committees. Their proposal also addresses the need for guidelines pertaining to the use of the veto. The AU and South American states have put forth proposals which seek permanent membership for state(s) in their respective regions. Though the issue of membership seems to hold the most attention publically, issues pertaining to transparency, working methods, and the veto power are equally important. At this time, only permanent Security Council member have the veto power and are unlikely to surrender that privilege willfully. On the topic of transparency, states have expressed a need for more information on Security Council decision making. Subsidiary bodies of the Security Council do not include Member States who are not also members of the Security Council, leaving the majority of Member States entirely out the decision-making process.<sup>34</sup>

The veto power itself has been an issue of contention since the drafting of the UN charter in 1945. Some may speculate that the United States and the Soviet Union may not have accepted the creation of the United Nations without being granted veto privileges. Today, the debate continues and in recent years has been reinvigorated by the use of the veto as a threat and the effect the veto has in generating indecision. The consequences of this appear to be grave and are seemingly evident in the recent willingness of China and Russia to veto resolutions intended to address violence under despotic regimes, particularly in Darfur, Burma, Zimbabwe, and most recently in Syria. One may argue against this, however, citing China and Russia's willingness to allow the imposition of a no-fly zone in Libya, and drawing attention to concerns China and Russia have voice that future Security Council resolutions permitting intervention may be abused, in the same way they believe the no-fly zone was abused in Libya. The veto in this case may be perceived as useful to defending state sovereignty, particularly for states that do not align with Member States that possess the preponderance of the world military power. Additionally, the veto privilege is also often viewed as an unfair advantage that wrongfully requires other Security Council members to accept terms representative of the interests of only five Member States in only two regions.

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<sup>31</sup> GlobalSolutions.org. "UN Funding | GlobalSolutions.org." GlobalSolutions.org | Global Issues, Local Activism. <http://globalsolutions.org/united-nations/funding> (accessed September 23, 2013).

<sup>32</sup> Bergman, Andrew. "The new global economy - CNNMoney." CNNMoney - Business, financial and personal finance news. [http://money.cnn.com/news/economy/world\\_economies\\_gdp/](http://money.cnn.com/news/economy/world_economies_gdp/) (accessed September 23, 2013).

<sup>33</sup> "United Nations Member States."

<sup>34</sup> "Security Council Reform." What's new. <http://www.globalpolicy.org/security-council/security-council-reform.html> (accessed September 23, 2013).

When considering Security Council reform, it is important to recognize the major changes in the geopolitical circumstances of the post-World War II world. The decolonization of the French and British imperial territories, as well as the breakup of the Soviet Union, have produced numerous new nation-states. This also raises questions of whether these former superpowers should retain the influential veto. The general decline of global influence of some P5 states and the emergence of Japan, India, South Africa, and Brazil as major regional powers has created momentum for reforms that seek broader regional representation, which may undermine the influence of P5 members who once enjoyed global influence through their territorial holdings and economic capacities.<sup>35</sup> In accordance with the Atlantic Charter of 1941,<sup>36</sup> the United Kingdom began a gradual process of decolonization, drastically increasing the number of independent states in the global community and changing voting outcomes as well as the political interests within the United Nations.<sup>37</sup> For this reason, concerns have been voiced by former colonies, newly emerging states, and their regional partners regarding the succession of states to both permanent and non-permanent Security Council seats post-independence, an issue that had not been considered sufficiently during decolonization. This concern is not unique to post-colonial states. One must consider plans for succession in the event of the emergence of new states from the redrawing of boundaries in states which hold permanent and non-permanent Security Council seats. The relevance of this issue can be evidenced by the emergence of new states in recent decades, including states from the former Yugoslavia, the former Soviet Union, Sudan, and Indonesia.

By 1992, Japan and Germany became the second and third largest budgetary contributors to the United Nations respectively, which led them to seek permanent membership on the

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<sup>35</sup> Priozzi, Nicoletta, and Ferdinando Salleo. *Strengthening the UN Security System: The Role of Italy and the EU*. Rome, Italy: Istituto Affari Internazionali, 2007.

<sup>36</sup> U.S. Department of State, Office of the Historian. "MILESTONES: 1937-1945." Office of the Historian. <http://history.state.gov/milestones/1937-1945/AtlanticConf> (accessed September 22, 2013).

<sup>37</sup> "The United Nations and Decolonization - History." *Welcome to the United Nations: It's Your World*. N.p., n.d. Web. 24 Sept. 2013. <<http://www.un.org/en/decolonization/history>

Security Council. In addition, Brazil and India, both of which represent large populations and considerable economic power in their regions, also saw a need for their inclusion as permanent members.<sup>38</sup> This group of four Member States (G4), formed an interest group, which represents their desired reform outcome of inclusion as permanent members.<sup>39</sup> However, the ambitions of this group have not gone unopposed. The Japanese bid for permanent membership is ardently opposed by the People's Republic of China and the Republic of Korea based on historical tensions between these member states going back to World War II.<sup>40</sup> Regardless, Japan finds strong support from the United States and the United Kingdom.<sup>41</sup> This contention brings up one major issue in pursuing Security Council Reform, namely that the Security Council itself has the power to block its own reform. Even with support from two other P5 members, an amendment granting Japan's bid for a permanent seat on the Security Council can be blocked if China chooses to use its veto power.

One example of opposition to expansion of the Security Council's permanent membership was the 1995 Italian led formation of the Uniting for Consensus, (UfC) movement also referred to as the "*Coffee Club*. Argentina, Canada, Colombia, Costa Rica, Indonesia, Italy, Republic of Korea, Mexico, Pakistan, Spain, and Turkey were included in the initially expansion of official supported for the UfC movement, which, at present, now includes fifty member states. Their opposition to the permanent membership of the G4 was not officially concerned with the specific states seeking membership, but was rather opposition to any expansion of membership without unanimous consensus. The UfC's goal of unanimous consent, however, may be

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<sup>38</sup> Priozzi, Nicoletta, and Ferdinando Salleo. *Strengthening the UN Security System...*

<sup>39</sup> "G4 Reforming UN: Japan, India, Germany, and Brazil on the Security Council? - Yahoo Voices – voices.yahoo.com." *Yahoo Voices - voices.yahoo.com*. Yahoo, 27 Apr. 2006. Web. 24 Sept. 2013. <<http://voices.yahoo.com/g4-reforming-un-japan-india-germany-brazil-on-33722.html>>.

<sup>40</sup> Kral, Alexei . "Japan's Quest for a Permanent UN Security Council Seat | Wilson Center." *Wilson Center | Independent Research, Open Dialogue & Actionable Ideas*. Wilson Center, 22 Oct. 1999. Web. 24 Sept. 2013. <<http://www.wilsoncenter.org/event/japans-quest-for-permanent-un-security-council-seat>>.

<sup>41</sup> "Kessler, Glenn. "U.S. to Back Japan Security Council Bid (washingtonpost.com)." *The Washington Post: National, World & D.C. Area News and Headlines - The Washington Post*. The Washington Post, 18 Mar. 2005. Web. 24 Sept. 2013. <<http://www.washingtonpost.com/wp-dyn/articles/A46196-2005Mar18.html>>.

perceived as a hindrance to reform considering the number of states and regional partners seeking permanent Security Council representation.<sup>42</sup>

The UfC advocates expansion of non-permanent seats while opposing expansion of permanent membership on the grounds that adding permanent seats would exacerbate concerns over the disparity between states and would result in a cascade effect, causing continuous extension of privileges. In 2005 during the 59<sup>th</sup> session of the United Nations General Assembly (GA), the UfC, led by Canada, Italy, Columbia, and Pakistan, made a proposal centered on expanding non-permanent membership to twenty seats. Under this plan, the GA would elect two member states for two-year terms, eligible for immediate reelection, with the consent of their respective regions. The proposal received considerable support from other member states, including the People's Republic of China, even though it was not adopted.<sup>43</sup> The widespread support for the UfC proposal has continues to impact other discussions on Security Council reform. Current discussions within UfC movement follow the February of 2009, Italian proposed plan in partnership with 75 member state participants. These discussions focus on united and equitable development of reform within the UfC framework. In May of 2009, the total number of participants rose to 120.<sup>44</sup>

In 2005, several conferences orchestrated by an African Union Committee selected Nigeria and South Africa as nominees for Security Council membership under the G4 reform plan. In addition, the African Union proposed two options for Security Council reform, guided by the Uniting for Consensus movement, *Model A*, a.k.a. the *Blue Model*, and *Model B*, also known as the *Green Model*. *Model A* suggests adding six permanent seats with no veto. This plan also suggests three additional non-permanent seats with two-year terms. *Model B* does not

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<sup>42</sup> Security Council Reform." What's new. <http://www.globalpolicy.org/security-council/security-council-reform.html> (accessed September 23, 2013).

<sup>43</sup> "Uniting For Consensus Group of States Introduces Text on Security Council Reform to General Assembly." Welcome to the United Nations: It's Your World. <http://www.un.org/News/Press/docs/2005/ga10371.doc.htm> (accessed September 23, 2013).

<sup>44</sup> Rappresentanza Permanente d'Italia all'ONU." Rappresentanza Permanente d'Italia all'ONU. <http://www.italyun.esteri.it/> (accessed September 22, 2013).

suggest any permanent seats, but creates eight four-year seats with renewable terms. Each region would receive two of the new seats, with the exception of Africa which would receive four seats. The AU has since rejected both models and now demands nothing less than two permanent seats with all of the benefits of permanent membership, including the veto.<sup>45</sup> The AU also proposes that it should have the right to select African membership in the Security Council, although it has yet to suggest a clear process, causing contention within the AU itself on whether or not the proposed nominees for permanent seats are legitimately representative of Africa.

The motivation for reform, as proposed by the General Assembly Task Force on Security Council Reform, was to promote more equitable representation in the Security Council.<sup>46</sup> The many proposals, while receiving considerable and serious support, have faced obstacles due to contemporary geopolitical events; the consideration of additional permanent seats is wholly opposed by the present P5 members.

Outside of Africa, many Member States have called for the creation of financial regulations that would require a state's dues to be paid in full in order for them to be considered for Security Council membership. This requirement has not been achieved by all current Security Council members or states seeking membership. The AU's indecision on selection criteria, the apparent need for greater AU support for stabilization of regional security concerns, and the recent conflicts in Mauritania, Libya, and Egypt have elicited concern relating to the readiness of the AU for full participation with the Security Council.<sup>47</sup> Furthermore, United States President Barack Obama joined 67 other Member States and the African Union in endorsing India's ambitions to become a permanent Security Council member while failing to provide the same endorsement for Brazil; both states have taken increasingly strong stances against the North

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<sup>45</sup> Priozzi, Nicoletta, and Ferdinando Salleo. *Strengthening the UN Security System...*

<sup>46</sup> International Democratic Governance project. "Reform Timetable." ReformtheUN.org. [http://www.reformtheun.org/index.php?option=com\\_content&view=article&id=3&Itemid=7](http://www.reformtheun.org/index.php?option=com_content&view=article&id=3&Itemid=7) (accessed October 13, 2013).

<sup>47</sup> Okumu, Wafula. "Africa: Security Council Expansion." AfricaFocus home page. <http://www.africafocus.org/docs05/un0504.php> (accessed October 13, 2013).



Atlantic Treaty Organization (NATO). Germany and Japan have expressed deep concern over Brazil and India's opposition to NATO, and with United States explicitly supporting Japan and India's bids for Security Council membership, this further confused the relationship between the G4, NATO, and the P5 as it relates to Security Council reform. The outcome was the inevitable dropping of the G4 proposal in 2011, without a vote, due in part to difficulty in reconciling differences of opinion pertaining to the 2011 NATO intervention in Libya.<sup>48</sup>

The following are main areas of concern that ought to be considered when drafting proposals for Security Council reform: role and distribution of veto power, economic standing of member states, monetary and military contributions to the UN, equitable regional representation, categories of membership, size of an expanded security council, and member selection processes.<sup>49</sup> Proposals for reform have been diverse in relationship to veto power. Proposals to reform the veto should consider states that benefit from the veto of the P5, as well as desire for this benefit to be extended to other states. G4 members and other states argue that more equitable representation should consider the present economic make-up of the world. Pakistan, Bangladesh, India, Ethiopia, and Nigeria are the largest military and police contributors to UN Peacekeeping and Peace-building operation.<sup>50</sup> Contributions of this nature should also be considered. States in South America, south and central Asia, and the African Union have also expressed a desire for more balanced regional representation, a desire which must be considered given the major changes in the regional military and economic power and influence since 1945. The final consideration, and one of the most important concerns, is the selection process for new

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<sup>48</sup> Gowan, Richard. "WPR Article | Diplomatic Fallout: The Fading Dream of U.N. Security Council Reform ." World Politics Review | Geostrategic analysis of international affairs. <http://www.worldpoliticsreview.com/articles/12759/diplomatic-fallout-the-fading-dream-of-u-n-security-council-reform> (accessed October 13, 2013).

<sup>49</sup> "History of Reform." Platform for Change. [http://pfcun.org/History\\_of\\_Reform.html](http://pfcun.org/History_of_Reform.html) (accessed September 23, 2013).

<sup>50</sup> United Nations Peace Keeping. "Troop and police contributors. United Nations Peacekeeping." Welcome to the United Nations: It's Your World. <http://www.un.org/en/peacekeeping/resources/statistics/contributors.shtml> (accessed September 23, 2013).

Security Council members. It is improbable that a proposal that seeks to expand membership will succeed without clear terms for membership selection and succession.

**Questions:**

1. In considering increased Security Council membership, should the increase in seats be in non-permanent, or permanent seats, or both? Why?
2. How might your state's proposal impact the effectiveness or efficiency of the Security Council in responding to a crisis?
3. What should the criteria for membership be for permanent and/or non-permanent membership? Why?
4. Should the voting method be changed? What should the significance of the veto be? Should it be eliminated or granted to more states? Why?
5. Has your state been involved with any efforts to reform the Security Council in the past?

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Third Committee

**Addressing the impact of population dynamics on sustainable development: 20th anniversary of the International Conference on Population and Development (ICPD)**

The United Nations has been focusing on the most recent impending deadline that of the International Conference on Population and Dynamics Post 2015 Agenda. This agenda is one that has been in the forefront of United Nations agenda because it is the foundation to the development programs of action. This global development agenda targets the MDGs and ICPD precedents that will set the stage for future progressive movement toward a more egalitarian global community. The United Nations (UN) held an intergovernmental conference in Cairo in September 1994 in which various states, NGOs, and United Nations agencies collaborated to create a Programme of Action for developmental issues, including family planning, reproductive rights, access to education for girls, and environmental issues associated with population dynamics. The General Assembly further held a special session to address the progress on the Programme of Action in 1999, leading to the adoption of four additional benchmarks at the International Conference on Population Dynamics +5 meeting. These two documents guided the adoption of the Millennium Development Goals (MDGs).<sup>1</sup> The 1994 Cairo Conference outlined many key elements that led to the creation of the MDGs, including promoting gender equality, empowering women, combating HIV/AIDS, and eradicating poverty. The MDGs first introduced the focus on the effects of population dynamics on sustainable development.

The International Conference on Population and Development (ICPD) fronted the

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<sup>1</sup> "OPENING PLENARY." Earth Negotiations Bulletin. <http://www.iisd.ca/vol06/0639008e.html> (accessed November 2, 2013).

discussion on population dynamics and its effects on changes in population growth rates, age structures and distributions of people, while also acknowledging the importance of an intended Program of Action (POA).<sup>2</sup> Due to the projected growth in population and its potentially devastating effects, the United Nations General Assembly passed the resolution A/RES/50/124, Implementation of the Programme of the International Conference on Population and Development, a resolution that lists the proposed issues requiring further discussion, such as gender equality, equity and empowerment of women, interrelationships between population, and international migration.

The General Assembly (GA) called a Special Session in 1999 to focus on the potential progresses and challenges that could be faced within the first five years of implementing the Cairo agreement, the twenty-year Programme of Action that focused on individuals' needs and rights rather than the achievement of demographic targets.<sup>3</sup> The session identified four key actions for the further implementation of the ICPD Program of Action, including education and literacy; reproductive health care and unmet need for contraception; maternal mortality reduction; and HIV/AIDS.<sup>4</sup> These indicators established the framework for the MDGs, officially established at the Millennium Summit in 2000.<sup>5</sup> The MDGs were adopted as a global action plan to alleviate poverty, hunger and disease while also accelerating progress on women's and children's health. The Millennium Declaration proclaims that every individual on the planet has the fundamental right to dignity, freedom, equality, and a basic standard of living which include, freedom from hunger and violence, and encourages tolerance and solidarity.<sup>6</sup> The MDGs

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<sup>2</sup> United Nations General Assembly. "Implementation of the Programme of Action of the International Conference on Population and Development ." A/RES/50/124. <https://www.unfpa.org/webdav/site/global/shared/documents/publications/1995/a50r124.pdf> (accessed November 2, 2013).

<sup>3</sup> "Master Plans for Development." UNFPA -. <http://www.unfpa.org/public/home/sitemap/icpd/International-Conference-on-Population-and-Development/ICPD5-key-actions> (accessed November 2, 2013).

<sup>4</sup> <http://www.un.org/millennium/summit.htm>

<sup>5</sup> "Document: Bibliography - Millennium Development Goals." Privatisation in Education Research Initiative. <http://www.un.org/millennium/summit.htm> (accessed November 1, 2013).

<sup>6</sup> UNDESA, UNFPA. "Population dynamics Thematic Think Piece UNDESA, UNFPA ." UN System Task Team on the Post-2015 UN Development Agenda. [http://www.un.org/millenniumgoals/pdf/Think%20Pieces/15\\_population\\_dynamics.pdf](http://www.un.org/millenniumgoals/pdf/Think%20Pieces/15_population_dynamics.pdf) (accessed November 1, 2013).

operationalized these ideas by setting targets and indicators for poverty reduction in order to achieve the rights set forth in the Declaration over a fifteen-year timeline, ending in 2015.

### **International Challenges**

The global conversation on sustainable development has ignited multilateral discussions on international challenges that the global community faces, where problems may arise directly affecting population dynamics. Population dynamics are essential for the formulation of sustainable development strategies, goals, targets, and policies. The effects of population dynamics can be detrimental to a nation and the sustainability of its economy. Developing and least developed countries are expected to experience the majority of the projected population growth.<sup>7</sup> Although mortality has been declining and people are generally living longer, numerous developing countries continue to have high fertility rates, immoderately high morbidity and mortality rates, and low life expectancy. Conversely, in developed countries with low fertility rates, population numbers are more likely to be stagnant, or may even decrease. Such countries will suffer from presumable shrinkage in the working age population and accelerated population aging. Japan is currently undergoing this transformation; contributing factors to this problem would be the rise in life expectancy of Japanese and the rapid decline in the working age population.<sup>8</sup>

Major changes in demographics in past decades have resulted in the largest population of youth (ages 10-24) today. Statistics show that there were 1.2 billion young people aged 15-24 in 2010.<sup>9</sup> Countries with high fertility rates are expected to experience an accelerated increase in young people aged 15-24. In the region of Sub-Saharan Africa, the youth population is projected to increase from 173 million to 362 million people by the middle of the century. The

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<sup>7</sup> Ibid.

<sup>8</sup> Demetriou, Danielle. "Japan's population suffers biggest fall in history." *The Telegraph*, April 17, 2013.

<http://www.telegraph.co.uk/news/worldnews/asia/japan/9999591/Japans-population-suffers-biggest-fall-in-history.html> (accessed November 2, 2013).

<sup>9</sup> UNESCO. "UNESCO and Youth - Strategy." Strategy | United Nations Educational, Scientific and Cultural Organization. <http://www.unesco.org/new/en/social-and-human-sciences/themes/youth/strategy/> (accessed November 2, 2013).



considerable challenges of an increasing youth population, specifically in least developed countries (LDC), are that countries will not have the capacity to ensure adequate investment into the youth, especially in the areas of health and education.<sup>10</sup> On the other hand, the youth population in developed nations is steadily declining at a rate that continues to dwindle not only in proportion to older adults, but also in absolute numbers.<sup>11</sup>

Aging is another outcome of changes in demographics derived from fertility decline and increased longevity. An increase in the population of elderly persons is a challenge to population dynamics because it affects social and economic development. With an aging population, a nation must focus on the promotion of healthy aging of older persons. Nations will be responsible for investing in continuing education, employment creation, and policies that counter elderly discrimination.<sup>12</sup> “The number and proportions of older persons aged 60 years or older are rising in every country and is expected to continue well into the 21<sup>st</sup> century.”<sup>13</sup> The world population is expected to have approximately 2 billion elderly people by 2050. Globally, statistics show that the population of older persons is growing by 2% annually.<sup>14</sup> Such rapid growth will require comprehensive and substantive economic, social, and environmental adjustments in many countries.

Migration and urbanization fluctuations also affect population dynamics worldwide. Economic disparities, such as political instability or conflict or natural and man-made disasters, primarily affect migration and urbanization patterns. International migration includes both permanent migration and temporary or labor migration.<sup>15 16</sup> The total number of migrants

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<sup>10</sup> United Nations Population Fund (UNFPA). "Population Dynamics in the Least Developed Countries: Challenges and Opportunities for Development and Poverty Reduction." UNFPA. <http://unfpa.org/webdav/site/global/shared/documents/publications/2011/CP51265.pdf> (accessed November 2, 2013).

<sup>11</sup> UNDESA, UNFPA. "Population dynamics Thematic Think Piece UNDESA, UNFPA."

<sup>12</sup> United Nations Technical Support Team. "TST Issue Brief: POPULATION DYNAMICS." Sustainable Development.

[http://www.un.org/en/development/desa/policy/untaskteam\\_undf/thinkpieces/15\\_population\\_dynamics.pdf](http://www.un.org/en/development/desa/policy/untaskteam_undf/thinkpieces/15_population_dynamics.pdf) (accessed November 2, 2013).

<sup>13</sup> United Nations Department of Economic and Social Affairs. "Population Challenges and Development Goals." Economic & Social Affairs.

[http://www.un.org/esa/population/publications/pop\\_challenges/Population\\_Challenges.pdf](http://www.un.org/esa/population/publications/pop_challenges/Population_Challenges.pdf) (accessed November 2, 2013).

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

increased from 156 million in 1990 to 214 million migrants in the year of 2010.<sup>17</sup>

### **ICPD Beyond 2014**

The ICPD Beyond 2014 conference is a global review process to assess the achievements made since 1994 and identifies outstanding issues and new challenges. During this conference, over 200 high-level experts from governments, civil societies, and academia, as well as members of parliaments and youth representatives, discussed strategies for action beyond 2014.<sup>18</sup> The outcome of this conference resulted in the United Nations Mandate Resolution 65/234. The resolution highlights the importance of governmental support and commitment on achieving the goals and objectives of the Programme of Action. It further emphasizes further assessing the Programme of Action's progress through the implementation of a special session during the 69th session of the General Assembly.

During the ICPD Beyond 2014 conference, multiple region-specific conferences were held and discussions took place on the present challenges nation states faced. Each regional conference identified major problems in their countries that dramatically affected their development. Throughout these conferences, a major focus of the discussions was the ways in which nation states would alleviate the potential complications of population dynamics posed in the future. The conference reaffirmed Member States' commitment to the ICPD agenda and adopted specific regional plans of implementation for population dynamics and sustainable development. Countries focused on strengthening international solidarity through collaboration as a way of achieving progress.

The United Nations Economic Commission for Europe and Central Asia (EECA) Beyond 2014 committee concluded that sexual and reproductive health policies in Europe,

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<sup>16</sup> "Migration and Urbanization." Population Issues - Migration and Urbanization. <http://www.unfpa.org/6billion/populationissues/migration.htm> (accessed November 2, 2013).

<sup>17</sup> United Nations Department of Economic and Social Affairs. "Population Challenges and Development Goals."

<sup>18</sup> "Europe, Central Asia & North America." ICPD. <http://icpdbeyond2014.org/pages/view/7-europe-central-asia-north-america> (accessed November 2, 2013).

Central Asia, and North America should focus on women and adolescent girls. Numerous goals that the ICPD POA named have not been met in many parts of the European region, including universal access to sexual and reproductive health care; comprehensive sexual education; and gender equality. However, more recent dynamics, such as population aging, and migration flows, must be addressed.

On Aug 14, 2013, the United Nations Economic Commission for Latin America and the Caribbean (ECLAC) first discussed changes in the current development model with an emphasis on restructuring to allow for more equality. During this high-level discussion, participants analyzed the current situation of Latin American and Caribbean regions, distinguishing the major challenges of development as equality, productivity, and sustainability. The panel agreed that a development agenda based upon equality is ideal and also provided a plan of action for closing the remaining gaps in terms of the Millennium Development Goals (MDGs), placing people at the heart, and aiming for universal sustainable development goals (SDGs).<sup>19</sup>

The African Regional Conference on Population and Development identified the importance of realizing Africa's outstanding issues and highlighted developmental steps, including strengthening entrepreneurial capacity and knowledge base of youth; HIV/AIDS prevention; increasing access to finances; and eradicating early marriage and human trafficking.<sup>20</sup> The conference will serve as a reference for future population and development programs, which will focus on three major principles: the right to development; empowering and

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<sup>19</sup> "Post-2015 Regional Agenda Requires a Rethink of the Development Model and a Structural Change Centered on Equality." Economic Commission for Latin America and the Caribbean (CEPAL). <http://www.cepal.org/cgi-bin/getProd.asp?xml=/prensa/noticias/comunicados/7/50677/P50677.xml&xsl=/prensa/tpl-i/p6f.xsl&base=/prensa/tpl-i/top-bottom.xsl> (accessed November 2, 2013).

<sup>20</sup> Redi, Omer. "African Ministers Convene in Addis to Discuss Population, Development Beyond 2014." Conference Update. [http://www.uneca.org/sites/default/files/uploaded-documents/ICPD/2014/news\\_paper/icpd2014\\_newspaper\\_issue\\_oct4\\_en.pdf](http://www.uneca.org/sites/default/files/uploaded-documents/ICPD/2014/news_paper/icpd2014_newspaper_issue_oct4_en.pdf) (accessed November 2, 2013).

increasing the capacity for people to play a more strategic role in development, and justice.<sup>21</sup> The conference was the necessary foundation to a post 2015 development model that will assist in the processes of furthering development agendas and targeted goals.

The 6<sup>th</sup> Asian and Pacific Conference on Population (APPC) was held in Bangkok from September, 16<sup>th</sup>-20<sup>th</sup> 2013. The APPC conference concluded that ending violence against women and girls, the importance of non-discrimination, and universal sexual and reproductive health, services, and rights are of a large importance of focus within their nations. The committee identified the major focuses for policy priorities, including formulating and implementing comprehensive policies on international migration; access to high-quality sexual and reproductive health services; and furthering women's empowerment and gender equality in employment and the political sphere.<sup>22</sup> During the conclusion of the conference, the Asian and Pacific Ministerial Declaration on Population and Development were adopted. The declaration asserts the key principles of the ICPD Programme of Action and accentuates states responsibilities to protect human rights.<sup>23</sup>

### **A Global Development Agenda Beyond 2015**

The representatives of the United Nations in collaboration with non-governmental organizations and various nation states have feverishly discussed the importance of a renewed global partnership for development. Their recommendations for the beyond 2015 agenda comprise of building on existing commitments and broadening and strengthening these engagements to further include global challenges, such as closing the socio-economic gap between the rich and the poor, population and resources, sustainable development and climate

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<sup>21</sup> Ababa, Addis . "Addis Ababa to host Population and Development Conference." United Nations Economic Commission for Africa. <http://www.uneca.org/media-centre/stories/addis-ababa-host-population-and-development-conference#.UihCajasiSp> (accessed November 2, 2013).

<sup>22</sup> Economic and Social Commission for Asia and the Pacific. "Review of the process and remaining challenges in implementing, in the Asia-Pacific region, the Programme of Action of International Conference on Population and Development." Economic and Social Council. [http://www.unescapdd.org/files/documents/APPC6\\_1E.pdf](http://www.unescapdd.org/files/documents/APPC6_1E.pdf) (accessed November 2, 2013).

<sup>23</sup> United Nations ESCAP. "Social Development in Asia and the Pacific." Sixth APPC: Asian and Pacific Countries Adopt Ground Breaking Agenda on Population, Development and Rights. <http://www.unescapdd.org/news/sixth-appc-asian-and-pacific-countries-adopt-ground-breaking-agenda-population-development-and> (accessed November 2, 2013).

change, and clean water.<sup>24</sup>

With the MDGs and ICPD deadlines quickly approaching, the various nation state representatives of the United Nations must effectively build a plan of action to be implemented for the MDG and ICPD goals to bear the most beneficial, sustainable, and progressive outcome. The series of intergovernmental conferences that previewed the Beyond 2015 development initiative were exemplary starting points to a global discussion on reaching an egalitarian consensus. This Beyond 2015 development initiative has become a catalyst for not only inspiration for future generations, but for economic, social, and environmental change of the global structure. The United Nations' plans of implementation will not only change the present, but will also benchmark the beginning of a more equal, peaceful, and sustainable future for the world's people.

### **Questions for Consideration:**

1. What population dynamics challenges is your country facing?
2. What are the problems or disadvantages your country may encounter while trying to achieve these goals?
3. How is your country affected by these challenges and what actions should it take to promote a more egalitarian global community within the focus of the post 2015 development agenda?
4. What further steps should your country take while partnering with the United Nations to ensure long-term, sustainable development?
5. How would your member state like to measure the progress or retrogression of its Plan of Action in the future?

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<sup>24</sup> United Nations Economic and Social Council. "Millennium Development Goals and post-2015 Development Agenda." UN News Center. <http://www.un.org/en/ecosoc/about/mdg.shtml> (accessed November 2, 2013).

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Third Committee

## **Achievement of the goals and objectives of the Second International Decade of the World's Indigenous People**

### **Introduction**

The Social, Humanitarian Cultural Affairs Committee of the United Nations, or Third Committee, discusses an array of social development questions, and addresses many important agenda items that correspond to a range of social, humanitarian affairs and human rights issues that affect people globally. This also includes those issues relating to the world's indigenous populations.<sup>25</sup> Despite the developments already made, indigenous peoples in numerous nations continue to be among the most impoverished, and marginalized; which is why the United Nations' Social, Humanitarian Cultural Affairs Committee seeks greater international effort in order to further advance the objectives of the Second International Decade of the World's Indigenous People. This issue book examines objectives of the Second Decade, areas of action and promotion, the United Nations Declaration on the Rights of Indigenous People, how goals of the Second Decade's agenda progressed, and how this topic should to be placed in the Post-2015 Development Agenda.

### **Background Information**

According to the Secretariat of the Permanent Forum on Indigenous Issues from the Division for Social Policy and Development of the Department of Economic and Social Affairs, indigenous communities, peoples and nations are defined as, "those which having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or part of them."<sup>26</sup> Indigenous communities, peoples and nations currently form "non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples," in harmony with their own cultural patterns, social institutions and legal system.<sup>27</sup> The First International Decade of the World's Indigenous People made important

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<sup>25</sup> "Social, Humanitarian & Cultural- Third Committee." United Nations. September 2012. Retrieved from <http://www.un.org/en/ga/third/>

<sup>26</sup> Secretariat of the Permanent Forum on Indigenous Issues, Division for Social Policy and Development, Department of Economic and Social Affairs, United Nations, *The Concept of Indigenous Peoples*. PFII/2004/WS.1/3 January 2004

<sup>27</sup> Ibid.

advances in inter-agency cooperation, various activities in connection to the Decade and institutional developments, the establishment of the Permanent Forum on Indigenous Issues, and the mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.<sup>28</sup> In 2004, the United Nations General Assembly proclaimed the Second International Decade of the World's Indigenous People (2005-2015) when they adopted resolution 59/174.<sup>29</sup>

## **Objectives of the Second Decade**

The theme of the Second Decade's goals is "Partnership for Action and Dignity"; this involves strengthening international cooperation in order to combat the issues faced by indigenous peoples in areas that include, but are not limited to: culture, education, health, human rights, and environment and social and economic development.<sup>30</sup> The objectives of the Second Decade entail promoting non-discrimination and inclusion of indigenous peoples in international, regional, and national processes; promoting full and effective participation of indigenous peoples in decisions affecting them; redefining development from a vision of equity and in a culturally appropriate way; adopting targeted policies, programmes, projects and budgets for indigenous peoples' development; and developing strong monitoring mechanisms and accountability at the international, regional and national levels in relation to existing legal, policy and operational frameworks protecting indigenous peoples.<sup>31</sup>

## **Areas of Action and Promotion**

Carrying out plans of concrete activities with precise criteria to implement the goals, objectives and programme of action of the Second Decade is necessary in order for the United Nations system to continuously promote indigenous issues through the framework of the Declaration on the Rights of Indigenous Peoples. For this reason, the plan of action for the Second Decade focuses on solutions to problems specifically in the areas of culture, education, health, human rights, environmental, social and economic development. Integration of culture as a prerequisite for development project designs is recommended for building "development with identity", respecting people's way of life, and creating sustainable human development.<sup>32</sup> The Under-Secretary General of Economic and Social Affairs and the Social, Humanitarian, Cultural Affairs Committee advises intensifying the efforts of the United Nations Educational, Scientific and Cultural Organization under the framework of the Convention Concerning the Protection of the World Cultural and Natural Heritage, and the Convention for the Safeguarding of the Intangible Cultural Heritage. The Social, Humanitarian, Cultural Affairs Committee also

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<sup>28</sup> General Assembly, United Nations, *Draft Programme of Action for the Second International Decade of the World's Indigenous People*. August 2005.

<sup>29</sup> United Nations, *Second International Decade of the World's Indigenous People*.

<sup>30</sup> United Nations, *Second International Decade of the World's Indigenous People*. 07-638244. March 2008.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

advocates establishing mechanisms to enable the participation of indigenous peoples in UNESCO's work in relation to them, for example, the programs on endangered languages, and the nomination of indigenous sites in the World Heritage List, among other programmes relevant to indigenous peoples. The Second Decade urges States to develop policies and focused programmes to reverse ethnocentric perceptions of non-indigenous peoples of indigenous cultures, and recommends that programmes and initiatives relating to indigenous cultures should comply with the principle of free, prior and informed consent of indigenous peoples. Global efforts to bring the importance of bilingual educations at the primary and early secondary level for effective learning and long-term successful education are also encouraged. States should also integrate indigenous learning systems and knowledge in formal and informal education for indigenous peoples, which means teaching and learning the culture, history, rights, spirituality, traditions, and world views of indigenous peoples and their ways of life. Similarly, organizations of indigenous peoples should create institutions such as schools or museums to share the living traditions concerning indigenous peoples and their beliefs, cultures, laws, and values. States, the United Nations system, and other intergovernmental organizations should provide nondiscriminatory access to adequate nutrition, housing, and comprehensive, community-based, and culturally appropriate healthcare services, as well as health education. Any health research related to indigenous communities, that may implicate the intellectual property rights of those indigenous peoples, must respect their free, prior and informed consent. Likewise, any relevant actors, programmes, and projects planned on traditional indigenous territories or any affecting the conditions of indigenous peoples should anticipate and respect the full and meaningful participation of those indigenous peoples.

The development of education programmes on the human rights of indigenous peoples must be strengthened. This includes the Indigenous Fellowship Programme of the Office of the United Nations High Commissioner for Human Rights, in the various existing indigenous languages, in relevant training materials that are culturally appropriate, and in advocating against ethnic stigmatizations. Governments are encouraged to support the broadening of mandates of existing national machineries promoting equal rights and prevention of discrimination in order for them to include the rights of indigenous peoples.

The Programme of Action for the Decade should adopt indigenous-related elements of the Convention on Biological Diversity, and the Cartagena Protocol on Biosafety. Agencies, funds, programmes of the United Nations system, and any other relevant actors are urged to adopt programmes of activities, based on the suggestions developments of the Office of the High Commissioner for Human Rights for the Second International Decade in partnerships with indigenous peoples. The United Nations Third Committee strongly suggests nations to provide special support for the sustainability initiatives of indigenous peoples' practices by assisting them in seeking alternatives for long-term perspectives of economic activity and community. The General Assembly also strongly suggests that the Permanent Forum on Indigenous Issues oversee research on any socio-economic conditions of indigenous peoples, and collaborate with

specialized agencies, organizations, and governments that relate to indigenous peoples. Additionally, the General Assembly suggests the launch of indigenous fellows at United Nations agencies, funds and programme, as well as holding regional meetings on indigenous issues with existing organizations.<sup>33</sup>

The Second Decade's various objectives in their areas of action comply with Agenda 21, a conference on Environment and Development held by the United Nations in 1992. Agenda 21 covered social and economic dimensions, specifically on international cooperation to accelerate sustainable development in developing countries and related domestic policies, combating poverty, changing consumption patterns, demographic dynamics and sustainability, protecting and promoting human health conditions, promoting sustainable human settlement development, and integrating environment and development in decision-making. Section III of Agenda 21 focuses on strengthening the role of major groups, including the roles of indigenous people and their communities. This also correlates with all of the goals and objectives of the Second International Decade of the World's Indigenous People.<sup>34</sup> Like Agenda 21, the United Nations Decade of Education for Sustainable Development, which was proclaimed during the United Nations' 57th meeting in 2002 for 2005-2014 also correspond with the Second Decade. Both the Second International Decade of the World's Indigenous People and the Decade of Education for Sustainable Development have comparable visions of a "world where everyone has the opportunity to benefit from quality education and learn the values, behavior and lifestyles required for a sustainable future and for positive societal transformation."<sup>35</sup> Similarly, the International Decade for Action "Water for Life" correspond with the goals and objectives of the Second International Decade of the World's Indigenous People as well, especially those relating to health, and environment and social and economic development. Water for Life's primary goal is fulfilling international commitments made on water and water-related issues by 2015, the same year the Second Decade ends. The International Decade for Action's focus is on furthering cooperation so that all water-related goals of Agenda 21, along with those of the Johannesburg Plan of Implementation of the World Summit for Sustainable Development, and the Millennium Declaration, can be achieved.<sup>36</sup> Simultaneously, the Second phase (2010-2014) of the World Programme for Human Rights Education focuses on human rights education for higher education, and on human rights training programmes, which correlates with the goals and objectives in the areas of education and human rights for the Second Decade.<sup>37</sup> Overall, the goals and objectives of the Second International Decade of the World's Indigenous People, and also those of Agenda 21, Decade of Education for Sustainable Development, International Decade for

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<sup>33</sup> General Assembly, United Nations, *Draft Programme of Action for the Second International Decade of the World's Indigenous People*. August 2005.

<sup>34</sup> United Nations, *Agenda 21*. June 1992.

<sup>35</sup> "Decade of Education for Sustainable Development," United Nations. 2008.

<sup>36</sup> Second Committee, General Assembly, United Nations. *58th Session, Agenda item 95, 58/217 International Decade for Action, "Water for Life", 2005-2015*. February 2004.

<sup>37</sup> Office of the High Commissioner for Human Rights, United Nations. "Second phase (2010-2014) of the World Programme for Human Rights Education" 2013.

Action, and World Programme for Human Rights Education, are interconnected with the Millennium Development Goals. Like the Second Decade, the Millennium Development Goals come to a close in 2015.<sup>38</sup>

### **United Nations Declaration on the Rights of Indigenous People**

The General Assembly adopted the Declaration on the Rights of Indigenous Peoples two years after the beginning of the Second International Decade of the World's Indigenous People. The Declaration is a non-binding text that prohibits discrimination against indigenous peoples, promotes their participation in all matters concerning them, and states that native peoples have the right to recognition, observance, and enforcement of any treaties concluded with States or their successors. A majority of 144 states favored the Declaration, honoring the need for rights of indigenous people to their lands, cultures, and identities, and recognizing "the value and the diversity of the cultures and the form of the social organization of indigenous peoples and their holistic traditional scientific knowledge of their lands, natural resources and environment."<sup>39</sup> Member states Australia, Canada, New Zealand, and the United States, which have large non-indigenous immigrant majorities, were dissatisfied with references of self-determination in the text, and voted against the Declaration on the Rights of Indigenous People, however, now all four states lend their support to the Declaration. Azerbaijan, Bangladesh, Bhutan, Burundi, Colombia, Georgia, Kenya, Nigeria, the Russian Federation, Samoa, and Ukraine abstained the declaration, but now Colombia and Samoa also endorse it.<sup>40</sup> The United Nations adoption of the Declaration on the Rights of Indigenous People is a significant gain for the world's indigenous populations and their long struggles for their rights as distinct peoples and cultures.

### **Second Decade's Agenda Progress**

According to the midterm assessment of the Second International Decade of the World's Indigenous People in 2010, substantive advances were made. The adoption of the United Nations Declaration on the Rights of Indigenous Peoples in 2007 played a major role in consolidating a human rights-based approach to the issues of indigenous people at intergovernmental and national levels. At the national level, applications of culturally adapted approaches have occurred mostly in the educational and health sectors. The United Nations Development Group Guidelines on Indigenous Peoples' Issues have increased institutional awareness the plight of indigenous peoples. For example, many governments have established "pilot initiatives and spaces for dialogue and the promotion of indigenous peoples' issues and participation."<sup>41</sup> Despite the progress already made, there is still a substantial gap between intentions at the policy level and actual implementations of specific objectives of the Second Decade. With the spotlight on the

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<sup>38</sup> United Nations, "United Nations Millennium Development Goals." 2013.

<sup>39</sup> General Assembly, United Nations, *Resolution 66/142. Rights of Indigenous Peoples*. March 2012.

<sup>40</sup> "Declaration on the Rights of Indigenous Peoples" Department of Economic and Social Affairs - Social Policy and Development Division.

<sup>41</sup> General Assembly, United Nations, *Midterm Assessment of the Progress Made in the Achievement of the Goal and Objectives of the Second International Decade of the World's Indigenous People*. July 2010.

achievement of the Millennium Development Goals through the perspective of the world's indigenous population of the Second International Decade ending in 2015, it is important to examine which steps still remain in order to move forward. Both nationally and internationally, the fundamental issue of free, prior, and informed consent and its full application remains a challenge. Some states still need to fully embody the Declaration on the Rights of Indigenous Peoples, and recognize the indigenous peoples in their countries. Other steps some states need to take include establishing national legislative frameworks and policies for Indigenous Peoples' individual and collective rights, and increasing funding for programs addressing the issues within the context of achieving the goals related to Indigenous Peoples' issues within the context of the Millennium Development Goals.

### **Indigenous Peoples and the Post-2015 Agenda**

With the spotlight on the achievement of the Millennium Development Goals and the Second International Decade of the World's Indigenous Population ending in 2015, it is important to examine which steps still remain in order to move forward. Both nationally and internationally, the fundamental issue of free, prior, and informed consent and its full application remains a challenge. Many states have yet to fully implement the programs from the Declaration on the Rights of Indigenous Peoples, and recognize the indigenous peoples in their countries. Other steps some states need to take include establishing national legislative frameworks and policies for Indigenous Peoples' individual and collective rights, and increasing funding for programs addressing the issues within the context of achieving the goals related to Indigenous Peoples' issues within the context of the Millennium Development Goals. As 2015 approaches, continuing efforts for the full application and operationalization of the United Nations Declaration on the Rights of Indigenous Peoples should be in mind for the United Nations system, Member States, and indigenous peoples worldwide.

### **Questions for Consideration**

1. What is your state's position with regard to recognizing their indigenous population?
2. Does your state support and implement the Declaration on the Rights of Indigenous Peoples? If yes, how so? If no, why?
3. What has your state done to promote solutions for issues in the areas of culture, education, health, human rights, as well as environmental, and social and economic development faced by indigenous people? Does your state promote solutions for one area more so than the others? If yes, how so, and why?
4. What has your state done to implement the goals of the Second Decade?
5. How does your state wish to proceed with this in the post-2015 agenda? Which steps still remain?



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Third Committee

**Realization of the Millennium Development Goals and internationally agreed  
development goals for persons with disabilities**

Since the General Assembly adopted A/RES/55/2 in the wake of 2000's Millennium Summit, committing Member States to the Millennium Development Goals (MDGs), the international community has been focused on achieving development targets for a number of at-risk populations by the year 2015.<sup>42</sup> The international community's progress towards these goals has been uneven, but in some cases encouraging. However, some groups have been left out of these development efforts. The plight of disabled persons remains an unfortunate blind spot for much of the international community, and was completely unaddressed within the MDGs themselves. Indeed, the Convention on the Rights of Disabled Persons did not enter force until 2008 – over halfway through the MDG mandate.<sup>43</sup> Despite some strides in recent years, the development agenda for disabled persons lags behind that of other groups, jeopardizing the ability of the international community to meet agreed development goals. This is additionally troubling given the fact that according to the UN's Department of Public Information, disabled persons represent the world's largest minority.<sup>44</sup> Disabled persons face severe employment and educational discrimination, limited health care access, and even increased risk of being the target

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<sup>42</sup> "Millennium Summit," *United Nations Conferences, Meetings and Events*. Accessed November 8, 2013, [http://www.un.org/en/events/pastevents/millennium\\_summit.shtml](http://www.un.org/en/events/pastevents/millennium_summit.shtml).

<sup>43</sup> "Convention on the Rights of Persons with Disabilities." *United Nations Treaty Collection*. Accessed November 8, 2013, [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-15&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en).

<sup>44</sup> UN Web Services Division. "Some Facts About Persons with Disabilities." *United Nations Enable*. Last modified August 26, 2006, <http://www.un.org/disabilities/convention/facts.shtml>.

of violent crimes.<sup>45</sup> Given these massive challenges to the disabled populations of the world, it is absolutely vital for any post-MDGs, post-2015 development agenda to specifically address the health, employment, and social discrimination issues that disabled persons currently face.

In 1992, Member States convened the United Nations Conference on Environment and Development (UNCED), which culminated in the adoption by attendees of the Rio Declaration, which signaled the beginning of the modern development agenda.<sup>46</sup> The Declaration represented a significant change in how the international community intended to work towards various development objectives. Not only were environmental sustainability issues targeted, but also more general development concerns; for example, the Declaration's Principle 8 encouraged the use of "appropriate demographic policies" as part of development efforts.<sup>47</sup> Building on the progress made by the UNCED, Member States met in 2000 as part of the Millennium Summit, producing the Millennium Declaration and the Millennium Development Goals (MDGs)<sup>48</sup> and adopting them via A/RES/55/2.<sup>49</sup> The MDGs constitute a series of development targets for the period of 2000-2015, with a particular emphasis on assistance for less-developed nations, the poor, women, and children.<sup>50</sup> While the MDGs have not been universally met on all eight goals, they can still be considered somewhat of a success; global poverty indicators have radically dropped, access to water and adequate food has improved dramatically, and massive progress has been made against the spread of malaria, thus putting the global community on track towards meeting the MDGs associated with such indicators.<sup>51</sup>

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<sup>45</sup> Ibid.

<sup>46</sup> "Rio Declaration on Environment and Development." *United Nations Environment Programme*. Accessed November 8, 2013, <http://www.unep.org/Documents.Multilingual/Default.asp?documentid=78&articleid=1163>.

<sup>47</sup> Ibid.

<sup>48</sup> "Millennium Summit," *United Nations Conferences, Meetings and Events*. Accessed November 8, 2013, [http://www.un.org/en/events/pastevents/millennium\\_summit.shtml](http://www.un.org/en/events/pastevents/millennium_summit.shtml).

<sup>49</sup> General Assembly, "A/RES/55/2, United Nations Millennium Declaration." *United Nations* (2000).

<sup>50</sup> "Millennium Summit," *United Nations Conferences, Meetings and Events*. Accessed November 8, 2013, [http://www.un.org/en/events/pastevents/millennium\\_summit.shtml](http://www.un.org/en/events/pastevents/millennium_summit.shtml).

<sup>51</sup> United Nations Statistics Division. "The Millennium Development Goals Report 2013." *Millennium Indicators*. Last modified July 1, 2013. <http://unstats.un.org/unsd/mdg/Resources/Static/Products/Progress2013/English2013.pdf>.

Despite the successes of the MDGs, progress has been uneven on both a State-to-State and demographic-to-demographic basis. Most notable, however, is the particular demographic of persons with disabilities. As many as 650 million people are disabled, constituting ten percent of the world's population, and furthermore such persons are disproportionately represented within the populations of the impoverished, the less-educated, and those at risk of child mortality.<sup>52</sup> The literacy rate for disabled persons in 1998 was three percent, unemployment is as high as eighty percent, and child mortality for children five or under also sits close to the eighty percent mark – all much higher than the corresponding statistics for non-disabled persons, and all constituting major roadblocks for ensuring the integration of persons with disabilities into development frameworks.<sup>53</sup> Persons with disabilities are also more at risk of injury and malnutrition during and after natural disasters and conflicts, and such factors themselves can contribute to more people becoming disabled as well. This complicates the transition from relief to development, as well as further disadvantaging disabled populations.<sup>54</sup> Education is another area where disabled persons find themselves with lesser access; even within States that have reached or are close to reaching their education-related MDG targets suffer from exceptionally low access to primary education for the disabled.<sup>55</sup>

Disabled persons are also frequent targets of discrimination, abuse, and violence, all of which are compounded by a reduced ability to defend themselves, a reduced ability to seek assistance from appropriate authorities, and a significant lack of anti-discrimination laws pertaining to disabled persons in many states.<sup>56</sup> For example, violence against children with

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<sup>52</sup> UN Web Services Division. "Some Facts About Persons with Disabilities." *United Nations Enable*. Last modified August 26, 2006, <http://www.un.org/disabilities/convention/facts.shtml>.

<sup>53</sup> Ibid.

<sup>54</sup> General Assembly, "A/65/173, Keeping the promise: realizing the Millennium Development Goals for persons with disabilities towards 2015 and beyond." *United Nations* (2010).

<sup>55</sup> "The Millennium Development Goals Report 2010." *United Nations Millennium Development Goals*. Accessed November 8, <http://tinyurl.com/2uo5wj4>.

<sup>56</sup> UN Web Services Division. "Some Facts About Persons with Disabilities." *United Nations Enable*. Last modified August 26, 2006, <http://www.un.org/disabilities/convention/facts.shtml>.

disabilities is as much as 70% higher than against their non-disabled peers, and disabled persons are also at increased risk of sexual abuse as well.<sup>57</sup> Because of these factors and others, the success of any international development agenda is directly linked to how successfully the international community can address the numerous challenges facing persons with disabilities. Economic development becomes much harder to achieve if a significant percentage of the population has no means with which to participate in the economy. Providing economic opportunity, equality of access, and autonomy for disabled persons contributes to economic growth and reduces the degree to which disabled persons require support from others economically. Additionally, the human rights and anti-discrimination perspectives are equally important; ensuring non-discrimination allows disabled persons to feel more a part of the societies in which they live and advances the broader agenda of advancing human rights for at-risk populations, which in turn is also central to development efforts. All of these factors suggest that any international development agenda must incorporate measures to remedy these particular challenges.

Despite how integral persons with disabilities are to the overall development agenda, however, none of the MDG targets specifically address persons with disabilities at all – indeed, the 2010 report A/65/173 specifically notes this, saying: “Disability is a cross-cutting issue and all the Millennium Development Goals have relevance to disability and persons with disabilities. Although the commitment of the United Nations to the rights of persons with disabilities and their inclusion are implied in all aspects of the Goals, this does not automatically result in their inclusion in either general or targeted Millennium Development Goal efforts.”<sup>58</sup> The General Assembly acknowledged this as early as 2007, when it adopted A/RES/62/127 concerning the

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<sup>57</sup> Ibid.

<sup>58</sup> General Assembly, “A/65/173, Keeping the promise: realizing the Millennium Development Goals for persons with disabilities towards 2015 and beyond.” *United Nations* (2010).

challenges of reaching the agreed MDG targets for disabled populations.<sup>59</sup> However, progress for this population still lags dangerously behind. This jeopardizes not only the MDGs and the present development agenda, but also any post-2015 agenda as well. Given the size of the global population of disabled persons and the particular risks they face, any agenda that does not specifically provide for extra attention and programs for this population will have an increased risk of failing to meet its targets by default. With the MDG mandate nearly over, addressing these concerns must now be done as part of the post-2015 development agenda.

While the Rio Declaration and the MDGs did not themselves address disabled persons, there have been some substantive measures from that time period, and even prior as well. The General Assembly adopted the World Programme of Action concerning Disabled Persons in 1982 via A/RES/37/52.<sup>60</sup> The General Assembly also adopted A/RES/48/96 in 1994, creating a strategy for implementing the World Programme of Action.<sup>61</sup> While neither instrument is binding, they outline a number of key measures that can be used to improve access to opportunity and reduce discrimination with respect to disabled persons. These include general awareness campaigns, encouraging positive portrayals of the disabled, additional training for medical personnel, emphasis on rehabilitation, and technological assistance for the disabled.<sup>62</sup> The challenge, then, has been facilitating the successful incorporation of these measures into the international development agenda in a binding manner.

The first truly binding measure specifically addressing the plight of disabled persons was the Convention on the Rights of Persons with Disabilities (CRPD), which member States

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<sup>59</sup> General Assembly, "A/RES/62/127, Implementation of the World Programme of Action concerning Disabled Persons: realizing the Millennium Development Goals for persons with disabilities." *United Nations* (2007).

<sup>60</sup> "World Programme of Action Concerning Disabled Persons." *United Nations Enable*. Accessed November 8, 2013, <http://www.un.org/disabilities/default.asp?id=23>.

<sup>61</sup> General Assembly, "A/RES/48/96, Standard Rules on the Equalization of Opportunities for Persons with Disabilities." *United Nations* (1994).

<sup>62</sup> *Ibid*.

adopted in 2006 and which entered into force in 2008.<sup>63</sup> The Convention combines both the human rights and the development perspectives, emphasizing the inherent dignity all persons are entitled to and that ensuring the ability of disabled persons to participate in society and the economy is a precondition of this dignity.<sup>64</sup> Therefore, the Convention obligates states to adopt legislation that will defend and guarantee the rights of disabled persons, to promote non-discrimination, to research and implement goods and facilities designed to promote access for disabled persons, and to ensure an adequate standard of living for their disabled populations.<sup>65</sup> However, despite advancing fairly common-sense and reasonable provisions, the Convention does not enjoy universal ratification and adoption. A number of states have not even signed the Convention, and still more have not ratified it -- this latter category includes states such as the United States, Finland, Japan, and the Democratic People's Republic of Korea.<sup>66</sup> And even among states that have ratified it, implementation of these recommendations is uneven. Thus, implementation and ratification of the Convention constitutes a core goal of the post-2015 development agenda.

Ratification of the CRPD remains a major priority for the international community. Various civil society and UN-related officials released the Beijing Declaration on Disability-Inclusive Development in 2012, which had as its first recommendation the ratification of the CRPD, and reiterated many of the recommendations of the Convention itself and the earlier World Programme for Action and A/RES/48/96.<sup>67</sup> Additionally, the Beijing Declaration

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<sup>63</sup> "Convention on the Rights of Persons with Disabilities." *United Nations Enable*. Accessed November 8, 2013, <http://www.un.org/disabilities/default.asp?navid=14&pid=150>.

<sup>64</sup> "Convention on the Rights of Persons with Disabilities." *Office of the High Commissioner for Human Rights*. Accessed November 8, 2013, <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>.

<sup>65</sup> *Ibid*.

<sup>66</sup> "Convention and Optional Protocol Signatures and Ratifications." *United Nations Enable*. Accessed November 8, 2013, <http://www.un.org/disabilities/countries.asp?navid=12&pid=166>.

<sup>67</sup> "Beijing Declaration on Disability-Inclusive Development." *Rehabilitation International*. Accessed November 8, 2013, <http://www.riglobal.org/beijing-declaration-on-disability-inclusive-development/>.

emphasizes the importance of regional initiatives to provide the capacity and technical knowledge necessary to help improve the condition of disabled persons.<sup>68</sup>

In addition to this, the General Assembly has issued a pair of comprehensive reports in the last several years that address both the role of disabled persons within the MDG agenda, and their role in the post-2015 agenda as well; the two reports, combined with the CRPD and the Beijing Declaration, can serve as a blueprint for building the next set of development goals with respect to persons with disabilities. The General Assembly accepted the first of these reports, A/65/173, in 2010, and it is in this report that the Secretary-General began to outline the disability-centric portions of the post-MDG agenda.<sup>69</sup> The report notes the disproportionate impact of economic, political, conflict-related and disaster-related crises on disabled persons, and notes a variety of programs in use in certain States as being potential solutions.

Among these, A/65/173 underlines the importance of economic programs for the rural poor with disabilities, grant, quota and incentive programs for employers to hire disabled persons, funding for disability-specific educational materials and training, and transportation and facilities design improvements to provide improved access to medical services.<sup>70</sup> For example, the Secretary-General's report cites China's National Poverty Alleviation and Development Programme and its emphasis on assisting the disabled, which has "in the last decade benefitted more than ten million poor persons with disabilities living in rural areas."<sup>71</sup> Other examples of beneficial national programs cited include a program in Malawi to provide microcredit loans to the working disabled, efforts in Croatia to remove "architectural barriers" in health care facilities, and an initiative within the Japanese International Cooperation Agency requiring all projects to include impact statements with respect to how the projects will include or affect

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<sup>68</sup> Ibid.

<sup>69</sup> General Assembly, "A/65/173, Keeping the promise: realizing the Millennium Development Goals for persons with disabilities towards 2015 and beyond." *United Nations* (2010).

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.



persons with disabilities.<sup>72</sup> In addition to all this, the report also notes the importance of improving access to all of these sectors for disabled women, and the importance of regional and international cooperation and information-sharing.<sup>73</sup> However, despite these steps, it also calls attention to areas where more work is desperately needed, in particular the collection of data and capacity-building in developing States<sup>74</sup>.

In 2012, the General Assembly accepted a follow-up report, A/67/211, which it had requested via A/RES/65/186 in 2010.<sup>75</sup> The report underlines much of the progress that has been made: national non-discrimination legislation, guidelines for the implementation of the CRPD, funding for disability-specific programs, etc. However, there is much work still to be done, and A/67/211 highlights a number of areas that require increased attention while noting that there also must be greater efforts to translate policy changes into actual improvements for persons with disabilities. These include, but are not limited to: increased accessibility measures, inclusion of disabled persons in decision-making, a greater emphasis on the rights of disabled persons, and early education-oriented interventions.<sup>76</sup> Most importantly, however, the Secretary-General's report emphasized that targets specific to the plight of persons with disabilities must be included in any post-2015 development agenda, noting that "visibility of disability in the Millennium Development Goals has therefore represented a tremendous missed opportunity, albeit one that may be avoided in terms of the emerging post-2015 development framework."<sup>77</sup>

Following upon these reports, the General Assembly adopted A/RES/67/140, calling for additional reports, encouraging further integration of disabled persons into decision-making and

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<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>75</sup> General Assembly. "A/67/211, Realization of the Millennium Development Goals and internationally agreed development goals for persons with disabilities: a disability-inclusive development agenda towards 2015 and beyond." *United Nations* (2012).

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

economic efforts, and requesting the reallocation of existing resources to such efforts.<sup>78</sup> The issue was also addressed when the General Assembly convened a High-Level Meeting on the issue, with the GA adopting the outcome document thereof as A/68/L.1.<sup>79</sup> The high-level meeting specifically requests the inclusion of disability-specific measures in any new development agenda, calls for further ratification of the CRPD, and underlines the importance of awareness of the specific challenges facing disabled persons as part of any poverty-reduction or economic efforts.<sup>80</sup> It also, in addition, reiterates many of the suggestions of the preceding reports, the World Programme for Action, and the CRPD itself. Lastly, the outcome document specifically links the success of the MDGs to the success in addressing the needs of disabled persons, noting that the final post-MDG review should include “steps taken to implement the present outcome document.”<sup>81</sup>

It is therefore abundantly clear that the success of any post-2015 agenda must include increased support for persons with disabilities, with explicit targets for specific development objectives that relate to the unique needs of this population. Persons with disabilities constitute one of the most at-risk populations for a host of social, political, and medical challenges, and these challenges deserve significantly more attention than they have received to date. Persons with disabilities are persons with the right to the same opportunities, political and economic rights, and inherent dignity to which all other persons are entitled. They require access to facilities and education, job opportunities, and protection from the predation of those that discriminate against them or abuse them as a result of their disabilities. It is the task of the international community, both within the framework of the United Nations and otherwise, to

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<sup>78</sup> General Assembly. “A/RES/67/140, Realizing the Millennium Development Goals and other internationally agreed development goals for persons with disabilities towards 2015 and beyond.” *United Nations* (2013).

<sup>79</sup> General Assembly. “A/68/L.1, Outcome document of the high-level meeting of the General Assembly on the realization of the Millennium Development Goals and other internationally agreed development goals for persons with disabilities: the way forward, a disability-inclusive development agenda towards 2015 and beyond.” *United Nations* (2013).

<sup>80</sup> *Ibid.*  
<sup>81</sup> *Ibid.*

develop the post-2015 development agenda, and to determine in what ways support for disabled persons will feature within that agenda.

**Questions to Consider:**

1. Is your State a signatory to the CRPD? Have they ratified it? Why or why not?
2. Does your State have national legislation addressing discrimination and abuse against disabled persons? How does it work? Can it be strengthened?
3. What economic programs has your State implemented to provide greater employment access and standard-of-living assistance for disabled persons? What regulations exist along these lines? In what ways do they fit with the recommendations of the World Programme for Action and A/RES/48/96?
4. What has your State done to support or provide access to medical services for disabled persons?
5. How can the international community better collect data and expertise relating to the challenges faced by persons with disabilities and how to address them?
6. What role do regional agreements, like those suggested by the Beijing Declaration, play in building capacity and information-sharing?
7. How can member States better cooperate to provide support to disabled persons residing in areas experiencing crises related to conflicts or natural disasters?
8. How can member States provide the resources, technology, and expertise necessary to implement necessary programs in developing States?

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Committee on the Peaceful Uses of Outer Space

### **Ways and means of maintaining outer space for peaceful purposes**

The United Nations General Assembly (UNGA) adopted Resolution 1472 (XIV) in 1959, which established the Committee on the Peaceful Uses of Outer Space (COPUOS) in order to oversee the development of the legal regime on governing outer space.<sup>1</sup> Its main mandate is to promote international cooperation on the peaceful usage of outer space. However, COPUOS has become a means through which to discuss the prevention of an arms race in space. Access to space is still a challenge to states, intergovernmental organizations, private corporations and individuals. Nonetheless, the international legal framework governing space-related activities must allow for the development of new activities and protect creativity in the development of new technologies that might be used in space, while being accountable to the underlying principles outlined in the United Nations treaties on the peaceful usage of outer space. If space technology is used to develop weapons, it will threaten world peace and security. Although the international community has taken a number of steps to secure the peaceful uses of outer space, long-lasting commitment to these goals require international cooperation that coherently address the diverse issues facing man's final frontier.

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<sup>1</sup> "Resolutions adopted on the reports of the First Committee." United Nations. <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/142/95/IMG/NR014295.pdf?OpenElement> (accessed October 29, 2013).

On October 4, 1957, the Soviet Union launched Sputnik 1, marking the beginning of the “*space race*”.<sup>2</sup> Subsequent objectives, from orbital space flight to NASA’s historic lunar missions, were primarily motivated by military tensions of the Cold War era. In 1963, the UNGA passed Resolution 1884 (XVIII) which called upon the international community “to refrain from placing in orbit around the earth any objects carrying nuclear weapons or other kinds of weapons of mass destruction, installing such weapons on celestial bodies, or stationing such weapons in outer space in any other manner.”<sup>3</sup> Although space exploration now shifts towards scientific advancement and commercial profiteering, looming defense interests still requires the United Nations to play a diplomatic role in the affairs of outer space, and the peaceful use thereof.

In 1966, the UNGA passed Resolution 2222 (XXI) which established the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (Outer Space Treaty).<sup>4</sup> This treaty mandated that space be free for peaceful use and exploration by all states without discrimination and on the basis of equality. COPUOS is also responsible for assessing the risks involved in outer space ventures, controlling space activities, identifying space objects, dealing with the return of space objects to Earth, and determining liability for damage caused by space objects to other space objects, aircraft, people or property on Earth. Thus consensus was reached on the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space 1968 which clarified that any State party to the treaty aware of a distressed person

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<sup>2</sup> National Aeronautics and Space Administration. "Sputnik and The Dawn of the Space Age." Sputnik: the fiftieth anniversary. <http://history.nasa.gov/sputnik/> (accessed October 29, 2013).

<sup>3</sup> "Resolutions Adopted..."

<sup>4</sup> United Nations. "Resolutions adopted on the reports of the First Committee." UN News Center. [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/2222\(XXI\)](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/2222(XXI)) (accessed October 25, 2013).



in space is to provide all possible assistance retrieving the person from space;<sup>5</sup> the Liability Convention 1972 which declares a State responsible for any damages caused by space objects launched within that State's territory;<sup>6</sup> the Convention on Registration of Launched Objects into Outer Space 1975 which requires States to provide the UN with information about the orbit of their Space objects;<sup>7</sup> and the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (Moon Agreement) 1979 which asserts that no State has jurisdiction over any celestial body or the orbits around those bodies.<sup>8</sup> Each of these treaties expands the provisions of the Outer Space Treaty, giving states a general framework for the rights and duties of states in the exploration and use of outer space.

Despite the efforts of the international community to clarify and expand space law, various delegations continue to raise concerns over the lack of detail in the current agreements governing space activity. One issue raised by COPUOS in 2011 is that existing agreements do not address the transfer of private ownership of satellites currently in orbit.<sup>9</sup> The Liability Convention says that the State that launches a satellite must maintain supervision over the satellite's private activities and is responsible for any damages the satellite causes internationally.<sup>10</sup> This leads to complex situations in which ownership of a privately owned satellite is transferred to a new owner in a State other than the State from which the satellite was launched.<sup>11</sup> For example, in 1998, US Intelsat Satellites were sold to New Skies NV in the Netherlands.<sup>12</sup> The Netherlands claimed it was not bound by the Liability Convention or the Registration

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<sup>5</sup> "United Nations Treaties and Principles on Outer Space." United Nations Office for Outer Space Affairs. <http://www.unoosa.org/pdf/publications/STSPACE11E.pdf> (accessed October 23, 2013).

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Wheeler, Joanne. 2012. "Managing Space." Harvard International Review 33, no. 4: 60-66. Academic Search Premier, EBSCOhost (accessed October 11, 2013).

<sup>10</sup> "United Nations Treaties..."

<sup>11</sup> Wheeler, "Managing Space."

<sup>12</sup> "INTELSAT: Comments in NTIA/Commerce OECD Proceeding." INTELSAT: Comments in NTIA/Commerce OECD Proceeding. <http://www.ntia.doc.gov/legacy/ntiahome/occ/comments/intelsat.htm> (accessed October 25, 2013).

Convention, but noted that New Skies NV operated within its borders, so it maintained jurisdiction over the satellites.<sup>13</sup>

The First United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE), held in 1968, established the Programme on Space Applications (PSA), an international group responsible for organizing and disseminating communal information on space technology applications.<sup>14</sup> UNISPACE initially commissioned the PSA to inform policy makers and government agencies of the advantages space technologies have in assisting people in developing countries in acquiring the knowledge, skills, and experience necessary for the further application of space technologies.<sup>15</sup> In 1982, Vienna hosted the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE-82) which recommended the expansion of the PSA and a broadening of its mandate.<sup>16</sup> Consequently, the PSA focused on improving international cooperation and communication between industrialized countries and developing countries. Additionally, UNISPACE-82 created several foundations to facilitate communication between the PSA and other UN agencies in order to achieve the capacity-building required to enable countries to profit from space technologies. Among these foundations was a fellowship program that focused on in-depth training of specialists in space technologies and their applications, and organized conferences and seminars on advanced space applications and new system developments.<sup>17</sup> UNISPACE III was held in Vienna in 1999 and produced two goals. First, it aimed to promote the use of space technology in solving problems of a regional and global nature. Second, it sought “to further strengthen the capability of Member States, particularly developing countries, in the use of space-related technologies for

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<sup>13</sup> Wheeler, "Managing Space."

<sup>14</sup> United Nations Office for Outer Space Affairs. "United Nations Programme on Space Applications: History." <http://www.unoosa.org/oosa/en/SAP/history.html> (accessed October 25, 2013).

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

economic, social and cultural development.”<sup>18</sup> Among these usages is the use of space technologies to monitor air and water quality; make more efficient urban planning, rural development, and disaster management; and effectively track natural resources.<sup>19</sup>

The risk that outer space may be used for military purposes is inherent in the development of space technologies, as many space technologies can serve dual functions, such as the integration of commercial satellite communications infrastructure into military communications and surveillances.<sup>20</sup> For example, many states use communications satellites to intercept phone calls and electronic mail.<sup>21</sup> To some extent, existing international legislation restricts the use of outer space for military purposes; however, controversial issues still exist. For instance, the Outer Space Treaty outlaws the testing of nuclear weapons and the stationing of weapons or military bases in outer space, but does not regulate the transit of weapons through space or the testing of non-nuclear weapons in space.<sup>22</sup>

Of particular concern is the fact that the existing international legal regime governing space weapons is inadequate.<sup>23</sup> The Outer Space Treaty bans the stationing of nuclear weapons in space, but it does not outlaw systems capable of placing nuclear weapons into Earth’s orbit.<sup>24</sup> In the 1960s, the Soviet Union and the United States developed Multiple Independently Targetable Reentry Vehicles (MIRVs), land-based ballistic missiles designed to launch into Earth’s orbit several nuclear warheads, then deliver each of them to potentially different targets on Earth.<sup>25</sup> In an effort to limit the development of nuclear weapons, the United States and the

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<sup>18</sup> Ibid.

<sup>19</sup> "Report of the Committee on the Peaceful Uses of Outer Space, U.N. GAOR, 56th Sess., Supp. No. 20, U.N. Doc. A/68/20 (June 12-21, 2013)." United Nations Office for Outer Space Affairs. [http://www.oosa.unvienna.org/pdf/gadocs/A\\_68\\_20E.pdf](http://www.oosa.unvienna.org/pdf/gadocs/A_68_20E.pdf) (accessed October 21, 2013).

<sup>20</sup> Wheeler "Managing Space."

<sup>21</sup> "Report of the Committee..."

<sup>22</sup> Yan, Ling. 2011. "Prevention of Outer Space Weaponization under International Law: A Chinese Lawyer's Perspective." *Journal Of East Asia & International Law* 4, no. 2: 271-289. Academic Search Premier, EBSCOhost (accessed October 10, 2013).

<sup>23</sup> Report of the Committee on the Peaceful Uses of Outer Space, U.N. GAOR, 58th Sess., Supp. No. 20, U.N. Doc. A/58/20 8 (June 11-20, 2003), available at <http://www.un.org/documents/ga/docs/56/a5620.pdf>

<sup>24</sup> "United Nations Treaties and Principles on Outer Space." United Nations Office for Outer Space Affairs. <http://www.unoosa.org/pdf/publications/STSPACE11E.pdf> (accessed October 23, 2013).

<sup>25</sup> Alsop, Stewart. "M.I.R.V. and F.O.B.S. and D.E.A.T.H." *Saturday Evening Post* 241, no. 7 (April 6, 1968): 16. Academic Search Premier, EBSCOhost (accessed October 26, 2013).

Soviet Union began Strategic Arms Limitation Talks (SALT I), bilateral negotiations which lasted from 1969 to 1972 and resulted in the Anti-Ballistic Missile (ABM) Treaty and the Interim Agreement, both of which placed limits on the number of nuclear warheads either side was to possess.<sup>26</sup> In 1972, the United States and the Soviet Union continued negotiating nuclear weapons policy in the second round of Strategic Arms Limitation Talks (SALT II).<sup>27</sup> SALT II resulted in the SALT II Treaty which banned orbital missile system and limited new missile systems development.<sup>28</sup> Although the United States congress never ratified the SALT II Treaty, the executive branch observed it in practice through executive orders.<sup>29</sup> However, the United States withdrew from the SALT II Treaty in 1986,<sup>30</sup> and has not subsequently passed any legislation limiting its ability to launch weapons into orbit. This means that the only treaties currently governing space weapons are the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (Partial Test Ban Treaty) 1963, the Outer Space Treaty, and the Moon Agreement, each of which limit a State from placing nuclear weapons into orbit, not from developing the technologies enabling a State to do so.<sup>31</sup> Although SALT I and SALT II were examples of bilateral agreements, many States are on the verge of having the technological capability to weaponize space, so it is crucial that the UN build on these agreements by opening up similar multilateral negotiations.

One concern voiced by the international community is that if one state starts to develop weapons in space, other states will follow, and it will escalate into an arms race in outer space.<sup>32</sup> Recently, fears of the start of an arms race in space have increased. In 2006, the United States

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<sup>26</sup> United States Department of State. "Strategic Arms Limitation Talks (SALT I)." U.S. Department of State. <http://www.state.gov/www/global/arms/treaties/salt1.html> (accessed October 26, 2013).

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Yan, Ling. 2011. "Prevention of Outer Space Weaponization under International Law: A Chinese Lawyer's Perspective." *Journal Of East Asia & International Law* 4, no. 2: 271-289. Academic Search Premier, EBSCOhost (accessed October 10, 2013).

<sup>32</sup> "Conference on Disarmament, CD/1818." United Nations Office at Geneva. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/607/13/PDF/G0760713.pdf?OpenElement> (accessed October 3, 2013).

announced that if it was deemed necessary, it would deny usage of space to its opponents.<sup>33</sup> If such actions were taken, it would violate the Outer Space Treaty which states that “Outer space, including the Moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind...”<sup>34</sup> Therefore, it is necessary to develop transparency and confidence-building measures among States regarding outer space activities in order to eliminate misunderstanding and build trust with regard to military activities and intentions of other States. In 2006, the UNGA adopted Resolution 61/75 which invited all States to develop concrete policies regarding “international outer space transparency and confidence-building measures in the interest of maintaining international peace and security and promoting international cooperation and the prevention of an arms race in outer space.”<sup>35</sup>

A main difficulty in establishing legal regulations is that the laws set into place to regulate the militarization of space must not prevent the development of technologies and infrastructure that might be used by civilian activities in space. Another difficulty is the lack of communication between COPUOS and the commercial space industry. The number of states, international organizations, and private entities now capable of space activity has drastically increased since the establishment of COPUOS in 1967. However, delegations in COPUOS are composed of Member States’ representatives rather than individuals interested in and knowledgeable about the workings of commercial space activities.

Space technology has become an indispensable part of daily life. It is commonly used to predict the weather, guide Global Positioning Systems, and to watch television. However, if space technology is used to develop weapons, it will threaten world peace and security. It is necessary that the international community works together to guarantee that outer space will not

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<sup>33</sup> "US National Space Policy." NASA. [http://history.nasa.gov/ostp\\_space\\_policy06.pdf](http://history.nasa.gov/ostp_space_policy06.pdf) (accessed October 11, 2013).

<sup>34</sup> "United Nations Treaties..."

<sup>35</sup> United Nations. "U.N. Doc. A/RES/61/75." UN News Center. [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/61/75&Lang=E](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/61/75&Lang=E) (accessed October 4, 2013).

become an arena of armed conflict, but rather a resource used to improve the quality of life and kindle mankind's curiosity.

### **Questions to consider:**

1. In what way are the current treaties and agreements on the subject insufficient? How can COPUOS work to improve them?
2. Should the State that launches a satellite remain responsible for that satellite regardless of the nationality of a private entity that may claim ownership of the satellite?
3. Should private entities have input in international law governing space?
4. Does the use of satellites to gather information resemble the militarization of space?
5. Should it be legal to maintain systems capable of launching weapons into space, or is it enough to outlaw keeping weapons in orbit?
6. What private entities should be allowed to privatize space? Should there be regulations in place governing what companies are allowed to operate in space?

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MUNFW 64<sup>th</sup> Session

Committee on the Peaceful Uses of Outer Space

## **Space technology for socioeconomic development in the context of the Post-2015**

### **Development Agenda**

When the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS) was formally established by UN resolution 1472 (A/RES/1472) in 1959, space exploration was fueled by the proxy competition between the Soviet Union and the United States. Despite the dominance of space exploration by Cold War superpowers, a part of COPUOS's mandate was designed to explore the uses of outer space for "the development of science and the improvement of the well-being of peoples."<sup>36</sup> Since 1959, Member States recognized the potential that research of the celestial outer reaches had for socioeconomic development for life on Earth. Today, space technology has firmly engrained itself in our digitally connected and increasingly globalized world. A diversity of sectors ranging from disaster management to agricultural monitoring have already found applications for space technology. United Nations (UN) organizations, regional institutions, and other partnerships constantly explore new and viable mechanisms for optimal success and implementation of space research and exploration. As Member States outline the Post-2015 Development Agenda, space technology and research promises to be a powerful facilitator of socioeconomic development for years to come.

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<sup>36</sup> UNOOSA. "United Nations Office for Outer Space Affairs." GA Resolutions Pertaining to the Peaceful Uses of Outer Space. [http://www.unoosa.org/oosa/SpaceLaw/gares/html/gares\\_14\\_1472.html](http://www.unoosa.org/oosa/SpaceLaw/gares/html/gares_14_1472.html) (accessed October 26, 2013).

To grasp the history and future potential for COPUOS, it is important to understand the UN structure that it operates under. COPUOS is a subsidiary of the United Nations Office for Outer Space Affairs (UNOOSA) and was created as an ad hoc committee in 1957 following the launch of the Soviet Union's Sputnik, the world's first artificial satellite. Within COPUOS are two subcommittees, the Scientific and Technical Subcommittee and the Legal Subcommittee, which highlight the dual mandate of COPUOS to lay a legal framework for the peaceful use of space and foster research and technical scientific space knowledge and application.

Since its official inception in 1959, COPUOS has grown in its membership, purpose, and application. Although the internet and its related fields had not yet been fully pioneered, Member States saw the importance of establishing an international forum for the exchange and dissemination of information on the uses of this newly developing frontier. A focus on the uses of space technology for socioeconomic development is a relatively new development within the lifespan of COPUOS; however, Member States have from the onset worked to create a legal framework that prohibits the use of space for conflict. In 1967 the General Assembly put forth resolution 2222 (XXI), which bans the installation of nuclear weapons in orbit, on the Moon, or on other celestial bodies.<sup>37</sup> This document, known as the Outer Space Treaty, further prohibits the use of the Moon and other celestial bodies for any weapons and military testing and mandates that their use shall only be for peaceful means to be equally shared by all States.<sup>38</sup> This landmark treaty has become the preeminent rule of international space law. Member States saw a peaceful outer space environment as essential in establishing a foundation for the future of space and potential socioeconomic development. Moving forward, Member States will have to consider

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<sup>37</sup> UNOOSA. "Treaty on Principles Governing Activities of Space in the Exploration and Use of Outer Space." United Nations Office for Outer Space Affairs. [http://www.oosa.unvienna.org/pdf/gares/ARES\\_21\\_2222E.pdf](http://www.oosa.unvienna.org/pdf/gares/ARES_21_2222E.pdf) (accessed October 26, 2013).

<sup>38</sup> Ibid.

whether the legal framework for space must be adjusted for new developments such as the expansion of private enterprises into outer space.

The idea for equal access to space for all states was firmly declared by the Outer Space Treaty and the 102 countries who are party to the treaty. Equal access is often seen as a necessary precursor for equal development opportunity. In 1979 Member States tried to reaffirm this key provision of space law with the “Agreement Governing the Activities of the Moon and Other Celestial Bodies,” or the Moon Agreement, which places all jurisdiction of the Moon and other celestial bodies in the hands of the international community.<sup>39</sup> Despite the apparent success of the Outer Space Treaty, the Moon Agreement was not signed or ratified by any States capable of self-launched manned space exploration, namely the U.S., China, Russia, Japan, India, and members of the European Space Agency. Similar to other areas of international law, Member States in COPUOS must examine whether space law is relevant if it is not equally ratified across the international community and what dilemmas this may present. An important debate for Member States today will be whether or not equal access and jurisdiction of space is a necessary precursor for socioeconomic development of space technology.

In addition to its legal framework, COPUOS has also expanded its technical capabilities to meet new challenges and opportunities for socioeconomic development. In 1968, the first United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE) was held. Out of UNISPACE came the UN Programme for Space Application (also known as the Programme), established in 1971 to spread awareness among policymakers of the applications of space technology and to empower the space capabilities of developing states. There have since been two other such conferences, UNISPACE-82 and UNISPACE III, in 1982 and 1999 respectively, which broadened the Programme’s mandate to further emphasize space technology

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<sup>39</sup> UNOOSA. "United Nations Office for Outer Space Affairs."

capacity-building among developing countries and the role of regional space research centers.

<sup>40,41</sup> Furthermore, during UNISPACE III, Member States adopted “The Space Millennium: Vienna Declaration on Space and Human Development,” which stressed “the major contribution that space science and technology make to the well-being of humanity and specifically to economic, social and cultural development” as the world stepped into the new millennium.<sup>42</sup>

Since then, new space technology applications have been pioneered as solutions to rising problems of the 21<sup>st</sup> century, particularly in the field of global climate change. This is evident in the advent of advanced satellite imaging, which created countless applications for a range of sectors, including food security, climate trends, and disaster response.<sup>43</sup> Member States in COPUOS have recognized the powerful potential for this body to act as a knowledge-sharing and implementation facilitator platform. Thus, in 2001 Member States of COPUOS created the Action Team on Global Navigation Satellite Systems (GNSS) led by the United States and Italy.<sup>44</sup> This was meant to facilitate universal access to space-based navigation and positioning technologies for greater efficiency and effectiveness of disaster response and security and other activities. In 2005 the General Assembly established the International Committee on GNSS (ICG) to take full advantage of GNSS capabilities for sustainable development focusing on: (1) aviation; (2) surveying, mapping, and Earth science; (3) management of natural resources, the environment, and natural disasters; and (4) timing, telecommunications, and related applications.<sup>45</sup>

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<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> UNOOSA. “The Space Millennium: Vienna Declaration on Space and Human Development.” United Nations Office for Outer Space Affairs. <http://www.oosa.unvienna.org/pdf/reports/unispace/viennadeclE.pdf> (accessed October 26, 2013).

<sup>43</sup> “The Social and Economic Impact of Earth Observing Satellites.” NASA. <http://history.nasa.gov/sp4801-chapter13.pdf> (accessed October 26, 2013).

<sup>44</sup> “United Nations Office for Outer Space Affairs.” International Committee on GNSS. <http://www.unoosa.org/oosa/en/SAP/gnss/icg.html> (accessed October 26, 2013).

<sup>45</sup> UNOOSA. “International Meeting on the Use and Applications of Global Navigation Satellite Systems.” United Nations Office for Outer Space Affairs. [http://www.unoosa.org/pdf/reports/ac105/AC105\\_846E.pdf](http://www.unoosa.org/pdf/reports/ac105/AC105_846E.pdf) (accessed October 26, 2013).

In addition to such international space application institutions, COPUOS and fellow bodies within UNOOSA have stressed the importance of regional coordination and a focus on local development for space-related activities. From 1985 to 1989, the UN held three regional meetings and one international meeting “on the subject of the development of indigenous capability in space science and technology at the local level” in India, Mexico, Nigeria, and the United Kingdom.<sup>46</sup> Following these conferences, five regional Centres for Space Science and Technology Education were created in India, Morocco, Nigeria, Brazil and Mexico, and Jordan. Initial programs within these centers focused on four key sectors: (1) remote sensing and geographic information systems; (2) meteorological satellite applications; (3) satellite communications and geopositioning systems; and (4) space and atmospheric sciences.<sup>47</sup> In formulating the Post-2015 development agenda, it will be important for Member States to determine whether or not regional development of space capabilities is an effective method for transferring knowledge, especially between developing countries, to handle both macro and micro socioeconomic development challenges.

At the beginning of the new millennium, disaster management was seen as an area in which space technology could greatly contribute. This culminated in 2006 with the formation of the **United Nations Platform for Space-based Information for Disaster Management and Emergency Response (UN-SPIDER), which provides "universal access...to all types of space-based information and services relevant to disaster management to support the full disaster management cycle."**<sup>48</sup> **UN-SPIDER was the first initiative to deal with all phases of a disaster cycle, including risk reduction, early warning, disaster response, and institutional capacity building, particularly for developing countries. COPUOS is closely**

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<sup>46</sup> UNOOSA. "Regional Centres for Space Science and Technology Education." United Nations Office for Outer Space Affairs. <http://www.unoosa.org/oosa/en/SAP/centres/index.html> (accessed October 26, 2013).

<sup>47</sup> Ibid.

<sup>48</sup> UNOOSA. "United Nations Platform for Space-based Information for Disaster Management and Emergency Response ." United Nations Office for Outer Space Affairs. [http://www.unoosa.org/pdf/gares/ARES\\_61\\_110E.pdf](http://www.unoosa.org/pdf/gares/ARES_61_110E.pdf) (accessed October 26, 2013).

**UN-SPIDER through the last provision of its mandate, which states that UN-SPIDER shall “report to and receive guidance” from COPUOS.<sup>49</sup>**

**Despite these numerous UN space conferences, resolutions, and initiatives, space was almost completely neglected in the actual formation of the eight Millennium Development Goals (MDGs) created at the Millennium Summit in 2000.<sup>50</sup> Nevertheless, the international community quickly recognized the potential for space technology in aiding the achievement of the MDGs. A 2004 UN press release explicitly acknowledged this by stating “now is the right time for the development and space agendas to be fully integrated.”<sup>51</sup>**

COPUOS receives annual reports from the UN Inter-Agency Meeting on Outer Space Activities that highlight current events and emerging technologies in space related fields. Since the beginning of the MDGs, these reports have worked to examine space technology in application to development. For example, in December 2012 a report was released following an Inter-Agency Meeting highlighting how agriculture development and food security, which fall under goals 1 and 2 of the MDGs, could benefit from space technology by “harnessing the use of space-derived geospatial data” in regards to weather, agricultural production, biodiversity, water and irrigation, desertification, etc.<sup>52</sup>

Following the 2002 World Summit on Sustainable Development (WSSD) in South Africa, a host of space-related programs were initiated in coordination with UN bodies and national research and space agencies in response to three major areas of focus recommended by WSSD: poverty reduction, health, and natural resource management. For example, a major facilitator of poverty reduction has been education. Through satellite communications for tele-

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<sup>49</sup> Ibid.

<sup>50</sup> UN. "United Nations Millennium Development Goals." UN News Center. <http://www.un.org/millenniumgoals/> (accessed October 26, 2013).

<sup>51</sup> UN. "General Assembly Resolution Will Pave Way for Use Of Outer-Space Technologies in Achieving Millennium Development Goals." UN News Center. <http://www.un.org/News/Press/docs/2004/os1809.doc.htm> (accessed October 26, 2013).

<sup>52</sup> UNCOSA. "Space for agriculture development and food security." United Nations Coordination of Outer Space Activities. [http://www.uncosa.unvienna.org/pdf/reports/iamos/AC105\\_1042E.pdf](http://www.uncosa.unvienna.org/pdf/reports/iamos/AC105_1042E.pdf) (accessed October 26, 2013).

education, UN and national agencies such as the *United Nations Educational, Scientific and Cultural Organization* and education ministries in France, India, and Tunisia, have been able to provide a full course of primary schooling to children no matter their location.<sup>53</sup>

*In the health field, similar organizations have also been using satellite communications for tele-health purposes. In addition, spatial analysis of epidemiology coupled with satellite tracking of environmental factors on health have allowed greater monitoring and response to global health issues. A significant implementer of these strategies has been the European Space Agency (ESA). A 2008 evaluation of such ESA technology in sub-Saharan Africa by PricewaterhouseCooper's found that "all the case study examples of satellite-enhanced telemedicine and eHealth support meeting [MDG health objectives] either directly or indirectly."*<sup>54</sup>

*In regards to natural resource management and protection, space technology, such as remote sensing (RS) and geographic information systems (GIS), have once again been employed to create innovative solutions. Remote sensing and GIS technologies have been used in numerous programs within the field of natural resource management because they create extremely detailed imaging information on a diverse range of fields related to natural resources, including biodiversity, geology, ecology, desertification, and agriculture. An OOSA report on the Programme on Space Applications stated that such environment-related space technologies "offer substantial input into decision-making processes throughout the world, and can become critical in actions developed towards achieving internationally agreed sustainable development goals, particularly in developing countries."*<sup>55</sup>

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<sup>53</sup> UNCOSA. "Poverty Eradication." United Nations Coordination of Outer Space Activities.

[http://www.uncosa.unvienna.org/pdf/wssd/WSSD\\_list\\_poverty\\_eradication-1.pdf](http://www.uncosa.unvienna.org/pdf/wssd/WSSD_list_poverty_eradication-1.pdf) (accessed October 26, 2013).

<sup>54</sup> ESA. "Cost Benefit Analysis of Satellite-Enhanced Telemedicine and eHealth Services in Sub-Saharan Africa." European Space Agency.

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<sup>55</sup> UNOOSA. "Programme on Space Applications." United Nations Office for Outer Space Affairs. [http://www.unoosa.org/pdf/publications/ST\\_SPACE\\_52\\_Rev1.pdf](http://www.unoosa.org/pdf/publications/ST_SPACE_52_Rev1.pdf) (accessed October 26, 2013).



*The majority of the aforementioned technologies and programs were initiated by intergovernmental and governmental bodies; however, one of the most significant shifts in the development of space technology has been its increasing privatization. Leading up to the 1990s private space enterprise was limited by heavy government regulation and high entry costs; thus government monopolies of space were the norm. Nevertheless, toward the end of the 20<sup>th</sup> century an increasing number of private companies were contracted by governments to operate space shuttles and launch satellites into orbit.*

*Privatization was made easier by deregulation, government subsidies, and public-private partnerships. Many states began to follow the lead set by the U.S., which was a space pioneer during and after the Cold War. The U.S. ended heavy space regulation in 1984 and 1990 with the Commercial Space Launch Act and the Launch Services Purchase Act, respectively. Beginning in the late 1990s the U.S. also began subsidizing space technology through an increasing number of contracts with companies such as Lockheed Martin and Boeing. Similarly, in Europe in 1980 Arianespace was formed through sponsorship by the European Space Agency and became the world's first commercial satellite launch company.<sup>56</sup> Wealthy donors and foundations, such as the Russian Foundation for Social Inventions, partnered with government sponsored bodies, such the TsSKB-Progress (Progress State Research and Production Space Center), to create rocket-building companies as well. Today, private space enterprise continues to experience rapid growth due to cost cutting advances in technology. One of the most prominent companies today is SpaceX, a U.S. company which successfully tested a reusable launch system called "the Grasshopper" in August 2013 and was also the first private company to dock a spacecraft at the International Space Station.<sup>57</sup> The private sector can be extremely*

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<sup>56</sup> "About Arianespace." Arianespace. <http://www.arianespace.com/about-us/service-solutions.asp> (accessed October 26, 2013).

<sup>57</sup> "Grasshopper 100m Lateral Divert Test." SpaceX. <http://www.spacex.com/news/2013/08/14/grasshopper-100m-lateral-divert-test> (accessed October 26, 2013).

beneficial for socioeconomic development by stimulating job growth, increasing access to and development of technology, generating public and private revenue, offering more services and products, and building greater human capital and physical infrastructure.<sup>58</sup> Yet, Member States must be cognizant of the importance of responsible business practices, which when ignored can lead to exploitation, grave inequality, and socioeconomic stagnation and even regression.

Furthermore, governments and the private sector have collaborated in innovative mechanisms, such as public-private partnerships (PPP), for successful space technology development. Public-private partnerships, thus far, have provided a number of benefits which had previously been difficult to attain solely by private enterprise or government initiative. These benefits of PPP include: cost savings, risk sharing, innovative income increasing mechanisms, and greater efficiency in project implementation and raising funds. Nonetheless, this is a relatively new development and often lacks proper legal framework and coordination, which can lead to exploitation of consumers, corruption, and public financial waste or mismanagement. A 2007 report by the Economic and Social Commission for Asia and the Pacific evaluated various structures for space PPP's and stated that "the key factor of the PPP pattern is that the risks of the project must be distributed according to the different risk management capability of governmental and private organizations, on the premise that the economic balance of the project not be damaged."<sup>59</sup> In regards to socioeconomic development, a significant dilemma of successful satellite-based information and communication technology has arisen between equitable access for rural and urban areas. As the report outlines, an important issue for COPUOS will be creating "mechanisms wherein these divergent motivations [e.g. profitability versus poverty alleviation] can be aligned symbiotically to ensure a win-win scenario for all the

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<sup>58</sup> HKS. "The Role of the Private Sector ." Harvard Kennedy School. [http://www.hks.harvard.edu/m-rcbg/CSRI/publications/report\\_29\\_Harvard%20EO%20Dialogue%20Summary%2020071018.pdf](http://www.hks.harvard.edu/m-rcbg/CSRI/publications/report_29_Harvard%20EO%20Dialogue%20Summary%2020071018.pdf) (accessed October 26, 2013).

<sup>59</sup> UNESCAP. "Public-Private Partnership and Community Participation on Applications of Space Technology for Socio-Economic Development." Economic and Social Commission for Asia and the Pacific. [http://www.unescap.org/idd/pubs/STAS\\_PPP\\_and\\_CP\\_in\\_space\\_applications.pdf](http://www.unescap.org/idd/pubs/STAS_PPP_and_CP_in_space_applications.pdf) (accessed October 26, 2013).

stakeholders.”<sup>60</sup> Member States must be wary of the strengths and weaknesses that both the public and private sector offer in order to use them cohesively to their full potential for socioeconomic development.

As the 2015 deadline for the MDGs quickly approaches, world leaders deliberate over what the post-2015 MDGs agenda should look like. In June 2012 Member States at the Rio+20 Conference on Sustainable Development reaffirmed their commitment to sustainable development and agreed to set new objectives following the MDGs, including the elimination of extreme poverty, conservation and management of resources, and the advancement of green economy implementation technologies. Member States specifically recognized “the importance of space-technology-based data, in situ monitoring and reliable geospatial information for sustainable development.”<sup>61</sup> In a 2013 report on “Rio+20 and beyond” the Scientific and Technical Subcommittee of COPUOS highlighted geospatial technologies and the need to build up national infrastructures to sustainably use and share geospatial data, especially in developing countries.<sup>62</sup> COPUOS has also held workshops focusing on regional strategies, such as the Chile Workshop on Space Technology Applications for Socioeconomic Benefits in November 2012, which emphasized that sustainability hinges on regional governmental coordination and the role of the private sector in helping Latin American countries use space technology for gender equitability awareness, food security, and monitoring natural and cultural heritage.<sup>63</sup>

Moving forward, Member States within COPUOS must revisit the legal and institutional frameworks for the peaceful uses of space to determine their efficacy in properly addressing this rapidly changing arena that is the final frontier. Furthermore, drawing guidance from the

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<sup>60</sup> Ibid.

<sup>61</sup> UN. "Future We Want." Sustainable Development. <http://sustainabledevelopment.un.org/futurewewant.html> (accessed October 26, 2013).

<sup>62</sup> UNOOSA. "Rio+20 and beyond." United Nations Office for Outer Space Affairs. [http://www.oosa.unvienna.org/pdf/limited/c1/AC105\\_C1\\_2013\\_CRP16E.pdf](http://www.oosa.unvienna.org/pdf/limited/c1/AC105_C1_2013_CRP16E.pdf) (accessed October 26, 2013).

<sup>63</sup> UNOOSA. "Report on the United Nations/Chile Workshop on Space Technology Applications for Socioeconomic Benefits ." United Nations Office for Outer Space Affairs. [http://www.unoosa.org/pdf/reports/ac105/AC105\\_1036E.pdf](http://www.unoosa.org/pdf/reports/ac105/AC105_1036E.pdf) (accessed October 26, 2013).

international community's formation of the post-2015 MDGs, COPUOS must also harness innovative space technology mechanisms that include developing countries and the catalytic potential of the private sector to tackle the most salient challenges of the Post-2015 agenda for socioeconomic development.

### Questions

1. Is the Outer Space Treaty still adequate in regards to peaceful uses and socioeconomic development of space?
2. Does international space law adequately address the expansion of private enterprises into outer space?
3. Will there be hindrances for socioeconomic development of space technology if international space law is not universal accepted? If so, how can this be avoided?
4. Are regional developments of space capabilities an effective method for space technology capacity-building, especially for developing countries?
5. **Are programs overseen by COPUOS, such as UN-SPIDER, effective in addressing the Post-2015 Agenda? Are there gaps that need to be filled by these current programs or even through the creation of new programs or bodies?**
6. How can COPUOS best harness or foster the potential of space privatization for socioeconomic development?

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Committee on the Peaceful Uses of Outer Space

### **Addressing space debris and the deteriorating orbit of obsolete satellites**

The 1967 Outer Space Treaty makes clear that space belongs to all nations in equal parts.<sup>64</sup> It is therefore the responsibility of all nations to ensure the safety of outer space. International cooperation is required in order to construct a solution which will effectively mitigate the dangers and eventually allow for successful destruction of space debris and deteriorating satellites. This guide is designed to present a discussion of the causes, dangers, mitigation techniques and possible solutions regarding the matter of space debris.

In February 2009, the United States satellite Iridium 33 crashed full force with the defunct Russian satellite Cosmos 2251. Each satellite weighed upwards of 1,000 pounds, and traveled at speeds close to 17,500 miles per hour.<sup>65</sup> The result was 1,713 pieces of debris known to orbit the Earth today. This was the first major collision of satellites in orbit. However, a model created in 2010 by the National Aeronautics and Space Administration (NASA) predicts eight to nine more collisions of this magnitude within the next forty years.<sup>66</sup>

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<sup>64</sup> UNOOSA "United Nations Treaties and Principles on Outer Space." United Nations Office for Outer Space Affairs. [www.unoosa.org/pdf/publications/STSPACE11E.pdf](http://www.unoosa.org/pdf/publications/STSPACE11E.pdf) (accessed September 15, 2013), 10.

<sup>65</sup> United Nations. "Space Debris: Orbiting Debris Threatens Sustainable Use of Outer Space." United Nations Ten Stories. [www.un.org/en/events/tenstories/08/spacedebris.shtml](http://www.un.org/en/events/tenstories/08/spacedebris.shtml) (accessed September 15, 2013).

<sup>66</sup> Committee on the Peaceful Uses of Outer Space Scientific and Technical Subcommittee. "Towards Long-term Sustainability of Space Activities: Overcoming the Challenges of Space Debris." UNOOSA. [www.oosa.unvienna.org/pdf/limited/AC105\\_C1\\_2011\\_CRP14E.pdf](http://www.oosa.unvienna.org/pdf/limited/AC105_C1_2011_CRP14E.pdf) (accessed September 15, 2013), 6.

Space debris is considered to be very high on the agenda for the United Nations Office for Outer Space Affairs.<sup>67</sup> Objects orbiting the earth at accelerated speeds threaten satellites, other unmanned crafts, and most troubling, missions crewed by astronauts. As the space surrounding Earth becomes more crowded, the risk of future collisions increases. On top of these concerns, space debris falls out of orbit and survives reentry into the atmosphere on a regular basis, threatening life on Earth. The 2007 Space Debris Mitigation Guidelines of the Committee for the Peaceful Uses of Outer Space (COPUOS Guidelines) defines space debris as, “all man-made objects, including fragments and elements thereof, in Earth orbit or re-entering the atmosphere, that are non-functional.”<sup>68</sup>

The United Nations Office for Outer Space Affairs (UNOOSA) is the parent body of the Committee on the Peaceful Uses of Outer Space (COPUOS). COPUOS was created in 1959 by the General Assembly by resolution 1472 (XIV),<sup>69</sup> and has seen the creation of five space treaties in total, three of which are particularly relevant to a discussion of space debris. The 1967 Outer Space Treaty remains the foundation of all discussions regarding space law, and emphasizes that space is to be used exclusively for peaceful purposes<sup>70</sup>. The 1972 Liability Convention expands on the Outer Space Treaty, detailing who is responsible for space activities in the event that they should they prove harmful. The 1974 Registration Convention requires states to make their space activities known to the UN and defines ownership and rights regarding spacecrafts.<sup>71</sup>

In 1994, the COPUOS subsidiary Scientific and Technical Subcommittee (STSC) first considered space debris as an agenda item. The next year, it adopted a plan for 1996-1998 to

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<sup>67</sup> United Nations. "Interview with Mazlan Othman, Director of the Office for Outer Space Affairs." UN News Centre.

[www.rand.org/content/dam/rand/pubs/monographs/2010/RAND\\_MG1042.pdf](http://www.rand.org/content/dam/rand/pubs/monographs/2010/RAND_MG1042.pdf) (accessed September 15, 2013).

<sup>68</sup> Committee on the Peaceful Uses of Outer Space. "Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space." *United Nations Office for Outer Space Affairs*. [www.unoosa.org/pdf/bst/COPUOS\\_SPACE\\_DEBRIS\\_MITIGATION\\_GUIDELINES.pdf](http://www.unoosa.org/pdf/bst/COPUOS_SPACE_DEBRIS_MITIGATION_GUIDELINES.pdf) (accessed September 15, 2013).

<sup>69</sup> United Nations Office for Outer Space Affairs. "GA Resolutions Pertaining to the Peaceful Uses of Outer Space." UNOOSA.

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<sup>70</sup> UNOOSA "United Nations Treaties and Principles on Outer Space." United Nations Office for Outer Space Affairs. [www.unoosa.org/pdf/publications/STSPACE11E.pdf](http://www.unoosa.org/pdf/publications/STSPACE11E.pdf) (accessed September 15, 2013).

<sup>71</sup> UNOOSA "United Nations Treaties and Principles on Outer Space," 29.

address and fully assess the topic. In 1999, the STSC adopted the Technical Report on Space Debris,<sup>72</sup> which described current knowledge of space debris population, the potential and accuracy of possible computer forecast models, and the need for mitigation. This report was widely distributed to increase awareness and encourage efforts towards solving the various problems presented by space debris.

COPUS established a working plan in 2001 in order to expedite international adoption of voluntary debris mitigation measures.<sup>73</sup> In 2003, following a presentation by the Inter Agency Space Debris Coordination Committee (IADC), the STSC began to review and discuss proposals for mitigating the problems associated with space debris. In 2007, COPUOS officially adopted the COPUOS Space Debris Mitigation Guidelines.<sup>74</sup> These guidelines, designed to instruct states on ways to reduce debris, focus almost entirely on the prevention of new debris, particularly in Low-Earth Orbit (LEO).

LEO is the area of space less than 2000 kilometers from the surface of the Earth, and it is the most utilized by space programs. Geostationary Orbit (GEO) is the area of space just above LEO; while still utilized by space programs, it is much less popular than LEO due to its distance from the surface. LEO contains a majority of operational satellites and is home to hundreds of millions of pieces of space debris. These range in size from whole defunct satellites to flecks of chipped paint, with an estimated 600,000 pieces being between 1 and 10 cm and more than 21,000 pieces larger than 10 cm. More than 90% of space objects orbiting Earth are uncontrolled, and it is estimated that only 6-7% are even functional crafts.<sup>75</sup>

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<sup>72</sup> NASA. "Technical Report on Space Debris". COPUOS. [http://orbitaldebris.jsc.nasa.gov/library/UN\\_Report\\_on\\_Space\\_Debris99.pdf](http://orbitaldebris.jsc.nasa.gov/library/UN_Report_on_Space_Debris99.pdf) (accessed October 17, 2013), 3.

<sup>73</sup> COPUOS "Space Debris Mitigation Guidelines"

<sup>74</sup> Ibid.

<sup>75</sup> COPUOS STSC "Towards Long-term Sustainability of Space Activities," 6.

This debris comes to be in orbit around Earth in a variety of ways. The most common cause of space debris is break-ups or fragmentation, the accidental or intentional breaking up of space satellites. Satellites and rockets are often abandoned as they become either nonfunctional or obsolete, leaving large unmanned objects in orbit. These objects are sometimes intentionally broken up, contributing significantly to space debris, but fragmentation is also common due to reactive chemicals trapped in rocket engines that explode. Additional debris is created when these objects, or pieces of these objects, crash into each other, fragmenting into smaller pieces that are no less damaging. In 2012, the crew of the International Space Station (ISS) waited in the Russian Soyuz capsule in fear of a piece of debris from Cosmos 2251. The debris was 1 cm in size, yet its speed gave it the ability to destroy the entire station.<sup>76</sup> Other sources of debris include intentional release during launch (pieces designed to break off in order to propel crafts out of the atmosphere or to protect sensitive equipment in launch) and those that simply fall off, such as lens caps or nozzle covers that end up in orbit. As space objects become older, coupled with the hostile environment of space, paint peels and heat shield covers flake, which contribute to space debris.<sup>77</sup>

If left unchecked, space debris threatens the entire future of space exploration. Even if all launches were halted immediately, space debris would still grow in quantity. Collisions with debris, both by functional space satellites and space exploration missions are a serious threat to satellites, but also to crews manning space missions. The earlier mention of the ISS illustrates that a tiny piece of debris moving at incredible speeds is more dangerous than a bullet, and extremely hazardous in an outer space environment. As more nations develop the ability to explore outer space, and as the debris that currently exists continues to collide, space debris is

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<sup>76</sup> UN "Space Debris: Orbiting Debris Threatens Sustainable Use of Outer Space."

<sup>77</sup> COPUOS STSC "Towards Long-term Sustainability of Space Activities," 12.

expected to retain exponential growth rates. In addition, there is a threat to life on Earth from pieces of debris that reenter the atmosphere and survive to land on the planet. It is estimated that one catalogued piece of debris larger than 10 cm reenters the atmosphere every week.<sup>78</sup> While there has never been a reported case of death due to space debris, this is likely because Earth's surface is mostly water. However, in 1978, the Soviet satellite Cosmos 954 disintegrated upon reentry and spread radioactive debris over Northern Canada.<sup>79</sup> The environmental risks posed by debris reentry make this issue much more perilous than the odds of space junk directly landing on a person. According to the Convention on Registration, nuclear reactors may be utilized in LEO missions provided they are subsequently moved to a higher orbit after the operational part of their mission has concluded.<sup>80</sup> Despite this caveat, the amount of debris currently in LEO makes nuclear reactors particularly perilous.

Two sets of international standards regarding space debris currently exist: the 2002 Inter-Agency Space Debris Coordination Committee Space Debris Guidelines (IADC Guidelines) and the 2007 COPUOS Guidelines. Both focus on the same principles, the difference being that the IADC is a scientific inter-governmental organization separate from the UN while COPOUS is a sub-committee of the UN under OOSA. The mitigation measures presented are not legally binding under international law.<sup>81</sup> Member States are encouraged to adopt and implement the suggestions, however they are under no legal obligation to do so.

The COPUOS Guidelines are made up of seven principles, and essentially direct nations to prevent new space debris. The Guidelines ask that states stop releasing debris in normal operations where possible, avoid intentional break-ups, minimize the chances of fuel or other explosive chemicals being left in crafts at the conclusion of their missions, and not abandon their

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<sup>78</sup> Ibid, 21.

<sup>79</sup> COPUOS STSC "Towards Long-term Sustainability of Space Activities, 21.

<sup>80</sup> UNOOSA "United Nations Treaties and Principles on Outer Space," 48.

<sup>81</sup> COPUOS "Space Debris Mitigation Guidelines"

spacecrafts in LEO. In addition, the COPUOS Guidelines are explicit in requesting that states refrain from moving their defunct satellites into GEO as a method of keeping LEO clear.<sup>82</sup>

These suggestions are simple and straightforward, however their implementation is not. They encourage member states to take basic measures to avoid intentional or accidental creation of unnecessary space debris and attempt to ensure that GEO does not come to substitute as a junkyard for LEO. Preventing the creation of new space debris is vital, yet mitigation alone will not remove debris currently in orbit.<sup>83</sup>

There is currently no method of space debris removal in use.<sup>84</sup> At the moment, the most effective way to clear LEO of its debris is to move objects into higher orbits, which solves the dilemma only in a short-term capacity and necessitates eventual remediation. Many different ideas for removal currently exist, though none have been practically tested for remediation. One idea is to use lasers to blast objects out of their orbit and into the atmosphere in a manner which would cause their destruction. This is a politically controversial idea, as some nations are concerned about the possible uses of these lasers in an anti-satellite military capacity. Multiple companies propose the design of deployable nets to gather and tow space debris into an orbit much closer to the atmosphere where it will eventually burn up, recycle the materials, or even fling them into the South Pacific. While proponents speak of nets as a definite solution, detractors suggest that more debris could be created due to the precision required to capture fast-moving debris, allowing for missed nets which would add to the space debris problem.<sup>85</sup>

Solar sails are another proposed notion. These sails would be made up of a fine material which the sun's radiation would exert force upon. Essentially, the sails would be angled in such a way that the force would cause a wind sail effect, slowing down an object enough to cause the object

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<sup>82</sup> Ibid.

<sup>83</sup> COPUOS STSC "Towards Long-term Sustainability of Space Activities"

<sup>84</sup> United Nations. "Interview with Mazlan Othman"

<sup>85</sup> Kushner, David. "Five Ideas To Fight Space Junk." Popular Science. <http://www.popsci.com/technology/article/2010-07/cluttered-space?page=1> (accessed September 15, 2013).

to fall out of orbit and into the atmosphere where it would burn up. While solar sails were launched on a Japanese vessel in May 2013, the technology is not currently sufficient to be applied specifically to space debris. Robotic solutions have also been proposed for larger debris—satellites with robotic arms which could grab a piece of debris and reposition its orbit closer to the atmosphere.<sup>86</sup> However, robotics would not be effective for smaller debris, making this a partial solution in any event. The European Space Agency (ESA) put together a report on utilizing expanding foam, a substance which would be shot at a piece of debris from an operational vehicle, adhere to debris, expand, and due to increased mass, slow the object enough for it to re-enter the atmosphere.<sup>87</sup> NASA has also completed phase one testing of SpaDE—Space Debris Elimination—a project which relies upon pulses of atmospheric gas to slow down objects enough to disrupt their orbits.<sup>88</sup>

These methods are only a few of many proposed solutions, some still in the planning phases and others with detailed scientific research backing them up. Whatever their status, all methods operate under the assumption that the best way to destroy debris is to utilize Earth's atmosphere to incinerate the space debris cluttering LEO. All methods carry some risk to functioning spacecrafts, many could be utilized as weapons (making them difficult to implement, from a political standpoint), and great care would be necessary to ensure that objects do not survive reentry into the atmosphere and risk damaging Earth.

Several inherent legal issues exist within the framework of any discussion of remediation. It must first be noted that no international salvage laws currently exist with regards to space debris. Article VIII of the Outer Space Treaty states that, "A State Party to the Treaty on whose registry

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<sup>86</sup> Ibid.

<sup>87</sup> Andrenucci, M., P. Pergola, and A. Ruggiero. "Active Removal of Space Debris: Expanding foam application for active debris removal Final Report." European Space Agency. [www.esa.int/gsp/ACT/doc/ARI/ARI%20Study%20Report/ACT-RPT-MAD-ARI-10-6411-Pisa-Active\\_Removal\\_of\\_Space\\_Debris-Foam.pdf](http://www.esa.int/gsp/ACT/doc/ARI/ARI%20Study%20Report/ACT-RPT-MAD-ARI-10-6411-Pisa-Active_Removal_of_Space_Debris-Foam.pdf) (accessed September 15, 2013), 14.

<sup>88</sup> (Gregory, Daniel, JF Mergen, and Aaron Ridley. "Space Debris Elimination ( SpaDE ) Phase I Final Report." The National Aeronautics and Space Administration. [www.nasa.gov/pdf/716066main\\_Gregory\\_2011\\_PhI\\_SpaDE.pdf](http://www.nasa.gov/pdf/716066main_Gregory_2011_PhI_SpaDE.pdf) (accessed September 15, 2013).

an object launched into outer space is carried shall retain jurisdiction and control over such object.... Ownership of objects launched into outer space...is not affected by their presence in outer space or on a celestial body or by their return to the Earth.”<sup>89</sup> This means that one nation may not destroy or recover the debris of another nation without the express permission of the nation that owns the object.

This matter becomes further complicated when it is realized that each debris fragment in space belongs to a specific country. Even paint chips would require identification before intentional destruction or removal, according to the rules laid out in the Outer Space Treaty. While space debris has a definition per the COPUOS Guidelines, its legal standing is the same as that of any operational vessel.

Even if a country gives permission for disposal of a satellite, the other nation or nations involved in the removal would certainly require specific data regarding the satellite in order to ensure proper removal. In the case of a whole or near-whole satellite, blueprints of the device and information about its construction, materials, and capabilities would be needed to plan and carry out removal. This information could be classified for national security or proprietary reasons, but without such information, it would be unlikely that any nation would be willing to enter into a removal mission. There are no guidelines, however, which could compel countries to remove their own debris. Without a separate legal status for space debris, any nation that so chooses may leave their defunct satellites and associated debris in orbit indefinitely.

Once proven remediation technology exists, the argument could be made that any nations’ refusal or inability to remove space debris constitutes a violation of Article IX of the Outer Space Treaty. Article IX states that, “If a State Party to the Treaty has reason to believe that an activity or experiment planned by it or its nationals in outer space...would cause potentially harmful

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<sup>89</sup> UNOOSA "United Nations Treaties and Principles on Outer Space," 7.



interference with activities of other States Parties in the peaceful exploration and use of outer space...it shall undertake appropriate international consultations before proceeding with any such activity or experiment.”<sup>90</sup> Any new mission could be deemed as foreseeably causing space debris, which carries a potential risk to other nations’ peaceful space exploration activities. This argument could also be applied to requiring mitigation measures, despite their voluntary status. Liability also becomes a legal issue in the discussion of remediation. Should a removal mission encounter a situation in which a piece of debris malfunctions and causes damage to a space craft or loss of life in the event of a manned operation, it creates a situation of ambiguous culpability. The Liability Convention spells out responsibility for many different scenarios. Article III states that if a space object belonging to one country causes damage to another satellite, then the former is liable—if its actions caused the damage. However, if the damage was caused by the second country’s actions in a removal attempt, then the liability rests with the second. Unless the country that owns the space object is guilty of negligence in some way, it would be difficult to find it liable due to the fact that all action was undertaken by a different country. Given these circumstances, it would be difficult to imagine why a country would even be willing to accept the risks associated with removing debris belonging to a different nation.

Space debris is a complex issue, one that gains more immediacy with every passing day. It is essential that clear definitions and rules regarding its creation, mitigation, and remediation be determined. While remediation is at present an unfulfilled objective, legal framework regarding removal of space debris will soon be necessary, and current framework unfortunately provides only gray areas that may discourage remediation efforts. Until such a time as remediation is possible, space debris mitigation is key. Mitigation is also voluntary, and the international community must decide if current guidelines are sufficient. Defunct satellites and space debris in

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<sup>90</sup> Ibid, 7.

LEO are dangerous, in outer space and on Earth. Space belongs to every nation in equal parts. If the international community is negligent in caring for the space surrounding Earth, every nation will live with the consequences equally.

**Questions:**

1. How should space debris be legally defined?
2. Is a formal treaty regarding space debris needed?
3. Should guidelines become binding, or should member states simply be encouraged to take care of their own debris?
4. Is the true issue enforcement of mitigation guidelines in place, or are new guidelines necessary?
5. Whose responsibility should it be to remove space debris/how can such removal be ensured? Should there be repercussions if they fail to?
6. Do nations without space programs have the right to create them without safeguards to prevent the addition of space debris?
7. How should space debris be cleaned up?
8. How should the legal issues of ownership and liability be addressed?

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International Atomic Energy Agency

### **Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety**

In March of 2011, a nuclear disaster at the Fukushima 1 Power Plant occurred following the Tōhoku earthquake and subsequent tsunami that rocked the coast of Japan. The immediate destruction saw the greatest nuclear disaster since Chernobyl. In the years after the Fukushima disaster, the need to remove and destroy the hazardous and radioactive waste is still a pressing issue for Japan and the international community. Operators at the site have the challenge of removing and destroying 400 tons of high level spent fuel, containing the radiation amount of 14,000 Hiroshimas, from a damaged reactor.<sup>1</sup> Questions have been raised as to what would be the best method of both moving and then ultimately destroying such wastes. However, these questions are not new, and the United Nations, International Atomic Energy Agency (IAEA) and other affiliates have worked to set up regulations for the transportation and ultimate destruction of radioactive waste.

In order to understand the best methods of transport and disposal of radioactive waste, it is important to know what is defined as radioactive waste. According to the IAEA, radioactive waste is defined as “any material that contains a concentration of radionuclides greater than those deemed safe by national authorities, and for which no use is foreseen.”<sup>2</sup> Since nuclear

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<sup>1</sup> SHELDRIK, AARON, and ANTONI SLODKOWSKI. "The deadliest part of Japan's nuclear clean-up." Stuff. <http://www.stuff.co.nz/world/asia/9041215/The-deadliest-part-of-Japans-nuclear-clean-up> (accessed November 2, 2013)

<sup>2</sup> International Atomic Energy Agency (IAEA). "Factsheets: Managing Radioactive Waste." <http://www.iaea.org/Publications/Factsheets/English/manradwa.html> (Accessed August 14, 2013).

technologies are used to create energy, medical treatments, economic development, and environmental protection, there are varying types of radioactive waste. To better improve the communication between states, the IAEA issued a revised waste classification system: exempt waste, low and intermediate level waste, and high-level waste.

Exempt waste (EW) contains radioactive materials that are not considered harmful to humans, usually demolished materials left from nuclear industrial sites, and are thus disposed of in domestic refuse.<sup>3</sup> The amount of radionuclides found in low and intermediate level waste are high enough to require steps to protect workers and the public for a short amount of time. Lower level waste (LLW) in this category is comprised of papers, clothing, tools, etc., which contain such short-lived radioactivity that shielding is not required. Most low-level waste that is transported is kept within the state that produced it.<sup>4</sup> Intermediate level of waste (ILW), seen in resins, metal fuel cladding and materials from reactor decommissioning, contain higher amounts of radioactivity and need protective shielding when handling. High-level waste (HLW) is generated by the burning of uranium in nuclear reactors. It is incredibly radioactive and thus must remain isolated from the biosphere for long periods of time. The two most common types of high-level waste are used fuel and the separated waste from reprocessed used fuel. High-level waste attributes to 95% of radioactivity produced.<sup>5</sup>

In 1959, the United Nations Economic and Social Council (ECOSOC) first acknowledged the need for regulatory control regarding the safe transportation of radioactive and nuclear waste. In response, the IAEA created the Regulations for the Safe Transport of

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<sup>3</sup> International Atomic Energy Agency. "Regulations for the Safe Transport of Radioactive Material." [http://www-pub.iaea.org/MTCD/Publications/PDF/Pub1570\\_web.pdf](http://www-pub.iaea.org/MTCD/Publications/PDF/Pub1570_web.pdf) (accessed October 2, 2013).

<sup>4</sup> Ibid

<sup>5</sup> IAEA, "Factsheets..."

Radioactive Materials<sup>6</sup>, setting forth definitive standards of safety associated with all transportation of nuclear and other radioactive material. Following in the footsteps of the IAEA, the General Assembly adopted A/RES/43/212 in 1988, which urges states that produce radioactive waste to prohibit illegal transboundary movement of wastes and dispose of such in the country of origin.<sup>7</sup> This was followed up by A/RES/S-19/2 (1997) and the implementation of Agenda 21, which requests that states relay information on sustainable transportation technologies, as well as reiterates the use of the Irradiated Nuclear Fuel Code (INF) from the International Maritime Organization (IMO) in transporting waste across seas.<sup>8</sup>

The INF Code covers all ships, regardless of size and date of construction, that carry INF cargo. Materials covered under the code include: irradiated nuclear fuel (containing uranium, thorium and/or plutonium isotopes that have been used to sustain a nuclear chain reaction), Plutonium (a mixture of isotopes of material removed from irradiated nuclear fuel during reprocessing), and High-Level radioactive wastes (liquid wastes that occur from the first-stage extraction system or the concentrated wastes from other extraction stages). INF ships are then divided into three classes depending on the level of radioactivity being carried. Class INF 1 ships carry cargo with less than 4,000 TeraBecquerel (TBq) of radioactivity. TBq is measured by the decay of atom per second. Ships that are certified to carry high-level radioactive waste and irradiated nuclear fuel with less than  $2 \times 10^5$  TBq and plutonium with radioactivity of less than  $2 \times 10^6$  TBq are filed under Class INF 2. Finally, those ships that carry high-level radioactive

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<sup>6</sup> IAEA, "Regulations for..."

<sup>7</sup> UN GA. "A/RES/43/212. Responsibility of States for the protection of the environment: prevention of the illegal international traffic in, and the dumping and resulting accumulation of, toxic and dangerous products and wastes affecting the developing countries in particular." UN News Center. <http://www.un.org/documents/ga/res/43/a43r212.htm> (accessed November 2, 2013).

<sup>8</sup> International Maritime Organization. "Irradiated Nuclear Fuel." <http://www.imo.org/OurWork/Safety/Cargoes/Pages/IrradiatedNuclearFuel.aspx> (accessed August 13, 2013).



waves and plutonium with no restrictions to the aggregate radioactivity are classified as Class INF 3 ships.<sup>9</sup>

The main method of transport for radioactive waste, however, is by land. The IAEA Regulations for the Safe Transport of Radioactive Material lay out the basic requirements for all levels of transport.<sup>10</sup> The basis of these regulations is that transported radioactive material should be packaged to provide protection against the hazards of the material under both normal and accident conditions. Safety, therefore, relies on packaging adapted to its radioactive contents, whatever the method of transport. The Regulations then provide for five different primary packages: Excepted, Industrial, Type A, Type B and Type C, and set the criteria for each design based off the activity and the physical form of the materials.<sup>11</sup>

Excepted packaging contains very low levels of radioactivity, and poses a very low danger if accidentally released, commonly seen in the transport of radiopharmaceuticals. Because of this, they are only required to have the letters “UN” and the appropriate four-digit UN identification number marked on the outside of the package.<sup>12</sup> Industrialized packages (IP) transport most LLW and ILW and include two types of materials, those with low level activity per mass, such as hospital waste, and non-radioactive materials with low levels of contamination.<sup>13</sup> IPs are divided into three sub-categories of packaging: IP-1, IP-2, and IP-3, which differ depending on the degree of travel. Industry packaging such as steel drums and bins could meet the requirements as IP, as well as purpose-designed packages. For the transport of significant, yet small quantities of radioactive materials, Type A packages are used. Because

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<sup>9</sup> Ibid

<sup>10</sup> IAEA, “Regulations for...”

<sup>11</sup> World Nuclear Transport Institute. "Nuclear Transport Facts." World Nuclear Transport Institute. <http://www.wnti.co.uk/nuclear-transport-facts/regulations.aspx> (accessed November 2, 2013).

<sup>12</sup> Federal Emergency Management Agency. National Preparedness Directorate National Training and Education Portal. Accessed August 14, 2013. [http://training.fema.gov/EMIWeb/downloads/is302/ss\\_mod05\\_sg.pdf](http://training.fema.gov/EMIWeb/downloads/is302/ss_mod05_sg.pdf)

<sup>13</sup> World Nuclear Transport Institute. "Package Types used for Transporting Radioactive Materials." World Nuclear Transport Institute. <http://ctosnnsa.org/vtra/documentLibrary/CTOS0058V1packagetypes.pdf> (accessed October 9, 2013).

there is a higher possibility that this type of package could be damaged in a severe accident, the amount of radionuclides they can contain is limited by IAEA regulations, thus ensuring that the risks from contamination are very low. Type A packaging is typically used with radioisotopes for medical purposes, technetium, generators used in diagnosing certain cancers, and nuclear fuel cycle materials. When transporting HLW such as unencapsulated radioisotopes for medical use, spent nuclear fuel and vitrified HLW, Type B packaging is required. This package must be capable of withstanding accident conditions and shielding the waste from gamma and neutron radiation, even under extreme conditions and without breaching its containment or increasing radiation to a level that would endanger the general public.<sup>14</sup> There are over 150 kinds of Type B packages that pass through stringent accident conditions testing, with larger containers costing US\$1.6 million each.<sup>15</sup> After its creation in the 1996 IAEA transport regulations, Type C packaging is currently in the process of being implemented. The concept of the Type C package is to create a design that meets the requirements of Type A and Type B packaging, but allows for HLW and other high level radioactive materials to be transported by air.<sup>16</sup> Regardless of the intense testing that all the packaging is required to go through, there are still concerns from the public on the safety of these packages, despite virtually no incidents or harmful effects on anyone.

As well as applying the INF code to waste being transported by sea, all international organizations that transport dangerous goods have also adopted the IAEA regulations for the transport of radioactive materials. Different modes of transportation are also subjected to various international regulations and recommendations, all of which coincide with IAEA regulations. Examples of such regulations include air transport regulations in the Dangerous Goods

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<sup>14</sup> Ibid

<sup>15</sup> World Nuclear Association. "Transport of Radioactive Materials." <http://world-nuclear.org/info/Nuclear-Fuel-Cycle/Transport/Transport-of-Radioactive-Materials/> (accessed August 14, 2013).

<sup>16</sup> World Nuclear Transport Institute, "Package Types..."

Regulations for air, railway transport under the International Regulations concerning the Carriage of Dangerous Goods by Rail, and the European Agreement concerning the International Carriage of Dangerous Goods by Road, which was set up as a regional regulation of waste transport on roadways.<sup>17</sup> The IAEA resolution GC(56)/RES/9 (2012) also urges states that do not have national regulatory laws concerning the transport of radioactive material, or that do not conform to the agency's regulations, to adopt such documents immediately.<sup>18</sup>

After transporting radioactive waste, the next significant hurdle is disposing of it. Methods of disposal vary depending on the level of radioactivity in the waste. Exempt waste is typically disposed in domestic refuse, though exempt waste with radioactivity closer to LLW is occasionally disposed with other LLW. There are two options for the disposal of LLW: near-surface disposal facilities and subsurface disposal facilities. Near-surface disposal facilities are the most commonly used method, and take the form of trenches or concrete vaults. An engineered or compressed earth cap is placed over the waste containers to minimize the exposure to water. The waste is then surveilled until the hazard from radionuclides has declined to acceptable levels. Some states, however, prefer subsurface disposal, or even placing LLW with ILW and spent fuel in deeper facilities. Because of the presence of a higher concentration of radionuclides, especially long lived radionuclides, ILW require shielding to ensure its isolation from the biosphere. The most appropriate option for the disposal of ILW is at depths of greater than several tens of meters. Some states have repositories specifically for ILW, while in others

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<sup>17</sup> Phuong, Ha Vinh. "Legal Aspects of the International Transport of Radioactive Materials." IAEA. <http://www.iaea.org/Publications/Magazines/Bulletin/Bull216/21602581318.pdf> (accessed August 14, 2013).

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co-dispose ILW with spent fuel and other HLW. Deep geological repositories are considered the best permanent solution for HLW and spent fuel.<sup>19</sup>

Many states have expressed interest in commissioning multinational repositories, which led to the IAEA releasing a consideration of multinational repositories in 2004.<sup>20</sup> Some of the main issues found in the construction of these repositories are technical issues, including how to cope with varying types of wastes; legality issues such as the need for treaties between participating states; and the need for constant public support. Currently, no multinational repositories exist. A variety of long-term waste management options have been considered, and/or implemented by states. One of the first is long-term aboveground storage. These facilities are specially constructed at the earth's surface, and would not be permanently sealed; they also allow for monitoring and retrieval at any time without excessive changes to the facility. Because such facilities would be required to be in operation for several hundreds of years, states would be required to pass information on to future generations, leading to the question of whether the stability of future societies could be ensured to continue the monitoring and supervision. No country is currently planning to implement long-term aboveground storage. France is investigating long-term interim storage, but it is not necessarily above ground.

A popular option for many years was sea disposal. The process involves radioactive waste being shipped out and dropped into the sea. The dangers of this packaging include imploding at depth, dispersing radioactive material into the sea, or sinking it to the seabed intact. Over time the containers would fail and radionuclides would be dispersed, diluting the sea as radionuclides migrated from the disposal site by currents. Sub-seabed disposal has also been a considered option, which includes either building a repository on the seabed that is accessible by

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<sup>19</sup>International Atomic Energy Agency. "Policies and Strategies for Radioactive Waste Management." IAEA Nuclear Energy Series. Accessed August 13, 2013. [http://www-pub.iaea.org/MTCD/publications/PDF/Pub1396\\_web.pdf](http://www-pub.iaea.org/MTCD/publications/PDF/Pub1396_web.pdf)

<sup>20</sup> Potier, J.M., and S. Hossain. "CONSIDERATIONS ON MULTINATIONAL REPOSITORIES." IAEA News Center. <http://www.iaea.org/newscenter/focus/fuelcycle/tucson04.pdf> (accessed October 10, 2013).

land, or burying waste into deep-sea sediments. Both sea disposal and sub seabed disposal are prohibited by A/RES/62/34 (2008), the Prohibition of the dumping of radioactive waste.<sup>21</sup>

In the 1970's-1980's, the United States investigated the possibility of disposing waste in outer space. The objective of this option was to permanently remove waste from earth, by packaging the waste into containers that could withstand any accident scenario. The package would be sent by spacecraft to one of several locations, including directly into the sun. The program was ultimately scrapped due to high cost and the complications that could arise due to launch failure. The United States and Russia also investigated and implemented for a number of years the practice of direct injection of liquid radioactive waste directly into a layer of rock deep underground. Tens of millions of cubic meters of LLW, ILW, and HLW have been injected into the sedimentary rock layers of numerous geological sites in Russia.<sup>22</sup> The United States directly injected about 7500 cubic meters of LLW during the 1970s, at a depth of about 300 meters during a period of 10 years. The process was ultimately abandoned because of public concerns.<sup>23</sup>

Another option for nuclear waste such as spent fuel is reprocessing. Any used fuel will still contain some of the original U-235 as well as various plutonium isotopes. These materials account for 96% of the original uranium and over half of the original energy content. Reprocessing separates the uranium and plutonium from the wastes so that they can be reused in a nuclear reactor. Major commercial reprocessing plants operate in France, the United Kingdom, and Russia.<sup>24</sup> A new reprocessing plant in Japan is undergoing commissioning. France and the UK also reprocess for utilities in other countries, notably Japan, which since 1979 has made over

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<sup>21</sup> United Nations. "Prohibition of the dumping of radioactive wastes." General Assembly. Last modified January 10, 2008.

[https://gafo-vote.un.org/UNODA/vote.nsf/91a5e1195dc97a630525656ff005b8adf/8938c9a5f18cbeea85257378004a0869/\\$FILE/62\\_34.pdf](https://gafo-vote.un.org/UNODA/vote.nsf/91a5e1195dc97a630525656ff005b8adf/8938c9a5f18cbeea85257378004a0869/$FILE/62_34.pdf)

<sup>22</sup> World Nuclear Association. "Storage and Disposal Options." Radioactive Waste Management. <http://www.world-nuclear.org/info/Nuclear-Fuel-Cycle/Nuclear-Wastes/Appendices/Radioactive-Waste-Management-Appendix-2--Storage-and-Disposal-Options/#DirectInjection> (accessed November 2, 2013).

<sup>23</sup> Ibid

<sup>24</sup> World Nuclear Association. "Radioactive Waste Management - Appendix 2: Storage and Disposal Options."

<http://www.world-nuclear.org/info/Nuclear-Fuel-Cycle/Nuclear-Wastes/Appendices/Radioactive-Waste-Management-Appendix-2--Storage-and-Disposal-Options/> (Accessed August 13, 2013).

140 shipments of used fuel to various points Europe. Some HLW still exists, but the amount is significantly less, and technologies have been proposed that would improve reprocessing and make disposal of HLW easier.<sup>25</sup>

Radioactive technologies have increased the state of living for humanity, and even though the transport and disposal of radioactive waste is well regulated, there have been some instances of lost of material. An example is the lost of radioactive material from a van in Bacup, Lancaster, UK.<sup>26</sup> The amount stolen was very small, but can pose a danger to the public if it is released from its packaging. These instances may lead to deadly terrorist attacks, and the international community must look into new and stronger measures to protect and prepare for scenarios in which terrorist groups acquire and use radioactive sources to develop radiological dispersal devices (RDDs).<sup>27</sup> While the safety of transported radioactive waste is based on the integrity of the packaging, security is mainly the responsibility of the state. The Code of Practice on the International Transboundary Movement of Radioactive Waste,<sup>28</sup> drafted in 1990 by the IAEA, requires that the state of origin must be held responsible for the safe transport and disposal of its wastes. According to the IAEA Nuclear Security Plan 2010-2013, an effective security infrastructure requires: “ legal and regulatory infrastructures with clearly defined responsibilities among different organizations and operators; human resource development; the establishment of procedures and coordination functions; and technical support for national infrastructures, recognizing that nuclear security arrangements within nuclear facilities/locations

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<sup>25</sup> World Nuclear Association. "Radioactive Waste Management." World Nuclear Association. <http://www.world-nuclear.org/info/Nuclear-Fuel-Cycle/Nuclear-Wastes/Radioactive-Waste-Management/#ManageHLW> (accessed November 2, 2013).

<sup>26</sup> Sky News. "Radioactive Material Stolen From Van."

<http://news.sky.com/story/1053645/radioactive-material-stolen-from-van> (accessed August 14, 2013).

<sup>27</sup> International Atomic Energy Agency. "Security of radioactive sources." <http://www-ns.iaea.org/security/sources.asp> (accessed August 13, 2013).

<sup>28</sup> International Atomic Energy Agency (IAEA). "INFCIRC/386 - Code of Practice on the International Transboundary Movement of Radioactive Waste." <http://www.iaea.org/Publications/Documents/Infciircs/Others/inf386.shtml> (accessed August 13, 2013).

are different from those to be applied outside such facilities/locations.”<sup>29</sup> Nuclear security requires long-term involvement, and any plan constructed must be put into a long term perspective. Technical guidance given by the IAEA, referred to as Combating Illicit Trafficking in Nuclear and other Radioactive Material, states that the most adequate ways to combat any illicit activity is to implement monitoring programmes over transport, sharing information between states about any criminal activity, and increase detection capabilities.<sup>30</sup>

The transportation and disposal of radioactive waste is a fundamental issue in protecting the environment, and state and national security. Because of implementations laid down by the IAEA, those involved with the Fukushima disaster clean up will have the knowledge of how to dispose and transport the waste away from the area. Global security and the protection of the environment is critical in the development and continued thriving of all states.

### **Questions to consider:**

1. What measures has your state implemented to manage radioactive waste?
2. In terms of disposal, what methods does your state use for LLW, ILW and HLW?
3. What is your state’s policy on reprocessing?
4. What is your state’s policy on multinational repositories?
5. What global policies would your state like to see implemented internationally to protect radioactive waste during transport?

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<sup>29</sup> International Atomic Energy Agency. "Nuclear Security Plan 2010-2013." Board of Governors General Conference. <http://www-ns.iaea.org/downloads/security/nuclear-security-plan2010-2013.pdf>. (accessed August 14, 2013).

<sup>30</sup> International Atomic Energy Agency. "COMBATING ILLICIT TRAFFICKING IN NUCLEAR AND OTHER RADIOACTIVE MATERIAL REFERENCE MANUAL." IAEA . [http://www-pub.iaea.org/MTCD/publications/PDF/pub1309\\_web.pdf](http://www-pub.iaea.org/MTCD/publications/PDF/pub1309_web.pdf) (accessed October 9, 2013).

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### **Nuclear security and prevention of illicit trafficking of nuclear materials**

Since the Manhattan Project spawned the atomic age, the international community has experienced exponential growth in terms of nuclear technology. With this growth comes the responsibility for states, and the international community as a whole, to regulate nuclear materials both in domestic settings as well as in transit. In this respect, Member States have since adopted multiple treaties and resolutions to mitigate the destructive capabilities of unchecked nuclear materials. In the post-9/11 era, the threat from extremist and terrorist organizations has become ever present in the lives of people around the world, making nuclear safety a top priority throughout the international community.

At its core, the topic of nuclear safety revolves around the safety and security of radioactive materials. The 2007 IAEA Safety Glossary defines radioactive material as “material designated in national law or by a regulating body [such as the IAEA] as being subject to regulatory control because of its radioactivity.”<sup>31</sup> Nuclear material, falling under the umbrella of radioactive materials, is classified by the IAEA as “any special fissile material or source material that may be used for the development of nuclear weapons such as plutonium-239, uranium-233, and uranium enriched isotopes.”<sup>32</sup> While radioactive materials are often used for scientific and medical purposes in the realms of research, nuclear materials are highly volatile and hold the potential to create weapons of mass destruction. When used within the limits specified by

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<sup>31</sup> International Atomic Energy Agency. "IAEA Safety Glossary." Last modified 2007. [http://www-pub.iaea.org/MTCD/publications/PDF/Pub1290\\_web.pdf](http://www-pub.iaea.org/MTCD/publications/PDF/Pub1290_web.pdf).

<sup>32</sup> Ibid.

international regulations, both radioactive and nuclear materials have the potential to help solve the world's sustainable energy crisis. However, the illicit trade of radioactive and nuclear materials takes away the potential for peaceful advancement.

### **International Legal Frameworks**

In 1963, the Partial Test Ban Treaty was signed and ratified by over half the world with the three major nuclear powers, the United States, the United Kingdom, and the Soviet Union, serving as the principal states of representation. The treaty prohibits nuclear weapons tests or “any other nuclear explosion [atmosphere, outer space, and underwater].”<sup>33</sup> The Treaty's main goal is to achieve complete discontinuance of all test explosives of nuclear materials.<sup>34</sup>

The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was signed in 1968 and entered into force in 1970, with 189 Member States currently having ratified the treaty.<sup>35</sup> The treaty has three specific goals: nonproliferation, disarmament, and the right to the peaceful use of nuclear technology.<sup>36</sup> In the area of nonproliferation and disarmament, the Treaty states that each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer of nuclear weapons, other nuclear explosive devices or of control over such weapons, or explosive devices directly or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.”<sup>37</sup> The Treaty also insists upon the peaceful use of nuclear materials, stating that “Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of

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<sup>33</sup> United States Department of State. "Treaty Banning Nuclear Weapon Tests in the Atmosphere, Outer Space, and Under Water." Last modified August 5, 1963. <http://http://www.state.gov/t/isn/4797.htm>.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> United Nations. "2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 3-28 May 2010." Last modified May, 2010. <http://www.un.org/en/conf/npt/2010/npttext.shtml>.

<sup>37</sup> United Nations. "2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 3-28 May 2010." Last modified May, 2010. <http://www.un.org/en/conf/npt/2010/npttext.shtml>.

nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.”<sup>38</sup>

The Strategic Arms Reduction Treaty (START) of 1991 limited long-range nuclear forces in the United States and the states of the former Soviet Union to 6,000 attributed warheads on 1,600 ballistic missiles and bombers.<sup>39</sup> START II (1993) was never put into force but stated that the United States and the Russian Federation would limit the deployment of warheads once more. The New START treaty (2010)<sup>40</sup> is one of the most progressive steps taken in the past decade in the field of nuclear disarmament. The Treaty states that both the United States and the Russian Federation must meet the treaties limitations of 1,500 warhead, 800 ICBM launchers, and the combined limitation of 700 non-deployed launchers.<sup>41</sup>

In April 2004, the United Nations Security Council unanimously adopted Resolution 1540 under Chapter VII of the United Nations Charter, which affirms that the proliferation of nuclear, chemical and biological weapons and their means of delivery constitutes a threat to international peace and security. The resolution urges States to refrain from supporting non-State actors developing, acquiring, manufacturing, possessing, transporting, transferring or using nuclear, chemical or biological weapons.<sup>42</sup>

## **Illicit Trafficking**

When the international community realized that unchecked nuclear materials could potentially harm the world, 189 Member States adopted the NPT in 1968, then indefinitely extending the treaty in 1995.<sup>43</sup> In keeping with the spirit of the NPT, the GA adopted Resolution

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<sup>38</sup> United Nations. "2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 3-28 May 2010." Last modified May, 2010. <http://www.un.org/en/conf/npt/2010/npttext.shtml>.

<sup>39</sup> U.S. Department of State. "Treaty Table of Contents." Accessed October 1, 2013. <http://www.state.gov/www/global/arms/starthtm/start/treatytc.html>.

<sup>40</sup> U.S. Department of State. "New START." Accessed October 1, 2013. <http://www.state.gov/t/avc/newstart/>.

<sup>41</sup> U.S. Department of State. "Treaty Between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms." Accessed October 1, 2013. <http://www.state.gov/documents/organization/140035.pdf>.

<sup>42</sup> United Nations. "Resolution 1540." Accessed October 1, 2013. <http://www.un.org/en/sc/1540/>.

<sup>43</sup> United Nations Office for Disarmament Affairs. "UNODA - Non-Proliferation of Nuclear Weapons (NPT)." United Nations Office for Disarmament Affairs. Accessed September 30, 2013. <http://www.un.org/disarmament/WMD/Nuclear/NPT.shtml>.

502(VI) in 1998,<sup>44</sup> creating the United Nations Office for Disarmament Affairs (UNODA) in order to enforce and supervise numerous treaties and programmes of disarmament in these nations.<sup>45</sup> UNODA has assisted multiple regions in becoming nuclear free zones. These zones are defined as “any zone recognized as such by the General Assembly of the United Nations, which any group of States, in the free exercises of their sovereignty, has established by virtue of a treaty or convention whereby:

(a) The statute of total absence of nuclear weapons to which the zone shall be subject, including the procedure for the delimitation of the zone, is defined;

(b) An international system of verification and control is established to guarantee compliance with the obligations deriving from that statute.”<sup>46</sup>

In February of 1967, the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, otherwise known as the Treaty of Tlatelolco, was signed by thirty three nations, effectively establishing those regions as a nuclear free zone.<sup>47</sup> In 1995, ten Southeast Asian nations, including Cambodia, Thailand, Singapore, and Vietnam, signed the Treaty on the Southeast Asia Nuclear-Free Zone.<sup>48</sup> In 1996, the African Union adopted the Treaty of Pelindaba which established the nations of the African Union as a nuclear free zone.<sup>49</sup> In total, there are ten official nuclear free zones, including outer space and a third of the world’s sea territories.<sup>50</sup>

In 1995, the IAEA established the Incident and Trafficking Database (ITDB) in an effort to help the communication between States experiencing illicit trafficking of their nuclear

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<sup>44</sup> United Nations Office for Disarmament Affairs. "UNODA - The UN Disarmament Commission." Accessed September 30, 2013. <http://www.un.org/disarmament/HomePage/DisarmamentCommission/UNDiscom.shtml>.

<sup>45</sup> United Nations Office for Disarmament Affairs. "UNODA - About Us." United Nations. Accessed September 30, 2013. [http://www.un.org/disarmament/HomePage/about\\_us/aboutus.shtml](http://www.un.org/disarmament/HomePage/about_us/aboutus.shtml).

<sup>46</sup> United Nations Office for Disarmament Affairs. "UNODA - Nuclear-Weapon-Free Zones." Accessed September 30, 2013. <http://www.un.org/disarmament/WMD/Nuclear/NWFZ.shtml>.

<sup>47</sup> United Nations Office for Disarmament Affairs. "Disarmament Treaties Database: Treaty of Tlatelolco." Accessed September 30, 2013. <http://disarmament.un.org/treaties/t/tlatelolco>.

<sup>48</sup> United Nations Office for Disarmament Affairs. "Treaty on the Southeast Asia Nuclear Weapon Free Zone." Accessed September 30, 2013. <http://disarmament.un.org/treaties/t/bangkok/text>.

<sup>49</sup> United Nations Office for Disarmament Affairs. "Disarmament Treaties Database: Pelindaba Treaty." UN Office for Disarmament Affairs. Accessed September 30, 2013. <http://disarmament.un.org/treaties/t/pelindaba>.

<sup>50</sup> International Atomic Energy Agency. "Nuclear Weapons Free Area." Accessed September 30, 2013. <http://www.un.org/disarmament/WMD/Nuclear/pdf/NWFZ-postcard-2010.pdf>.

materials. The database, which includes information about incidents occurring over unauthorized acquisition of materials and cataloguing of lost materials in the aforementioned incidents, helps analyze and identify what is lacking within States' nuclear security agendas.

The loss of control of nuclear materials makes the involved materials susceptible to theft and misuse by unauthorized parties in order to perpetrate acts such as those listed in the 2005 Conference on Nuclear Security. Movement of such materials by unauthorized parties, without proper implementation of domestic and international guidelines severely increases the risk of exposure to radiation and poisoning of the local environment. But far beyond the immediate risk lies the future of security, as these hazardous materials may make their way across borders. Unchecked and untracked, these materials could cross borders through unauthorized channels and be funneled into black markets. Taking advantage of weak security in vulnerable states, terrorist groups most often smuggle across third world nations whose overall nuclear agenda is lacking and sometimes non-existent.

Locating lost material or identifying persons associated with inadvertent movement and re-imposing necessary controls on the material involves measures comparable to those that would be applied in the event of intentional diversion or misuse. The Convention on the Physical Protection of Nuclear Materials (1980) was indefinitely extended in 2005, marking the only binding document in relation to the physical protection of such materials.<sup>51</sup>

The Convention on the Physical Protection of Nuclear Materials makes it legal for States to protect their nuclear facilities and materials in peaceful domestic use, including storage and transport.<sup>52</sup> It also urges States to communicate and cooperate regarding rapid measures to locate

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<sup>51</sup> International Atomic Energy Agency. "Publications: International Conventions and Legal Agreements." International Atomic Energy Agency (IAEA). Accessed September 30, 2013. <http://www.iaea.org/Publications/Documents/Conventions/cppnm.html>.

<sup>52</sup> International Atomic Energy Agency. "The Convention on the Physical Protection of Nuclear Material." International Atomic Energy Agency (IAEA). Accessed September 30, 2013. <http://www.iaea.org/Publications/Documents/Infocircs/Inf274r1.shtml>.



illegally obtained nuclear materials as well as the prevention of future theft and smuggling.<sup>53</sup>

States are given the freedom through the Convention to identify the intent of the person illegally transporting nuclear materials so as to better address the issue.

However, it is important to note that not all trafficking is directly linked to terrorist groups. Nuclear material holds high monetary value and often times trafficking is aimed at the highest bidder and not the highest potential death toll. In these instances, states are free to determine whether the individual or group is defying a regulatory code or conducting criminal activity.

### **Resolving the Issue**

After 9/11, the IAEA embarked on rapid course to assist States in securing their nuclear and radioactive materials through *ad hoc* training, communication sharing through the ITDB, and the creation of the IAEA Nuclear Security Plan (NSP). The first NSP was enacted in 2006, spanning until 2009,<sup>54</sup> as a comprehensive way to ensure the security of nuclear materials in States struggling to combat illicit trafficking within and across their borders. A second revision, which is the most current edition of the NSP, was undertaken in 2010 and is effective until 2013. The 2010-2013 NSP covers four elements: 1) needs assessment, information collation and analysis, 2) contributing to the enhancement of the guidelines set forth in the NPT, 3) providing nuclear security services, and 4) risk reduction and security improvement.<sup>55</sup>

In June 2013, the United Nations Office for Disarmament Affairs launched the multi-donor United Nations Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR). Its purpose is to work with similar international assistance initiatives to better coordinate

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<sup>53</sup> International Atomic Energy Agency. "Publications: International Conventions and Legal Agreements." International Atomic Energy Agency (IAEA). Accessed September 30, 2013. <http://www.iaea.org/Publications/Documents/Conventions/cppnm.html>.

<sup>54</sup> International Atomic Energy Agency. "Nuclear Security Plan for 2010-2013." Accessed September 30, 2013. <http://www-ns.iaea.org/security/nuclear-security-plan.asp>.

<sup>55</sup> Ibid.

information sharing.<sup>56</sup> The mandate of UNSCAR is not only to share information and identify and analyze the needs of individual nations, but to also foster support and trust amongst states themselves. A relationship of mutual understanding must exist between states in order to communicate needs, desires, and plans of actions.

It is imperative that when addressing nuclear security, the sovereignty of each nation is respected. The NPT specifically states that “Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interest of its country.”<sup>57</sup> In this context, Member States must respect the wishes of the sovereign state.

However, the desire for global security can sometimes conflict with the principle of sovereignty. This difficulty is exemplified through the Iranian nuclear programme, which the government has continually denied the existence of a nuclear weapons programme and attempted to assure the world that it is solely based in clean energy. Despite these assertions, Iran has not allowed the UN to inspect its facilities, anchoring the belief that it is in fact harvesting enriched uranium for the purposes of creating a nuclear weapons programme. In response, the Security Council has passed S/Res/1696 (2006), S/Res/1737 (2006), S/Res/1747 (2007), S/Res/1803 (2008), S/Res/1835 (2008), and S/Res/1929 (2010), all of which imposed severe sanctions on Iran in order to force compliance with the UN.<sup>58</sup> However, Iran has not complied with the UN’s demands to inspect their nuclear facilities, thus escalating the tension between Iran and other Member States. The international community must be willing to negotiate in order to ensure that sovereignty is respected while also keeping the world safe from nuclear weapons proliferation.

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<sup>56</sup> International Atomic Energy Agency. "Nuclear Weapons Free Area." Accessed September 30, 2013. <http://www.un.org/disarmament/WMD/Nuclear/pdf/NWFZ-postcard-2010.pdf>.

<sup>57</sup> U.S. Department of State. "Deterring and Responding to NPT Withdrawal by Treaty Violators." Accessed October 1, 2013. <http://2001-2009.state.gov/t/isn/rls/other/114120.htm>.

<sup>58</sup> Arms Control Association. "UN Security Council Resolutions on Iran | Arms Control Association." Arms Control Association. Accessed September 30, 2013. <http://www.armscontrol.org/factsheets/Security-Council-Resolutions-on-Iran>.

## **Conclusion**

The stark reality of the matter is that complete nuclear security can only be achieved through total cooperation by all relevant parties, both authorized and unauthorized. This is, of course, a challenging goal as perfection in any form is nearly impossible. However, there are steps that the international community can take to mitigate the effect of uncontrolled nuclear materials and this must be the focus of the United Nations as the world ushers in the age of technology.

## **Questions to Consider**

1. Are Nuclear Weapons Free Zones a realistic option in regards to nuclear safety? If so, what part does State sovereignty play in the negotiation and maintenance of such zones?
2. How can the international community build upon the NPT to ensure universal accession to the counter-trafficking measures set forth in the Treaty?
3. What are the best practices for physical nuclear security in your state?
4. What are the biggest challenges to physical nuclear security and what steps has your State taken to mitigate the threats to their nuclear materials?
5. What is the best course of action for securing loose materials within your state?
6. What is the most effective way to ensure international cooperation when drafting, adopting, and implementing international policy without infringing upon a State's sovereignty?

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## **Climate change and nuclear energy**

### **Introduction**

The international community has struggled to effectively address the issue of climate change since the 1979 meeting of the World Climate Conference. One potential solution to global climate change is the progressive phasing from carbon-heavy fuels to cleaner atomic energy. While the use of atomic energy is a cheap, clean source of power, it is also associated with environmental issues, such as the radioactive waste that is produced. In order to effectively address atomic energy and its associated complications, the International Atomic Energy Agency (IAEA) was established in 1957 through the IAEA Statute, with the objective of accelerating and enlarging the contribution of atomic energy to peace, health and prosperity throughout the world.<sup>59</sup> In the decades since 1979, the global community has endeavored to address climate change via the Intergovernmental Panel on Climate Change (IPCC) (established in 1988), the Earth Summit in 1992 (which resulted in Agenda 21), and the United Nations Framework Convention on Climate Change (UNFCCC) in 1994.<sup>60 61 62 63</sup> Additionally, the IAEA hosts a Ministerial Conference every four years to discuss the issues and effects of nuclear power on a

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<sup>59</sup> International Atomic Energy Agency (IAEA). "IAEA Statute." Accessed October 1, 2013. <http://www.iaea.org/About/statute.html>.

<sup>60</sup> United Nations. "Protection of global climate for present and future generations of mankind." Last modified December 6, 1988. <http://www.un.org/documents/ga/res/43/a43r053.htm>.

<sup>61</sup> United Nations. "Report of the United Nations Conference on Environment and Development." Accessed October 1, 2013. <http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm>.

<sup>62</sup> United Nations General Assembly. "Programme for the Further Implementation of Agenda 21." Accessed October 1, 2013. <http://www.un.org/documents/ga/res/spec/aress19-2.htm>.

<sup>63</sup> United Nations Framework Convention on Climate Change. "United Nations Framework Convention on Climate Change." Accessed October 1, 2013. <http://unfccc.int/resource/docs/convkp/conveng.pdf>.

global level, aiming to address emergent problems. The issue of climate change is a global phenomenon that requires global contribution in its entirety; there are means to reduce carbon-based emissions through the increased use of nuclear power both in developed and developing states through the effective implementation of IAEA guidance and safety plans.

## **Climate Change**

The IPCC, established via A/RES/43/53 (1988) in the United Nations Environment Programme (UNEP) and the World Meteorological Organisation (WMO), is the scientific body under the auspices of the UN whose mandate is the collection and analysis of data in order to assist in the creation of effective international policies to stem the rapid rate of environmental deterioration as a result of climate change.<sup>64</sup> IPCC research indicates that if the global temperature increase exceeds 3 degrees Celsius, the biophysical changes to the environment will be devastating. Widespread drought in semi-arid areas will occur, almost 30% of species will be set on a course for extinction, food production in low latitude regions will decrease significantly and will not be supplemented by agriculture in mid and higher latitude regions.<sup>65</sup> In response to these ecological threats, 172 governments convened in Rio de Janeiro in 1992 at the United Nations Conference on Environment and Development (UNCED).<sup>66</sup> This conference saw the creation of Agenda 21 and the UNFCCC. These resulting documents serve as a comprehensive plan of action for the UN, individual governments, and multilateral organizations around the world that can be implemented at the global, national, and individual levels.<sup>67</sup> The ultimate objective of the UNFCCC is the, “stabilization of greenhouse gas concentrations in the

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<sup>64</sup> United Nations General Assembly. "Protection of global climate for present and future generations of mankind." United Nations. Accessed October 1, 2013. <http://www.un.org/documents/ga/res/43/a43r053.htm>.

<sup>65</sup> Intergovernmental Panel on Climate Change. "Intergovernmental Panel on Climate Change." Accessed October 1, 2013. [http://www.ipcc.ch/organization/organization.shtml#\\_UhlYoz\\_HYf4](http://www.ipcc.ch/organization/organization.shtml#_UhlYoz_HYf4).

<sup>66</sup> International Atomic Energy Agency. "Climate Change and Nuclear Power." Accessed October 1, 2013. [http://www.iaea.org/OurWork/ST/NE/Pess/assets/12-44581\\_ccnp2012\\_web.pdf](http://www.iaea.org/OurWork/ST/NE/Pess/assets/12-44581_ccnp2012_web.pdf).

<sup>67</sup> International Atomic Energy Agency (IAEA). "Climate Change and Nuclear Energy (2011)." Accessed October 1, 2013. [http://www.iaea.org/OurWork/ST/NE/Pess/assets/11-43751\\_ccnp\\_brochure.pdf](http://www.iaea.org/OurWork/ST/NE/Pess/assets/11-43751_ccnp_brochure.pdf).

<sup>68</sup> United Nations Conference on Environment and Development. "Agenda 21." Sustainable Development Knowledge Platform. Last modified 1992. <http://sustainabledevelopment.un.org/content/documents/Agenda21.pdf>.



atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.”<sup>69</sup>

The Kyoto Protocol, an agreement linked to the UNFCCC, was adopted by the Conference of Parties to the UNFCCC in December of 1997 and entered into force in February of 2005.<sup>70</sup> The Protocol mandated States Parties to meet their emissions requirements by 2012 by way of the Protocol’s three market based mechanisms; International Emissions Trading, (IET), Clean Development Mechanism (CDM), and Joint Implementation (JI).<sup>71</sup> All three mechanisms focus on the implementation of environment friendly development plans based in mutual cooperation between the developed and the developing world. Respectively, the developed world consists of Annex I nations which include the industrialized countries that were members of the OECD in 1992, plus countries with economies in transition.<sup>72</sup> Non-Annex I nations consist of the majority of the global South. Classified by the Protocol as nations especially susceptible to the effects of climate change, Non-Annex I nations are given special consideration in their development plans so as to better accommodate their limited capacity to control the effects of their development on the environment.

A/RES/62/197 (2008) emphasizes the need for an increase of cooperation in the distribution and accessibility of new and renewable energy sources to developing countries.<sup>73</sup> It also reiterates the need for continued research in the use of nuclear energy as a sustainable practice. In addition, in 2009 the General Assembly adopted A/RES/63/281, asking for the

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<sup>69</sup> United Nations Framework Convention on Climate Change. "Article 2." Accessed October 10, 2013. [http://unfccc.int/essential\\_background/convention/background/items/1353.php](http://unfccc.int/essential_background/convention/background/items/1353.php).

<sup>70</sup> United Nations Framework Convention on Climate Change. "Kyoto Protocol." Accessed October 10, 2013. [http://unfccc.int/kyoto\\_protocol/items/2830.php](http://unfccc.int/kyoto_protocol/items/2830.php).

<sup>71</sup> Ibid.

<sup>72</sup> United Nations Framework Convention on Climate Change. "Parties & Observers." Accessed October 10, 2013. [http://unfccc.int/parties\\_and\\_observers/items/2704.php](http://unfccc.int/parties_and_observers/items/2704.php).

<sup>73</sup> United Nations General Assembly. "Resolution 62/197." United Nations. Accessed October 10, 2013. [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/62/197&Lang=E](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/62/197&Lang=E).

Security Council to relay a decision about the possible worldwide security implications of global climate change.<sup>74</sup>

The Copenhagen Accord, ratified by 114 member states during the 15th Conference of Parties in 2009, compliments the framework set forth in the Kyoto Protocol. However, unlike the Protocol, the Accord is non-binding. The Accord emphasizes the urgency to stabilize greenhouse gas emissions in order to prevent precarious anthropogenic interference with Earth's climate system. Under the Copenhagen Accord, Annex I States under the Kyoto Protocol agree to meet, in aggregate, certain emissions standards by the year 2020.<sup>75</sup> Similarly, non-Annex I states under the Accord agreed to undertake actions to mitigate emissions related to climate change, of which the implementation of nuclear power remains a key component.<sup>76</sup> This is combined with a "Technology Mechanism" as defined by the Accord, to facilitate the sharing and advancement of technologies that lessen greenhouse emissions.<sup>77</sup>

### **Nuclear Energy vs. Carbon-Based Fuel Sources**

The most notable difference between energy derived from nuclear processes and that derived from combusting carbon-based fuels includes the by-products of each reaction. With nuclear energy, the process produces negligible amounts of carbon dioxide and other run-off products that greatly increase climate change. Additionally, nuclear power is more efficient than most fossil fuels; according to the Nuclear Energy Institute, "one uranium fuel pellet creates as much energy as one tonne of coal or 17,000 cubic feet of natural gas."<sup>78</sup> Nuclear power, having fewer potentially harmful environmental consequences than traditional fossil fuel electrical

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<sup>74</sup>United Nations General Assembly. "Resolution 63/281." Last modified June 11, 2009. <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/res%2063%20281.pdf>.

<sup>75</sup> United Nations Framework Convention on Climate Change. "Copenhagen Accords." Accessed October 10, 2013. <http://unfccc.int/resource/docs/2009/cop15/eng/11a01.pdf>.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup>Nuclear Energy Institute. "Quick Facts Nuclear Energy In America." Nuclear Energy Institute. Accessed October 10, 2013.

<sup>78</sup> "Fact Sheets." Nuclear Energy Institute. <http://www.nei.org/Master-Document-Folder/Backgrounders/Fact-Sheets/Quick-Facts-Nuclear-Energy-in-America> (accessed November 1, 2013).

plants, has the potential to produce energy as a long-term base-load electrical plant for extended periods of time.<sup>79</sup> Whereas wind and solar power are currently best suited as supplemental peaking power sources, nuclear plants can operate at very high outputs for a prolonged period of time to provide an adequate power baseline.<sup>80</sup> Despite this, nuclear power is not without its risks.

The World Nuclear Association has stated that, “any country excluding or phasing out nuclear energy is raising the overall cost of meeting emission reduction targets. This runs counter to the economic objectives of sustainable development.”<sup>81</sup> Outside of the initial cost of building a nuclear power facility, the costs to maintain and operate such a facility are relatively minimal.<sup>82</sup> Compounded with the steady power generation of nuclear, the introduction of nuclear plants in more areas increases the developmental potential in states. Compared to the costs of operating plants that burn carbon-based fuels - including transportation of fuels - nuclear plants are not only environmentally sound, but also more financially stable.

The global community has started a general shift away from carbon-heavy energy sources and towards nuclear power--in the most recent IAEA Ministerial Conference, Director General Yukiya Amano stated, “it is clear that many countries believe that nuclear power will have an important part to play in addressing one of the key challenges facing the world in the 21st century - securing adequate and sustainable supplies of clean energy.”<sup>83</sup> A number of developing states have started the move from carbon-based fuels to nuclear energy, including the People’s Republic of China, India, the United Arab Emirates via the Emirates Nuclear Energy Corporation, and South Africa.<sup>84 85</sup>

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<sup>79</sup> International Atomic Energy Agency. "Sustainable Development and Nuclear Power - The Energy Challenge." International Atomic Energy Agency . Accessed October 10, 2013. <http://www.iaea.org/Publications/Booklets/Development/devfive.html>.

<sup>80</sup> National Renewable Energy Laboratory . "Energy Analysis." Accessed October 10, 2013. <http://www.nrel.gov/csp/pdfs/45653.pdf>.

<sup>81</sup> World Nuclear Association. "Global Warming and Climate Change." Accessed October 10, 2013. <http://world-nuclear.org/info/Energy-and-Environment/Climate-Change---The-Science/#.UhKjyJKtjF8>.

<sup>82</sup> The Franklin Institute . "An Energy Resource for the Community Science Action Guide." Accessed October 10, 2013. <http://www.fi.edu/guide/wester/benefits.html>.

<sup>83</sup> International Atomic Energy Agency. "Statement at IAEA Ministerial Conference on Nuclear Power in the 21st Century." Accessed October 10, 2013. <http://www.iaea.org/newscenter/statements/2013/amp2013n13.html>.

<sup>84</sup> World Nuclear Association. "Emerging Nuclear Energy Countries | New Nuclear Build Countries." World Nuclear Association. Accessed October 10, 2013. <http://www.world-nuclear.org/info/Country-Profiles/Others/Emerging-Nuclear-Energy-Countries/#.UjVrKGTWJ8Z>.

The volatility of fossil fuel prices and supply can be mitigated through the widespread use of nuclear energy. Uranium, the main material used in nuclear fission, is more readily abundant than fossil fuels and, if used in fast reactors, can last thousands of years since fast reactors process uranium in a significantly more efficient way than thermal reactors.<sup>86</sup> Not only will nuclear energy mitigate climate change, the stability of its power generation will foster economic growth.<sup>87</sup> In this way, nuclear energy will not only benefit the environment, but can also take great strides to reaching humanity's goal of overcoming poverty.

### **International Action to Address Climate Change via Nuclear Energy**

Although the issue of climate change has only been a top priority in recent decades, the issue of nuclear energy has been widely debated since the dawn of the atomic age in World War II. With the creation of the IAEA in 1957, the international community recognized the right of States to safely develop nuclear energy for peaceful purposes. According to the IAEA's *Handbook on Nuclear Law*, "thus far the IAEA's [legal] assistance has taken the form of drafting new nuclear laws and reviewing existing laws and regulations, hosting fellowship trainees, providing advice on institutional frameworks and conducting training courses on specific legal issues."<sup>88</sup> In addition to assisting in developing an international nuclear legal framework regarding nuclear energy, the IAEA is also aiding in the construction and maintenance of new and existing nuclear power plants, as well as conducting compliance and safety inspections. However, in order for the assistance of the IAEA to be truly efficacious, individual Member States must take it upon themselves to draft and/or revise appropriate domestic legislation, perform self-assessments, and maintain a safe and secure nuclear infrastructure.

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<sup>85</sup> World Nuclear Association. "Emerging Nuclear Energy Countries | New Nuclear Build Countries."

<sup>86</sup> World Nuclear Association. "Fast Neutron Reactors." Accessed October 10, 2013. <http://www.world-nuclear.org/info/Current-and-Future-Generation/Fast-Neutron-Reactors/#.UjYkamTwJ8Y>.

<sup>87</sup> International Atomic Energy agency. "Handbook on Nuclear Law." Accessed October 10, 2013. [http://www-pub.iaea.org/mtcd/publications/pdf/pub1160\\_web.pdf](http://www-pub.iaea.org/mtcd/publications/pdf/pub1160_web.pdf).

<sup>88</sup> Ibid

IAEA Member States, toward the end of the Second Millennium A.C.E., acknowledged that prompt action was necessary to ensure that nuclear energy was developed in a more sustainable manner. This led directly to the creation of the International Project of Innovative Nuclear Reactors and Fuel Cycles (INPRO) in 2000 with the goal of furthering the implementation of sustainable nuclear energy in the 21st century.<sup>89</sup> INPRO has grown steadily over the past 13 years, and currently consists of 39 members working to promote sustainable nuclear power. Over the course of INPRO's short lifespan, it has successfully completed a number of collaborative projects including Environmental Impact of Potential Accidental Releases from Nuclear Energy Systems (ENV-PE), and Global Architecture of Innovative Nuclear Systems based on Thermal and Fast Reactors including Closed Fuel Cycles (GAINS).<sup>90</sup>

With many developed countries remaining stagnant, the majority of nuclear energy programs have emerged in the developing world. In 2005, the United Arab Emirates (UAE) ratified the Kyoto Protocol and became the first State with no prior nuclear technology to begin construction on a nuclear reactor in 27 years.<sup>91</sup> Abu Dhabi has committed over \$15 million USD to clean energy projects endorsed by the IAEA.<sup>92</sup> In April of 2008, the UAE released the Policy of the United Arab Emirates on the Evaluation and Potential Development of Peaceful Nuclear Energy, which reaffirmed its commitment and cooperation with IAEA nuclear energy and safety programs. Ghana also is working with the IAEA and its Sustainable Energy Development for Sub-Saharan Africa project.<sup>93</sup> Since 2012, Ghana has been generating electricity through thermal, hydropower, solar and other renewable energy sources. While there are currently no nuclear

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<sup>89</sup> International Atomic Energy Agency (IAEA). "International Project on Innovative Nuclear Reactors and Fuel Cycles." Accessed October 10, 2013. [http://www.iaea.org/INPRO/publications/INPRO-2012-Rev\\_Feb2013.pdf](http://www.iaea.org/INPRO/publications/INPRO-2012-Rev_Feb2013.pdf).

<sup>90</sup> International Atomic Energy Agency . "Division of Nuclear Power." Accessed October 10, 2013. <http://www.iaea.org/INPRO/CPs/index.html>.

<sup>91</sup> "Country Nuclear Power Plans: United Arab Emirates." Accessed October 10, 2013. [http://www-pub.iaea.org/MTCD/Publications/PDF/CNPP2012\\_CD/countryprofiles/UnitedArabEmirates/UnitedArabEmirates.htm](http://www-pub.iaea.org/MTCD/Publications/PDF/CNPP2012_CD/countryprofiles/UnitedArabEmirates/UnitedArabEmirates.htm).

<sup>92</sup> "Country Nuclear Power Plans: United Arab Emirates." Accessed October 10, 2013. [http://www-pub.iaea.org/MTCD/Publications/PDF/CNPP2012\\_CD/countryprofiles/UnitedArabEmirates/UnitedArabEmirates.htm](http://www-pub.iaea.org/MTCD/Publications/PDF/CNPP2012_CD/countryprofiles/UnitedArabEmirates/UnitedArabEmirates.htm).

<sup>93</sup> International Atomic Energy Agency . "Capacity Building for Sustainable Energy Development." Accessed October 10, 2013. <http://www.iaea.org/Publications/Factsheets/English/capacity.pdf>.

power plants in Ghana, there are several research plants throughout the state, and plans for the construction of a nuclear power plant are set to be fulfilled by 2018.<sup>94</sup>

## **Other Problems**

Beyond the benefits of nuclear energy, there are a number of problems that face both developing and developed states. The largest concern regarding nuclear power facilities revolves around safety issues and the fear of reactor meltdowns. The IAEA focuses largely on providing states with the necessary framework and guidance required to safely and correctly plan and develop individual nuclear power. Additionally, the IAEA provides resources to developing states to foster and finance their own nuclear power programs. In February of 2013, the IAEA carried out its first Integrated Nuclear Infrastructure Review (INIR) in South Africa, noting that strong government support and cooperation with the IAEA has led South Africa down the future path to successfully harnessing the full potential of its nuclear power facilities.<sup>95</sup> Similar INIR missions have been successfully launched in Vietnam, Jordan, and Turkey.<sup>96</sup>

After the Chernobyl accident in 1986, the popularity of nuclear power declined greatly. General fear of another nuclear disaster stagnated nuclear power. The issue of nuclear waste and its safe transport and storage is perceived as a large concern. The Director General of the IAEA noted that the opposite is the case: “the nuclear industry has been managing waste disposal successfully for more than half a century. Dozens of facilities for low-level and intermediate-level nuclear waste are in operation throughout the world.”<sup>97</sup> While it is nearly impossible to eliminate all the potential accidents involved in nuclear power, the IAEA recognizes the importance of safety and caution. However, after the 2011 accident at Fukushima Daiichi, the

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<sup>94</sup> Sustainable Development Solutions Network. "Sustainable Development Solutions Network: Energy Access for All in Sub-Saharan Africa." Accessed October 10, 2013. <http://unsdsn.org/solutions-initiatives/energy-access-for-all-in-sub-saharan-africa/>.

<sup>95</sup> International Atomic Energy Agency. "IAEA Reviews South Africa's Nuclear Infrastructure for Expansion." Accessed October 10, 2013. <http://www.iaea.org/newscenter/news/2013/sainfrastructure.html>.

<sup>96</sup> International Atomic Energy Agency. "Integrated Nuclear Infrastructure Review Missions." Accessed October 10, 2013. <http://www.iaea.org/Publications/Booklets/Inir/inir0309.pdf>.

<sup>97</sup> International Atomic Energy Agency (IAEA). "Statement at IAEA Ministerial Conference on Nuclear Power in the 21st Century." Accessed October 10, 2013. <http://www.iaea.org/newscenter/statements/2013/amsp2013n13.html>.

number of new nuclear power facilities has increased, bringing the total number of nuclear facilities to 434 nuclear reactors to date and 69 new reactors under construction.<sup>98</sup>

Despite sharing similar characteristic of large scale capital infrastructure investments, nuclear power is often perceived as having extraneous costs that are not commonly associated with other long term infrastructure projects. There are three major drawbacks to nuclear facilities: long construction period, high capital cost, and a long period of return on investment in comparison to other energy sources. The timeline for construction of a nuclear facility is at least five years, in comparison to the two year period for fuel and coal plants, which is the contributing factor in the wait period for return investments.<sup>99</sup>

However, the future benefits of phasing in nuclear power potentially outweigh the disadvantages. Once a facility is completed, its cost of production and maintenance is 60% of the levelized cost of electricity in comparison to fossil fuels, which stand at approximately 80%.<sup>100</sup> The quantity of fuel needed to supply nuclear power is not only less than that required for fossil fuels, but also better ensures fuel security as fuel supply can be stockpiled for future use due to the more limited amount of nuclear energy used.<sup>101</sup>

While significant frameworks for the implementation and safe operation of nuclear energy-related activities are present throughout the developed world, at both the national and international levels, one significant problem that remains is to train the next generation of nuclear facility personnel. The vast majority of such personnel were trained during the height of the Cold War, in the 1960s and 1970s, and enrollment rates in related modern day programs are insufficient to provide adequate staffing for the expansion of nuclear capabilities required in

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<sup>98</sup> International Atomic Energy Agency. The Uranium Production Cycle and the Environment. Accessed October 10, 2013. <http://www-pub.iaea.org/MTCD/publications/PDF/CSPS-10-P.pdf>.

<sup>99</sup> World Nuclear Industry Status Report - The Independent Assessment of Nuclear Developments in the World. "The World Nuclear Industry Status Report 2012 - World Nuclear Industry Status Report." Accessed October 10, 2013. <http://www.worldnuclearreport.org/The-World-Nuclear-Industry-Status.html>.

<sup>100</sup> Intergovernmental Panel on Climate Change. "Energy Supply." Accessed October 10, 2013. <http://www.ipcc.ch/pdf/assessment-report/ar4/wg3/ar4-wg3-chapter4.pdf>.

<sup>101</sup> "The Uranium Product Cycle and the Environment." Accessed October 10, 2013. <http://www-pub.iaea.org/MTCD/publications/PDF/CSPS-10-P.pdf>.

order to effectively use such technologies to combat climate change –in both raw numbers and quality of personnel.<sup>102 103</sup>

## **Conclusion**

Achieving a clean, global energy source will continue to be the ultimate target for a sustainable future. Actualizing this goal has been problematic, but the international community has taken key steps towards building the capacity for a sustainable nuclear future. While other forms of energy are also vital in the long-term, nuclear power continues to be one of the non-fossil fuel source that can provide a significant clean break from energy sources that contribute significantly to anthropogenic climate change. The task that lies before the international community, then, is to further the spread of nuclear power to greater portions of the developing world, while also preventing the spread of nuclear materials for non-peaceful purposes, and ensuring the safety and efficacy of new facilities.

## **Questions to Consider**

1. How can the IAEA and related organizations work to safely propagate nuclear energy without risking nuclear materials falling into the hands of non-state actors?
2. Is your state safely implementing nuclear energy programs as a means to create a more sustainable energy source. If so, how?
3. What does your state believe is the best approach to financing nuclear energy for lesser developed countries?
4. Does your state feel that nuclear energy is a viable medium-to-long-term alternative to fossil fuels? Does your state support other solutions instead? Why or why not?

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<sup>102</sup> International Atomic Energy Agency. "Model Protocol Additional to the Agreements Between States and the International Atomic Energy Agency for the Application of Safeguards." Accessed October 10, 2013. <http://www.iaea.org/Publications/Documents/Infcires/1997/infcires540c.pdf>.

<sup>103</sup> International Atomic Energy Agency . "IAEA Education and Training Resources." Accessed October 10, 2013. <http://www.iaea.org/Publications/Training/>.



5. What steps has your state taken to implement access to nuclear power in the developing world?
6. Does your state support the expansion of IAEA operations in the developing world, relating to further technical, financial, and oversight assistance with regard to the implementation of nuclear power in those states?

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United Nations Development Programme

**Assessing rule of law in LDC's, fragile states and countries emerging from violent conflict**

Advancing and strengthening the rule of law is a central tenet of the United Nations (UN), but the United Nations Development Programme is the only UN development agency that is able to implement physical programs. The UNDP is specifically tasked with connecting states to the expertise and resources necessary to create, implement, and strengthen the infrastructures for justice. The UNDP works mainly with Least Developed countries, states emerging from conflict, and states with weak or ineffective justice and security institutions. The UN has divided the rule of law into several intersecting themes, all of which are related to the specific mission of the UNDP. These themes are poverty reduction, peace-building, gender equality, informal justice, constitution-making, transitional justice, and measuring the effectiveness of existing rule of law.

In conflict situations, the rule of law is weakened and, in some cases, completely shattered. Without an effective system for administering justice and solving domestic conflict, it is difficult to establish lasting peace within these nations, let alone develop strong economies and civil societies. A report of the Secretary-General states that:

"For the United Nations, the rule of law refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently

adjudicated, and which are consistent with international human rights norms and standards.”<sup>1</sup>

The UNDP's Global Programme Annual Report "Strengthening the Rule of Law in Crisis-Affected and Fragile Situations," released in June 2013, states that the legacy of armed conflict has often continued disputes and further violence. As current conflict is the strongest indicator for future conflict, the work done by the UNDP to strengthen the rule of law is synonymous with ensuring violence does not continue.

### **The Rule of Law in Unresolved Conflict**

Despite UNDP operations in the region, Somalia is an example of a state that has seen constant conflict for over two decades. In 1991, the president of Somalia was overthrown and in the decades since, according to the UNDP mission in Somalia, "the absence or weakness of the state is at the root of Somalia's endemic conflict."<sup>2</sup> In other words, the lack of an effective rule of law led to further conflict, resulting in a continuing loop of violence and instability. In addition, extreme droughts and famine have plagued the region over the past decade and starvation is a serious issue. Radical Islamists have also infiltrated Somalia, most notably Al-Shabab, which currently de facto controls large swaths of the country and claimed to merge with Al-Qaeda in 2012.<sup>3</sup>

The program in Somalia operates on three main platforms: security, rule of law, and governance. The security program includes access to justice, civilian police, and community security. These are especially important as the violence continues in Somalia. The civilian police project improves the capacities of the police by partnering with the Somali police force, the Ugandan police force, UNICEF, and other organizations. Armed violence reduction is the key

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<sup>1</sup> United Nations Development Programme. *Rule of law and transitional justice in conflict and post-conflict societies: Report of the secretary-general*. 2004. Print. <[http://www.unrol.org/doc.aspx?n=2004\\_report.pdf](http://www.unrol.org/doc.aspx?n=2004_report.pdf)>.

<sup>2</sup> *Governance, rule of law & security: UNDP in Somalia*. (n.d.). Retrieved from <http://www.so.undp.org/index.php/G1Governance-Rule-of-Law-Security.html>.

<sup>3</sup> Somalia profile. (2013, August 1). *BBC News*. Retrieved from <http://www.bbc.co.uk/news/world-africa-14094632>

goal of the community security section and includes a program for at-risk youth and the unemployed, as well as programs for monitoring violence and developing security plans on a regional basis.<sup>4</sup> Furthermore, under the umbrella of access to justice and the rule of law, the UNDP works to train lawyers and others in the legal profession and attempts to extend access to the justice system throughout Somalia. Committees trained on gender issues have been created to monitor the police forces.<sup>5</sup>

The governance program includes work on local governments, the Somali Institutional Development Project (SIDP), and the Constitution-making Support Project, established by the UNDP and implemented by various organizations including UNDP, UNICEF, and UN-Habitat. The local governance efforts include infrastructure development for roads, schools, medical clinics, water and sanitation facilities, and other integral structures. It also works to curb corruption and increase transparency. The UNDP is partnering with the International Labor Organization, the United Nations Capital Development Fund, and other international organizations in this endeavor.<sup>6</sup> The SIDP works to improve the efficiency of existing government, including training government officials and implementing the best practices for financial management in the government.<sup>7</sup> A provisional constitution was approved in August 2012, but the Constitution-Making Support Project will last until 2015, implementing the framework.<sup>8</sup> All current Somali UNDP projects are slated for completion in 2015, at which point further work will need to be done by the UNDP to ensure continued progress toward establishing rule of law in Somalia.

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<sup>4</sup> *Community security and armed violence reduction: UNDP in Somalia.* (n.d.). Retrieved from <http://www.so.undp.org/index.php/Community-Safety-and-Armed-Violence-Reduction-Project.html>

<sup>5</sup> *Civilian police: Undp in somalia.* (n.d.). Retrieved from <http://www.so.undp.org/index.php/1Law-Enforcement.html>

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<sup>8</sup> *UNDP Somalia constitution support project: UNDP in Somalia.* (n.d.). Retrieved from <http://www.so.undp.org/index.php/UNDP-Somalia-Constitution-Support-Project.html>

## **Informal and Pluralistic Justice Systems**

The implementation of a formal justice system must at times deal with tribal and other societies where informal, council-based, or community-based legal systems are prevalent. Afghanistan has supported a strong traditional justice system where, according to a 2005 report by the UNDP, "some elements... particularly as it deals with women and children, may be difficult to reconcile with state justice and with Afghanistan's international human rights treaty obligations."<sup>9</sup> The report calls for high-profile religious leaders to "adapt to international norms," and for justice systems to include international justice, state justice, Islamic justice, and traditional justice. In addition, the UNDP plans to work with the government of Afghanistan at the local and national levels to implement an effective justice system. One can also see the strength of tribal and religious-based law in the void created by the lack of an adequate justice system in Somalia. Customary law in Somalia, called Xeer, coexists with Islamic law and secular law. Of the three, secular law is the least efficient.<sup>10</sup>

## **Transitional Justice**

Transitional justice is a term used to describe the steps taken to enable the justice system to address past crimes, usually those of a former regime or leaders of a major movement in a country. Transitional justice can take many forms, including truth-seeking, dismissals, institutional reform, reparations (financial or otherwise), individual prosecutions, tribunals, and a combination of the above. Many programs contain multiple goals, including restoring confidence in the government apparatus and national reconciliation, and are occasionally at odds with one another.<sup>11</sup> In March 2010, the Secretary-General released a guidance note on transitional justice

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<sup>9</sup> United Nations Development Programme. *Islamic Republic of Afghanistan United Nations Development Programme Access to Justice at the District Level AFG/00047012*. 2005. Web. <[http://www.undp.org.af/Projects/Justice/AJDL\\_ProDoc09.pdf](http://www.undp.org.af/Projects/Justice/AJDL_ProDoc09.pdf)>.

<sup>10</sup> Bruyas, Florian. UN-Habitat. United Nations Human Settlement Programme. Shelter Branch: Land and Tenure Section. *Somaliland, Puntland, State of Somalia; The Land Legal Framework Situation Analysis*. 2006. Web.

<sup>11</sup> *Strengthening the rule of law in conflict- and postconflict situations: A global UNDP programme for justice and security, 2008-2011*



that outlines the suggested approach to such programs.<sup>12</sup> In the wake of conflict, criminal tribunals are common, but it is important to keep in mind the interrelated but sometimes opposing goals of ensuring accountability, facilitating national healing and unity, providing justice for the victims, and re-establishing the justice system and rule of law. When the Truth and Reconciliation Commission in Peru concluded in 2003, the report stated that most systematized violence during the period of conflict from 1980-2000 was perpetrated against the most marginalized segments of Peruvian society. The commission offered suggestions for improving the conditions in Peru that had allowed such violence to occur.<sup>13</sup>

### **Legal Empowerment of the Poor and Improving Legal Recourse for Sexual and Gender-Based Violence**

In 2010, the UNDP released a report detailing the myriad ways in which lack of access to legal services for the poor undermines attempts to alleviate poverty. From 2006-2008, the UNDP sponsored the High-Level Committee on Legal Empowerment of the Poor. The UNDP estimates that over 4 billion people are excluded from accessing justice systems and enjoying the protection of the law. These people are unable to ensure property or labor rights for themselves and cannot access the infrastructure that is available to help them rise out of poverty. In addition, social justice is extremely hampered. Even in nations where there are labor standards, there is no true recourse for violations. Access to basic human rights is an essential condition for impoverished populations to improve their lives.<sup>14</sup> General Assembly resolution A/RES/67/164 discusses the links between the eradication of poverty and access to basic human rights.<sup>15</sup> In

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<sup>12</sup> United Nations Development Programme. *Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice*. 2010. Web. <[http://www.unrol.org/files/TJ\\_Guidance\\_Note\\_March\\_2010FINAL.pdf](http://www.unrol.org/files/TJ_Guidance_Note_March_2010FINAL.pdf)>.

<sup>13</sup> "Truth Commission: Peru 01 Truth Commissions Digital Collection." *United States Institute of Peace*. Truth and Reconciliation Commission, n.d. Web. 28 Oct 2013. <<http://www.usip.org/publications/truth-commission-peru-01>>.

<sup>14</sup> *Integrating legal empowerment of the poor in undp's work a guidance note*. (2010, 7 21). Retrieved from [http://www.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/dg-publications-for-website/guidance-note-on-legal-empowerment-of-the-poor-lep/LEP\\_Guidance\\_Note\\_July\\_2010.pdf](http://www.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/dg-publications-for-website/guidance-note-on-legal-empowerment-of-the-poor-lep/LEP_Guidance_Note_July_2010.pdf)

<sup>15</sup> United Nations. General Assembly. *Human rights and extreme poverty A/RES/67/164*. 2013. Print. <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N12/488/44/PDF/N1248844.pdf?OpenElement>>.

addition, the report of the Special Rapporteur on Extreme Poverty and Human Rights in June 2013 states that the post-2015 agenda should include increased attention to access to justice for marginalized populations, as “without equal access to justice, people living in poverty are unable to claim their rights, or challenge crimes, abuses or violations committed against them, trapping them in a vicious circle of impunity, deprivation and exclusion.”<sup>16</sup>

It is impossible to separate the goal of empowering women to participate in all areas of public life from the goal of reducing sexual and gender-based violence. A necessary precursor to equal societies is establishing an environment where women can live in safety. In regions where conflict is rampant, not only do women face a dangerous environment, but they also face hampered access to legal systems for recourse and justice. The 2008-2011 UNDP roadmap, titled “Strengthening the Rule of Law in Conflict- and Postconflict Situations: A Global UNDP Programme for Justice and Security,” discusses various means to combat this phenomenon, including establishing Legal Resource Centers to provide access to information and training of international and regional peacekeepers to deal with sexual and gender-based violence.<sup>17</sup>

One of the largest UNDP programs in Afghanistan is Phase VI of the Law and Order Trust Fund for Afghanistan, which focuses on developing the capacity of the police, especially in ensuring gender equality within the police forces. In Somalia, the UNDP has worked to train female prosecutors and "mobile courts" that travel throughout rural areas in Somalia.<sup>18</sup>

### **Palestine**

Since the conclusion of the 1967 Six Day War, Israel has controlled the entirety of the Palestinian territory, not including areas absorbed into Jordan and Egypt. In 1967, the Security

<sup>16</sup> Sepúlveda, Magdalena. United Nations. Office of the High Commissioner for Human Rights. *Equality and access to justice in the post-2015 development agenda*. Geneva: , 2013. Print. <<http://www.ohchr.org/Documents/Issues/Poverty/LivingPoverty/AccessJusticePost2015.pdf>>.

<sup>17</sup> United Nations Development Programme, (n.d.). *Strengthening the rule of law in conflict- and postconflict situations: A global undp programme for justice and security, 2008-2011*. Retrieved from website: [http://www.unrol.org/files/rol\\_final\\_apr09.pdf](http://www.unrol.org/files/rol_final_apr09.pdf)

<sup>18</sup> Somaliland's first female prosecutors. (2011, 12 10). *UNDP in Somalia*. Retrieved from <http://www.so.undp.org/index.php/Press/Somaliland-First-Female-Prosecutors.html>; Mobile courts yield success stories in puntland. *UNDP in Somalia*. Retrieved from <http://www.so.undp.org/index.php/Somalia-Stories/Mobile-Courts-yield-success-stories-in-Somaliland.html>.

Council passed Resolution 242, establishing the Israeli withdrawal from the territories. The Declaration of Principles on Interim Self-Government Arrangements (the “Oslo Accords”) were signed in 1993, but many important issues regarding self-government were deferred, signaling a breakdown in the legal protocols for transfer of power.

There are currently programs in place in both Gaza and the West Bank to train civil servants; empower women to access legal and political arenas; implement and monitor elections; construct infrastructure necessary to carrying out justice; and support legislation related to gender and juvenile justice. Currently, the largest UNDP project in Palestine is the “Supporting the Rule of Law and Access to Justice” initiative, which began in November 2009. The project includes smaller outputs, including the building of a courthouse in Ramallah, improving the rule of law in Gaza not related to Hamas, building confidence in the rule of law for the Palestinian people, and strengthening the Ministry of Justice in the West Bank. Smaller projects focus on government accountability, transparency and anti-corruption measures, as well as engaging voters and other functions of democracy.<sup>19</sup>

## Syria

The nature of the conflict in Syria is in constant flux. As of late 2013, the international community began to seriously discuss an intervention into the civil conflict between Bashar al-Assad's regime and a resistance movement that began to gain momentum in 2011 within Syria. Today, about 85 percent of the work the UNDP is doing in Syria consists of crisis prevention and recovery, and less than 10 percent consists of democratic development. There are currently programs in place to make government services available online, but the majority of the effort is

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<sup>19</sup> UNDP: *Selected projects*. (n.d.). Retrieved from <http://open.undp.org/>; *Resolution 181 (ii). future government of palestine*. (1947, 11 29). Retrieved from <http://unispal.un.org/UNISPAL.NSF/0/7F0AF2BD897689B785256C330061D253>; *History of the question of palestine*. (n.d.). Retrieved from <http://unispal.un.org/unispal.nsf/his.htm>.

currently in two programs: emergency assistance to those who have been affected by the conflict and efforts to prevent HIV and tuberculosis.

### **Summary**

The countries highlighted present unique cases and challenges for UNDP, but they are only a starting point. Many programs implemented by the UNDP are nationally-focused and specific, but their blueprints can span states. The UNDP regularly releases publications online detailing new issues as well as progress on current programs. Resolutions for the UNDP consist of explicit programs meant to operate within States and work alongside existing organizations to implement change and meet development challenges. In the past, the UNDP worked toward fulfilling the Millennium Development Goals. This year, development goals are outlined in the Post-2015 Development Agenda. Work in the UNDP for this year should focus on countries plagued by endemic conflict, those currently embroiled in violent conflict, and those who are recovering from recent conflict. Members should focus on the advancement of marginalized populations such as women, children, and minorities as well as those in extreme poverty. Remember that although the UNDP splits their goals, resolutions need not address individual goals, but can combine them. Although this conference focuses on least developed countries and issues related to conflict, it is entirely possible that the topics discussed and the resolutions will touch on other issues such as economic development. However, the focus should remain on LDCs and conflict-related issues. Much information can be found in the annual Human Development Reports and the country-specific websites of the UNDP.

**Questions to consider:**

- 1.) What is the appropriate way to implement formal legal systems with societies where informal justice is widespread and publicly accepted? What is your state's interaction with domestic informal justice systems, if present?
- 2.) To what extent should UNDP and other UN subsidiaries attempt to influence domestic legislature regarding criminal law (e.g., relating to sentencing for juveniles or gender issues in justice)?
- 3.) How should the UN proceed when the established government and enforcers of the law operate outside of UN standards and legal procedures (e.g., Hamas in Palestine or the Taliban in Afghanistan)? To what extent should the UN work with unrecognized governments?
- 4.) How should UNDP work facilitate justice when there are disputes over who holds power in the government, or there is current civil conflict, such as is the case in Syria?
- 5.) What programs can be set up to ensure vulnerable groups, such as women, children, and minorities, have equal access to justice? What domestic programs does your state have in place?
- 6.) Should the Post-2015 Development Agenda include a specific goal to improve political participation of impoverished populations? What, if any, further goals should it include?
- 7.) In which regions are fact-finding missions, truth committees or other transitional justice measures appropriate, and how should they be best implemented? To what extent should they utilize the International Criminal Court?

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United Nations Development Programme Executive Board

### **UNDP's role in implementation of the Post-2015 Development Agenda**

Since the adoption of the Millennium Declaration in 2000, goal-oriented efforts by the international community aimed at improving livelihoods have lifted millions out of extreme poverty. This growth, however, has been uneven, and economic gaps between both the developed and developing world have only widened since the beginning of 2007 global financial crisis. Volatile financial markets and subsequent crises in food and fuel supply systems have highlighted many weaknesses in governments and intergovernmental institutions. Conflict and natural disasters have also greatly increased in the past ten years. Destabilizing military endeavors and political revolutions in the Middle East and northern Africa, along with the harmful effects of climate change (particularly on island nations), have disproportionately affected individuals living in extreme poverty. Multiple financial crises have left nearly 1 billion undernourished and over 200 million unemployed. Many countries that once acted as donors in the global development framework now find themselves as recipients in need of aid.<sup>20</sup> The needs and resources available to the United Nations Development System (UNDS) continue to evolve as the deadline for the Millennium Development Goals (MDGs) approaches. Following the 2010 United Nations Summit on the Millennium Development Goals<sup>21</sup> and Quadrennial Comprehensive Policy Review,<sup>22</sup> it has become clear that United Nations agencies such as the United Nations Development Programme (UNDP) must reconsider and revise the strategies they

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<sup>20</sup> UN Development Programme, *The Rise of the South: Human development in a diverse world*, HDR, 2013.

<sup>21</sup> UN General Assembly, *Keeping the promise: united to achieve the Millennium Development Goals*, A/Res/65/1, 2010.

<sup>22</sup> UN General Assembly, *Quadrennial comprehensive policy review*, A/Res/67/226, 2012.

implement in the fulfillment of their mandates as well as analyze the role they will play in the Post-2015 era.

Since its formation in 1945, the United Nations, in accordance with the preamble of its founding Charter, has been one of the primary instruments for maintaining international peace and security as well as preventing military conflicts between the world's great powers.<sup>23</sup> Following the collapse of the Soviet Union and subsequent decline in military tensions between the superpowers, the United Nations General Assembly (GA) committed to reexamining the role that the organization would play in global affairs in the twenty-first century. For many, it was seen as the ideal time to increase the organization's focus on the United Nations' other key goals as outlined by the Charter, namely the promotion of "social progress and better standards of life in larger freedom."<sup>24</sup> In 1998, with this purpose in mind, the UNGA agreed to convene the Millennium Summit in September 2000. The Summit, composed of a series of plenary meetings and round table sessions, was the largest assembly of world leaders in history as of that year. Representatives from 189 countries gathered to outline the largest inhibitors to global human development and to develop solutions in line with the values and principles of the United Nations. The Summit was successful in drafting the Millennium Declaration, which has become one of the most important international documents since the United Nations Charter itself.<sup>25</sup>

The Millennium Declaration is divided into eight chapters and outlines the eight MDGs, which are aimed at drastically reducing barriers to human development worldwide by the year 2015, with a special focus on least developed countries. The goals include the eradication of extreme poverty; the achievement of universal primary education; gender equality and women's empowerment; the reduction of child mortality rates, improved maternal health; combatting

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<sup>23</sup> Nader Elhefnawy, "Twenty Years After the Cold War: A Strategic Study," *Parameters Journal of the Strategic Study Institute* (2011): 6-17.

<sup>24</sup> United Nations, *Charter of the United Nations*, 1 UNTS XVI, 1945.

<sup>25</sup> UN General Assembly, *United Nations Millennium Declaration*, A/Res/55/2, 2000.

HIV/AIDS; malaria and other diseases; ensuring environmental sustainability; and developing a global partnership for development.<sup>26</sup> In order to attain accurate measurements of MDG progress, twenty-one quantifiable targets and sixty development indicators were established by experts from the United Nations Secretariat, International Monetary Fund, World Bank, and Organization of Economic Cooperation and Development.<sup>27</sup>

The UNGA established the UNDP in 1966 via Resolution 2029. The UNDP plays a key role in the UN System's efforts to achieve the MDGs and is the primary global development body of the United Nations.<sup>28</sup> The Programme is responsible for coordinating UN efforts to report on rates of MDG completion at the national level; providing policy and technical advice to countries on to assist in the achievement of development goals; designing action plans for countries to accelerate progress on national development goals; and funding public and nongovernmental programs aimed at reducing barriers to human development.<sup>29</sup> The Administrator of UNDP serves as chair for the United Nations Development Group (UNDG), which unites thirty-two United Nations agencies in an effort to improve cooperation within the Development oriented bodies of the UN system and to deliver "more coherent, effective and efficient support to countries seeking to attain internationally agreed development goals, including the Millennium Development Goals."<sup>30</sup> UN Member States and private donors fund UNDP on a voluntary basis. The 2012-2013 UNDP operating budget was estimated at \$856.5 Million.<sup>31</sup>

General Assembly Resolution 48/162 established the UNDP Executive Board, which consists of representatives from thirty-six countries who are elected annually to represent the

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<sup>26</sup> Ibid.

<sup>27</sup> "Millennium Development Goals Indicators," UN Statistics Division, accessed September 9, 2013, <http://mdgs.un.org/unsd/mdg/Default.aspx>.

<sup>28</sup> "The Role of UNDP," UN Development Programme, accessed September 14, 2013, <http://mirror.undp.org/magnet/Docs/!UN98-21.PDF/!PSMGSHD/!sec4.pdf>.

<sup>29</sup> Ibid.

<sup>30</sup> "Who's Who at DOCO," United Nations Development Operations Coordination Office, accessed September 14, 2013, <http://www.undg.org/docs/10575/Who%27s-Who-at-DOCO.pdf>.

<sup>31</sup> UN Development Programme, *UNDP institutional budget estimates 2014-2017*, DP/2013/42, 2013.

interests of one of five regional groups (Africa, Asia-Pacific, Latin America and Caribbean States, Eastern Europe, and Western Europe). The Executive Board is responsible for implementing policies formulated by the UNGA with guidance from the Economic and Social Council (ECOSOC) and disseminating these policy directives to the heads of Regional and Country UNDP offices. The Executive Board also ensures that UNDP-funded activities and operational strategies are consistent with the United Nations System policy on global human development. The Executive Board approves and monitors the performance of each UNDP-affiliated fund or program, including country programs. In addition to receiving and incorporating the policies of the UNGA into UNDP procedure and operations, the Executive Board is tasked with recommending new initiatives to ECOSOC and, through the Council, to the UNGA. Lastly, the Executive Board makes decisions on administrative and financial plans and budgets and submits annual reports to ECOSOC on decisions and recommendations for improvement of field-level coordination.<sup>32</sup>

The UNDP regional offices coordinate the development programming in the primary regions of UNDP operations and oversee Country Offices in each of the 177 states in which UNDP operates. This includes the African Union, Arab States, Asia and the Pacific, Europe and the Commonwealth of Independent States, and Latin America and The Caribbean.<sup>33</sup> The UNDP Country Offices work alongside local governments as well as local, regional, and international development organizations at work in each state to develop capacity and meet specific development challenges facing each country. The UNDP is also responsible for providing

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<sup>32</sup> UN General Assembly, *Further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields*, A/Res/48/162, 1994.

<sup>33</sup> "Our Work," UN Development Programme, accessed August 24, 2013, <http://www.undp.org/content/undp/en/home/ourwork/overview.html>.

expertise on best practices in line with United Nations and national policies as well as the distribution of grant funding to projects aimed at addressing specific development challenges.<sup>34</sup>

The UNDP publishes regular reports on global and regional development, including the organization's flagship product, the Human Development Report, which is published by The Human Development Report Office.<sup>35</sup> The important role that UNDP reports play in the evaluation of MDG progress has led to the organization's official branding by the Secretary-General of the United Nations as the MDG "scorekeeper."<sup>36</sup> In addition to data collection and reporting, UNDP develops MDG Acceleration Frameworks (MAFs) for countries with off-track MDG targets at the national or subnational level. MAFs which provide countries with a "systematic way for countries to develop their own action plan based on existing plans and processes to pursue their MDG priorities."<sup>37</sup> MAFs suggest necessary interventions to achieve MDG targets at the country level, identify and propose solutions to roadblocks that impede the success of current programming aimed at achieving development goals, and formulate action plans with identified roles for all development partners within a specific country in order to help realize these solutions and achieve national objectives. MDG Acceleration Frameworks have currently been developed for thirty-seven countries since 2010.<sup>38</sup>

The 2013 UNDP programming budget totaled \$5,578.34 Million. Like the UNDP operating budget, this is financed by voluntary contributions from over 1,050 sources, including UN Member States, inter-governmental organizations, and non-governmental organizations. UNDP funds over 5,230 different projects through grants received directly from the Programme's budget as well as through UN Multi-Partner Trust Funds (MTPFs) administered by

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<sup>34</sup> Ibid.

<sup>35</sup> UN Development Programme, *The Rise of the South: Human development in a diverse world*, HDR, 2013.

<sup>36</sup> "Letter from the Secretary-General regarding Country-level monitoring of Millennium Development Goals," UN Development Programme, accessed August 24, 2013, <http://www.undp.org/content/dam/undp/library/MDG/english/SGs%20letter.pdf>.

<sup>37</sup> "MDG Acceleration Frameworks," UN Development Programme, accessed August 24, 2013, [http://www.undp.org/content/undp/en/home/mdgoverview/mdg\\_goals/acceleration\\_framework](http://www.undp.org/content/undp/en/home/mdgoverview/mdg_goals/acceleration_framework).

<sup>38</sup> Ibid.

UNDP, and partner organizations such as the Global Environment Facility (GEF), which focuses on sustainable development programming at the national level. UNDP divides its programming budget between four distinct focus areas: 16 percent of budget dollars are used for Environment and Sustainable Development related initiatives, 27 percent for projects that promote Democratic Governance, while 33 percent is directed towards Poverty Reduction, and 24 percent to Crisis Prevention and Recovery.<sup>39</sup>

While the Millennium Declaration has been largely successful in its pursuit of refocusing global efforts in the area of development, the international community is unlikely to achieve all eight MDGs in their entirety by 2015 and many countries will not meet any of the goals at the national level.<sup>40</sup> In response to this uneven achievement, the United Nations committed to advance the global development agenda into the Post-2015 era at the 2010 Millennium Development Goals Summit.<sup>41</sup> The current effort to create a new development platform is unique in international relations. The process will include not only governments and their elected and appointed representatives in the dialogue on the Post-2015 Development Agenda, but also academia, think tanks, civil society, and most importantly, individual citizens from around the world.

The United Nations Conference on Sustainable Development, also known as the Rio+20 Conference, was held in 2012 with the goal of aligning the international community's economic and development goals with global environmental needs and the principles of sustainable development. The Rio+20 Outcome Document "The future we want" highlighted the need to build upon the MDGs and established a set of principles and guidelines, focusing on sustainable

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<sup>39</sup> "Fast Facts: About UNDP," UN Development Programme, accessed August 24, 2013, <http://www.undp.org/content/dam/undp/library/corporate/fast-facts/english/FF-About-UNDP.pdf>.

<sup>40</sup> UN Development Programme, *The Rise of the South: Human development in a diverse world*, HDR, 2013.

<sup>41</sup> UN General Assembly, *Keeping the promise: united to achieve the Millennium Development Goals*, A/Res/65/1, 2010.

development, to aid in the formation of the Post-2015 Development Agenda.<sup>42</sup> The Outcome Document also calls for an "inclusive and transparent intergovernmental process open to all stakeholders, with a view to developing global sustainable development goals to be agreed by the General Assembly" and resolved to establish an inclusive and transparent intergovernmental process on the creation of Sustainable Development Goals (SDGs) that is open to all stakeholders and strengthens global human development in a sustainable manner.<sup>43</sup>

The MY World survey is an important tool used by the United Nations to achieve broader inclusivity in the goal setting process. The survey was launched in 2012 and was made accessible online as well as via paper ballot in areas with little to no Internet access. The survey asks individuals to outline six development issues, from a list of sixteen, which most impact their lives and the lives of their immediate family members. The data collected through the MY World survey has been analyzed, published, and discussed in numerous reports, most notably the UNDP report "The global conversation begins," published in March 2013. In addition to the MY World survey, the United Nations, in partnership with civil society organizations from around the world, developed the World We Want platform. The platform consists of a series of thematically- and regionally-based consultations in which individuals can take part in discussing the role of the United Nations in areas including health, governance, education, environmental sustainability, population dynamics, and the specific development needs of over 88 participating states.<sup>44</sup>

In 2012, Secretary-General Ban Ki-moon announced the 27 members of a High-level Panel of Eminent Persons to advise on the global development framework beyond 2015. The Panel analyzes current needs and challenges for the Post-2015 Development Agenda. Data gathered from the consultations hosted by the World We Want initiative and the MY World

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<sup>42</sup> UN General Assembly, *The future we want*, A/Res/66/288, 2012.

<sup>43</sup> Ibid.

<sup>44</sup> UN Development Group, *The global conversation begins: Emerging views for a new development agenda*, 2013.

survey were included in the 2013 High-Level panels report "A new global partnership," in which the Panel calls for five transformative shifts in thinking as the Post-2015 Development Agenda is prepared. These include providing equal opportunities and social protection for individuals; placing sustainable development at the core of the agenda; focusing on the transformation of economies for jobs and inclusive growth; building peace and effective, open, and accountable institutions for all; and forging a new global partnership for sustainable development.<sup>45</sup>

Annex I of the report proposes twelve illustrative goals and fifty-four targets for measurement to the UNGA as it works to codify the Post-2015 Development Agenda. These goals include ending poverty; empowering women and girls and achieving gender equality; providing quality education and lifelong learning to all; ensuring healthy lives; ensuring food security and good nutrition; achieving universal access to water and sanitation; securing sustainable energy; creating jobs; sustainable livelihoods and equitable growth; managing natural resource assets sustainably; ensuring good governance and effective institutions; ensuring stable societies; and creating a global enabling environment and catalyzing long-term finance. Many of these goals broaden the scope of individual MDGs established in 2000, while some, notably those dealing with sustainable energy and job security, are new. Though the UNGA has yet to establish a final set of goals, targets, and indicators, organizations throughout the UN Development System, including UNDP, have begun work on realigning their policies and procedures to prepare for the transition to this new agenda.<sup>46</sup>

The 2012 Quadrennial Comprehensive Policy Review (QCPR) was a consensus document passed by the UNGA in which 193 Member States reviewed the coherence, effectiveness, policies, and funding of the 27 UN development organizations. The QCPR

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<sup>45</sup> High Level Panel of Eminent Persons, *A new global partnership*, 2013.

<sup>46</sup> Ibid.



outlines five important development priorities that UN development agencies need to address to ensure that development goals at the system-wide, regional, and country level could be achieved. Similar to the findings of the High-Level Panel of Eminent Persons, the QCPR highlights poverty eradication as the greatest global challenge, sustainable development, gender equality and women's empowerment, transitions from relief to development, and resilience to national crises. The QCPR highlights poverty eradication and gender equality for their paramount importance to development strategy across the UN system. The QCPR also notes that in order to achieve sustainable development, UN development agencies must improve system-wide coherence and cooperation. The QCPR draws attention to several other issues: capacity development as a core function of the UNDS, the need to mainstream South-South and triangular cooperation, and increase in accountability to Member States through the streamlining of program results monitoring is a necessary prerequisite to achieving future development goals.<sup>47</sup>

The Secretary-General, in response to the passage of the 2012 QCPR, requested that all development organizations submit annual reports to ECOSOC on QCPR implementation, complete biennial surveys of program countries, and present proposals for common monitoring, evaluation, and reporting mechanisms on program outcomes (specifically the implementation of the Delivering-as-One model). The Secretary-General also requested that UN development agencies submit a comprehensive evaluation of QCPR implementation by 2016.<sup>48</sup>

The 2014-2017 UNDP Strategic Plan was published on August 2, 2013 and focuses on the implementation of the mandates and guidelines established by the QCPR while taking into account recommendations on sustainable development from sources such as the "Future We

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<sup>47</sup> UN General Assembly, *Quadrennial Comprehensive Policy Review*, A/Res/67/226, 2012.

<sup>48</sup> UN Office of the Secretary-General, *Report of the Secretary General on the Quadrennial comprehensive policy review of operational activities for development of the United Nations System*, A/67/93-E/2012/79, 2012.

Want" Outcome Document of the Rio+20 Conference.<sup>49</sup> The strategic plan recognizes the advancements made in the decade to poverty reduction and the significant reductions in inequalities and exclusion by UN bodies, partners, and governments. In order to further these achievements and ensure the elimination of poverty within the next generation, the strategic plan outlines a list of specific outcomes UNDP will focus on in its pursuit of both the remaining unmet MDGs as well as the Post-2015 Development Agenda. These include ensuring that growth and development are inclusive and sustainable; incorporating productive capacities that create employment and livelihoods for the poor and excluded; taking into account citizens expectations for voice in development and that the rule of law and accountability are met by strong systems of democratic governance; encouraging countries to strengthen institutions which deliver universal access to basic services; accelerating the promotion of women's empowerment and reducing gender inequality; and assisting countries to reduce the likelihood of conflict and lowering the risk of natural disasters, specifically those related to climate change. The plan further focuses on accelerating the rate of recovery and return to sustainable development pathways in post-conflict and post disaster settings.

The 2014-2017 UNDP Strategic Plan realigns UNDP actions to focus on target population groups, specifically individuals living in extreme poverty (using the internationally recognized rate of those living on less than \$1.25 per day, the multidimensional poverty index [MPI] and nationally developed definitions of the poverty line), women, and youth. The Strategic Plan also highlights the principles by which the aforementioned outcomes will be achieved. These principles include being guided by national ownership and capacity while recognizing economic, political, social, civil, and cultural rights and their mutually reinforcing effect on development. The Strategic Plan reinforces that sustainable development as well as gender

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<sup>49</sup> UN Development Programme, *UNDP Strategic Plan 2014-2017*, DP/2013/40, 2013.

equality and women's empowerment should play a central role in all UNDP decision making. The Strategic Plan calls for the increased participation of the working poor and excluded groups such as indigenous peoples and the disabled and advancing South-South cooperation and triangular cooperation. It also notes that all countries must have universal access to the services of UNDP and, through the UNDP's coordination role in the organization, the entire UNDS. In order to move from intent to action, the UNDP Strategic Plan focuses on three areas of work, including how to adopt sustainable development pathways, how to build and strengthen inclusive and effective democratic governance, and how to build national resilience to crises such as conflict and natural disasters.<sup>50</sup>

By building upon its strengths and addressing institutional weaknesses, UNDP can capitalize on its unique role within the UN System and further the achievement of its mandate, specifically the advancement of human development goals, such as the MDGs and the future goals of the Post-2015 Development Agenda. In order to address the evolving development environment facing the international community and ensure the success of the 2014-2017 UNDP Strategic Plan, the UNDP Executive Board must develop a specific set of prioritized criteria for determining which programs the organization supports through grant funding and other resources, particularly in light of the recent changes in funding caused by the global financial crisis. A Decision by the Executive Board must address the specific outcomes, populations, and principles highlighted by the Strategic Plan and establish a rubric by which funding decisions will be made during the 2014-2017 period. A Decision by the Executive Board must also take into account the priorities established by the Rio+20 Outcome Document and Quadrennial Comprehensive Policy Review. Establishing the standards by which UNDP will assess the programs of its development partners, including those of governments and non-governmental organizations, is one of the most

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<sup>50</sup> UN Development Programme, *UNDP Strategic Plan 2014-2017*, DP/2013/40, 2013.

important steps to fulfilling the remaining MDGs as well as the Post-2015 Development Agenda at the global, regional, and local level.

### Questions to Consider

1. What are the current development priorities of your country?
2. In which development areas does your country and region fall behind? In which does it succeed?
3. What role does your country play in the United Nations Development System? Is your country primarily a donor or recipient of international development funding?
4. What is your country's position on the current development policies and programs of the United Nations System?
5. What domestically established criteria does your country use when considering development programming?
6. Who are the primary actors in the development programming in your country? What role do non-governmental organization play in development programming in your country?

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### **UNDP's role in the transition from relief to development**

As the international community approaches the end of the Millennium Development Goals (MDGs) and begins discussion on the Post-2015 Development Agenda, the United Nations Development Programme (UNDP) Executive Board must address the topic of relief to development. Relief to development must focus on how to properly progress from the stage of relief, or the temporary recovery from man-made or natural disasters, and its transition to the stage of long-term development.<sup>51</sup> The transition between relief and development must specifically address how these stages can be handled in a better manner as they progress from one stage to the next.<sup>52</sup> The UNDP must focus on establishing better transitions between relief and development by creating clearer; definitive solutions for conflicts such as temporary and long-term shelter; IDPs; national capacity and ownership.<sup>53</sup>

In the process of transition, the concept of relief refers to the temporary process of restoring "pre-crisis conditions," while development refers to long-term goal of political, social, and economic advancement.<sup>54</sup> As stated in the United Nations report titled "Transition from Relief to Development: Key Issues Related to Humanitarian and Recovery/Transition Programmes," the term transition is defined as "the period between the immediate aftermath of crisis and the restoration of pre-crisis conditions (recovery), or their improvement to a satisfactory level (development)."<sup>55</sup> In other words, transition is the progression from temporary reconstruction to long-term meaningful growth.<sup>56</sup>

Furthermore, the report also stated that the move from relief to development has been identified as "a shifting emphasis from life-saving to restoring livelihoods, achieving the internationally agreed development goals... and by an increasing reliance on national ownership."<sup>57</sup> These issues must be clearly addressed by the UNDP in order to have a better progression from relief to development.<sup>58</sup> The United Nations Economic and Social Council (ECOSOC) adopted Resolution 2012/76 in 2012, which provided an overview of the relief to development process specifically in South Sudan.<sup>59</sup> It discusses the vital need for the transition process to have "a balanced approach across humanitarian action and support for development" in order to ensure that resources are being properly administered for the matter of promoting security which will in turn promote development.<sup>60</sup> Furthermore, according to the Brookings Institution, the transition from relief to development has been insufficiently addressed and has resulted in a gap from the stage of relief to the stage of development.<sup>61</sup> Organizations including the World Bank,<sup>62</sup>

<sup>51</sup> "Transition From Relief To Development: Key Issues Related to Humanitarian and Recovery/Transition Programmes." United Nations (8 May 2006): pg. # 2. Web. 25 August 2013.

<sup>52</sup> Ibid., 2.

<sup>53</sup> Ibid., 2.

<sup>54</sup> Ibid., 2.

<sup>55</sup> Ibid., 2.

<sup>56</sup> Ibid., 2-3.

<sup>57</sup> Ibid., 2.

<sup>58</sup> Ibid., 2-3.

<sup>59</sup> Implementation of integrated, coherent and coordinated support to South Sudan by the United Nations system."

<sup>60</sup> Implementation of integrated, coherent and coordinated support to South Sudan by the United Nations system." Page Number 5

<sup>61</sup> Ferris, Elizabeth (24 Oct. 2007). Addressing the Gap between Relief and Development. *Brookings Institution*.

<sup>62</sup> "'Mind the Gap': The World Bank, Humanitarian Action and Development- A Personal Account." Page 1.

the International Committee of the Red Cross,<sup>63</sup> and various United Nations (UN) agencies have addressed and confirmed this existing gap within the international community.<sup>64</sup> The gap has resulted in widespread problems that affect many lives due to the lack of definitive solutions and coordination with the transition from relief to development.<sup>65</sup>

The inadequate coordination within the transitional process has resulted in the lack of a strong presence of developmental actors to step in and meaningfully address these problems.<sup>66</sup> Developmental Actors refers to Nation-States, Intergovernmental Organizations, Non-Governmental Organizations, and other organizational entities which are integral in the transition process. The UNDP must be the central focus in determining how to prudently progress from the relief stage to the developmental stage. These problems are due to the lack of a connected sustainable recovery process that provides help in the short-term and long-term.<sup>67</sup> Transition is profoundly affected by not only the lack of coordination in the organizational arrangements, but by the fragile authority of nation-states as well as the failure to support more comprehensive projects.<sup>68</sup> General Assembly (GA) Resolution 67/226 outlines the necessity “to strengthen the United Nations with a view of enhancing its coherence and efficiency.”<sup>69</sup> This resolution also calls for more assistance to allow UN agencies to engage in better facilitation.<sup>70</sup> The UNDP has lacked a specific and direct leadership that oversees the transitional process. It is therefore important to re-evaluate what the UNDP can improve in order to oversee a more constructive transition from relief to development.<sup>71</sup> Due to the overlaps of responsibility and lack of communication between UN agencies and Developmental Actors, there is a lack of agreement on what issues should be addressed first.<sup>72</sup> In order to correct these problems, it is imperative that clearer mandates be established for the transitions to be handled efficiently.<sup>73</sup>

The UNDP must further address how to adequately handle the main cause of the problems in troubled areas, which is the gap between the stages of relief and development.<sup>74</sup> Unfortunately, as noted by the Africa Portal, these problems are categorized by “the funding gaps [that] persist between where humanitarian relief ends and development assistance begins.”<sup>75</sup> In other words, these gaps between relief and development have hindered the transition because there is no definite funding that helps with the handling of short-term humanitarian relief to development assistance.<sup>76</sup>

Furthermore, the process for addressing this issue “is very messy—with numerous gaps, and overlaps and other inefficiencies” that negatively affect the transitional process.<sup>77</sup>

According to a UNHCR report titled “Institutional gaps,” financial gaps, temporal gaps, and “gaps due to different programme formulation processes and budgeting cycles” are

<sup>63</sup> “The humanitarian-development gap.” International Committee of the Red Cross - ICRC.

<sup>64</sup> Development in Situations of Human Displacement, 2001-2012.” Page 14.

<sup>65</sup> Ferris, Elizabeth (24 Oct. 2007). Addressing the Gap between Relief and Development. *Brookings Institution*.

<sup>66</sup> Ibid.

<sup>67</sup> Transition From Relief to Development. *InterAction A United Voice For Global Change*.

<sup>68</sup> Ibid.

<sup>69</sup> “Quadrennial comprehensive policy review of operational activities for development of the United Nations system.”

<sup>70</sup> Ibid., 1.

<sup>71</sup> Transition From Relief to Development. *InterAction A United Voice For Global Change*.

<sup>72</sup> Kay, Meagan. (2 March 2012). Closing the Gap between Humanitarian Relief and Development Assistance. *AfricaPortal A Project of the Africa Initiative*.

<sup>73</sup> Transition From Relief to Development. *InterAction A United Voice For Global Change*.

<sup>74</sup> “Transition From Relief To Development: Key Issues Related to Humanitarian and Recovery/Transition Programmes.” United Nations (8 May 2006): pg. # 2. Web. 25 August 2013.

<sup>75</sup> Kay, Meagan. (2 March 2012). Closing the Gap between Humanitarian Relief and Development Assistance. *AfricaPortal A Project of the Africa Initiative*

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.



all types of gaps that hinder development.<sup>78</sup> As a result, these issues must be addressed in order for the process to function smoothly and to make sure that appropriate funding is available. Consequently, the existing gaps in the transition from relief to development have resulted in a lack of clear organization, cohesion, and cooperation among development actors.<sup>79</sup>

Past debates have focused on how to address these problems and what can be done to improve the transition from the relief stage to the development stage.<sup>80</sup> The international community faces three challenges: how and where the international community can gather funding for the relief and developmental stage; how to create clear mandates that will address problems including internationally displaced people; and how to create an improved method of reducing risk and ensuring protection.<sup>81</sup> On December 21, 2012, the GA adopted resolution 67/209 highlighting the necessity of reviewing "the implementation of the Hyogo Framework for Action and to adopt a framework for disaster risk reduction beyond 2015," which is aimed at both natural and man-made disasters.<sup>82</sup> This resolution emphasizes the role of the international community and the affected state and non-governmental organizations to highlight how they help increase state endurance.<sup>83</sup> For example, the UNDP is currently undertaking a project called "Strengthening Rule of Law and Sustainable Protection in Darfur," in which the underlining goal is a matter of trying to re-establish the institution of law while also focusing on establishing climates that promote peace as well as enduring long-term development.<sup>84</sup> Funding and resources, such as financial grants and loans, have been used in order to improve and encourage the growth of legal groups and their activities within Darfur.<sup>85</sup> It is important to ensure that these troubled and violent areas become more self-reliant and independent through a successful transition; however, the international community must determine how the UNDP and other international actors should approach and solve this problem.<sup>86</sup>

Also vital to this topic is the issue of garnering and allocating funding and prioritizing the use of funds toward humanitarian assistance in those areas which require it the most.<sup>87</sup>

Complications further arise regarding how to promote a peaceful environment while simultaneously reinforcing government work towards sustainable development.<sup>88</sup> The international community must address how the UNDP can efficiently facilitate the transition from relief to development without any discontinuity.<sup>89</sup> This requires better handling of funding in a prudent manner and focus on the prioritization of what needs to be specifically addressed in order to avoid any inefficiency.<sup>90</sup> In a 2012 study, the UNHCR states that one of the problems with funding is the financial gaps, in which

<sup>78</sup> "Still Minding the Gap? A Review of Efforts to Link Relief and Development in Situations of Human Displacement, 2001-2012." Page 21.

<sup>79</sup> Kay, Meagan. (2 March 2012). Closing the Gap between Humanitarian Relief and Development Assistance. *AfricaPortal A Project of the Africa Initiative*

<sup>80</sup> "Transition From Relief To Development: Key Issues Related to Humanitarian and Recovery/Transition Programmes." United Nations (8 May 2006): pg. # 2. Web. 25 August 2013.

<sup>81</sup> *Ibid.*, 2.

<sup>82</sup> "International cooperation on humanitarian assistance in the field of natural disasters, from relief to development." Page 1-3.

<sup>83</sup> *Ibid.*, 3.

<sup>84</sup> "UNDP Sudan | Project: Strengthening Rule of Law and Sustainable Protection in Darfur." UNDP Sudan | United Nations Development Programme. <http://www.sd.undp.org/projects/dg8.htm> (accessed October 1, 2013).

<sup>85</sup> *Ibid.*

<sup>86</sup> "Transition From Relief To Development: Key Issues Related to Humanitarian and Recovery/Transition Programmes." United Nations (8 May 2006): pg. # 2-7.

<sup>87</sup> *Ibid.*, 3-7.

<sup>88</sup> Implementation of integrated, coherent, and coordinated support to South Sudan by the United Nations system. *United Nations Economic and Social Council*, page 5.

<sup>89</sup> Transition From Relief to Development. InterAction A United Voice For Global Change.

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

finances are used specifically for relief purposes or development purposes, but not both.<sup>91</sup> This study emphasizes how funding is not being used to address the transition period.<sup>92</sup> Furthermore, questions also remain about where the funding comes from, who should take the lead in overseeing the use of these funds, and which type of actors should take part for the purpose of preventing any gaps and overlaps.<sup>93</sup> In overseeing these funds, there must also be better cooperation and oversight among all development actors to make sure that the funds are properly allocated in order to address the gap between the stages of relief and development, as well as establish better cooperation among all international actors, including a more defined role of the UNDP, IGOs, and NGOs.<sup>94</sup> According to “The Millennium Development Goals Report 2013,” overall funding decreases have had a drastic effect on poor countries.<sup>95</sup> In addition to the gaps, the lack of effective cooperation, especially among the United Nations Development Group (UNDG), has been a problem in determining where to properly allocate resources. There is no clear leading structure to allocate money where it is needed most.<sup>96</sup> An outline under the UNDP Emergencies Unit for Ethiopia reported that the international community must prioritize funding allocation as well as establish concrete mechanisms for collection under the UNDP.<sup>97</sup> It must be strongly noted that the central focus of this aid must be to establish a stronger and clearer connection between relief and development.<sup>98</sup> The connection can be addressed by trying to center on programs that will focus on rebuilding that particular country with plans for both the short-term and long-term.<sup>99</sup> This funding must do a better job of linking relief and development in order to make sure that these stages will allow for meaningful national growth.<sup>100</sup> The greater connection between these stages will offer greater benefits and services to those who lack financial means to provide for themselves.<sup>101</sup> Furthermore, it is crucial that funding for various programs be expanded in order to improve the transition from one stage to another.<sup>102</sup> ECOSOC Resolution 2012/76 of 2012 establishes that the UN must address the issue of relief to development by using a balanced approach.<sup>103</sup> This resolution is an excellent example of how to properly transition from relief to development by establishing more cooperation among all actors involved for the purpose of promoting self-reliance and provide security.<sup>104</sup> This report further demonstrates that UN institutions should engage in projects with other organizations in order to focus on a strategic framework that will help assist those troubled areas.<sup>105</sup> The focus on linking relief and development must also ensure that the actions of the UNDP help troubled areas through actions of disaster prevention while also taking efforts to ensure self-reliance.<sup>106</sup> An example of the UNDP’s involvement is the engagement in disaster relief in areas like Armenia where the UNDP has continued to help this country

<sup>91</sup> “Still Minding the Gap? A Review of Efforts to Link Relief and Development in Situations of Human Displacement, 2001-2012.” Page 21.

<sup>92</sup> Ibid., 21.

<sup>93</sup> Kay, Meagan. (2 March 2012). Closing the Gap between Humanitarian Relief and Development Assistance. *AfricaPortal A Project of the Africa Initiative*

<sup>94</sup> Ibid.

<sup>95</sup> The Millennium Development Goals Report 2013. *United Nations*, 5.

<sup>96</sup> “Still Minding the Gap? A Review of Efforts to Link Relief and Development in Situations of Human Displacement, 2001-2012.” Page 20.

<sup>97</sup> Bidder, Mark. (14 Dec. 1994). Linking Relief and Development –a conceptual outline-. *United Nations Development Programme Emergencies Unit for Ethiopia*.

<sup>98</sup> Ibid.

<sup>99</sup> “Still Minding the Gap? A Review of Efforts to Link Relief and Development in Situations of Human Displacement, 2001-2012.” Page 21.

<sup>100</sup> Bidder, Mark. (14 Dec. 1994). Linking Relief and Development –a conceptual outline-. *United Nations Development Programme Emergencies Unit for Ethiopia*.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Implementation of integrated, coherent, and coordinated support to South Sudan by the United Nations system. *United Nations Economic and Social Council*, 5.

<sup>104</sup> Ibid., 6

<sup>105</sup> Ibid., 6.

<sup>106</sup> Bidder, Mark. (14 Dec. 1994). Linking Relief and Development –a conceptual outline-. *United Nations Development Programme Emergencies Unit for Ethiopia*.

by establishing an efficient disaster risk reduction [DRR] system for natural disasters.<sup>107</sup> As a result, the UNDP has significantly helped Armenia to “promote the further institutionalization and sustainability of the DRR system.”<sup>108</sup> The UNDP has continued to help countries like Armenia by engaging in projects “to help reform institutional and legal frameworks and enhance capacities.”<sup>109</sup> The UNDP must help these troubled areas reach a level to successfully sustain themselves and be self-reliant.<sup>110</sup>

While the UNDP has taken certain steps to help troubled areas, another concern is risk reduction that focuses on how to establish a safer environment.<sup>111</sup> One particular example is the Transition Recovery Programme (TRP), which is an effort by the UNDP to help rebuild Sri Lanka after its long period of heavy military conflict.<sup>112</sup> The Transition Recovery Programme established ways to create a better method of responding to disasters, through various methods that helped help reduce trouble by teaching young individuals of leadership, finding methods that empower women, as well as gathering funds to help the society.<sup>113</sup>

Various methods have been introduced in order to establish an environment that emphasizes safety, independence, and sustainability.<sup>114</sup> In order to promote economic progress, the UNDP has also targeted “vulnerable populations... [to] gain increased access to micro-finance and skills training for small and medium enterprises development for income generation.”<sup>115</sup> As a result, this project has helped the people of Sri Lanka by providing many opportunities to encourage a move from violence and towards a more peaceful and safe atmosphere.<sup>116</sup> The UNDP efforts in Sri Lanka focused on trying to help this country recover from its battles, while also trying to plan for a longer-term recovery.<sup>117</sup> By encouraging peaceful activities, the UNDP is producing pathways that will allow for further assistance.<sup>118</sup>

As the UNDP addresses these concerns, the topic of human health is another issue which the international community must address,<sup>119</sup> as health has an enormous impact during the transitional process.<sup>120</sup> More must be done by the UNDP in order to provide better basic services in troubled areas.<sup>121</sup> The UNDP must address the topic of health with prudent mandates, a focus on this problem in accordance with the MDGs, and an emphasis on capacity development and Global Fund implantation support.<sup>122</sup> These should provide guidelines on how to address health concerns in the purview of the UNDP.<sup>123</sup> It is important to note that health problems are addressed in the context of what the UNDP can do and that it is best to address health during the transitional process, since health can have profound effects upon the success of the transitional process.<sup>124</sup>

<sup>107</sup> From disaster relief to risk reduction. *United Nations Development Programme*.

<sup>108</sup> *Ibid.*

<sup>109</sup> *Ibid.*

<sup>110</sup> Implementation of integrated, coherent, and coordinated support to South Sudan by the United Nations system. *United Nations Economic and Social Council*, 5

<sup>111</sup> Transition From Relief To Development: Key Issues Related to Humanitarian and Recovery/Transition Programmes.” United Nations (8 May 2006): 4.

<sup>112</sup> Transition Recovery Programme. *UNDP*, 1-3

<sup>113</sup> *Ibid.*, 8.

<sup>114</sup> Bidder, Mark. (14 Dec. 1994). Linking Relief and Development –a conceptual outline-. *United Nations Development Programme Emergencies Unit for Ethiopia*.

<sup>115</sup> Transition Recovery Programme. *UNDP*, 8.

<sup>116</sup> *Ibid.*, 8.

<sup>117</sup> *Ibid.*, 1.

<sup>118</sup> *Ibid.*, 12.

<sup>119</sup> Strategy Note HIV, Health and Development. *United Nations Development Programme*, page 3.

<sup>120</sup> “Transition From Relief To Development: Key Issues Related to Humanitarian and Recovery/Transition Programmes.” United Nations (8 May 2006): 2.

<sup>121</sup> Strategy Note HIV, Health and Development. *United Nations Development Programme*, 3.

<sup>122</sup> *Ibid.*, 3.

<sup>123</sup> *Ibid.*, 3.

<sup>124</sup> “Transition From Relief To Development: Key Issues Related to Humanitarian and Recovery/Transition Programmes.” United Nations (8 May 2006): 2.

As noted by Strategy Note HIV, Health and Development 2012-2013, “[h]ealth is a precondition for and an outcome and indicator...of sustainable development.”<sup>125</sup> As the MDGs near their target date, and the Post-2015 Development Agenda is considered, the international community must recognize that health can influence the success or failure of sustainable development.<sup>126</sup> It is important to note that “just as health shapes development, development shapes health.” These problems need to be addressed through clear goals that should center on spreading information on the effects of health on development goals, establishing health as a way to expand UNDP work, and a Global Fund Principal Recipient.<sup>127</sup> The UNDP must take a leading role in addressing health concerns and establish prudent mandates that will help trouble areas progress.<sup>128</sup> The transition from one stage to the next stage will incorporate many major players including both nations and non-state actors,<sup>129</sup> particularly those able to contribute great amounts of funding and coordination that address existing gaps in the transitional process.<sup>130</sup> Less developed countries (LDCs) will also play an important role in determining the prioritization of problems that need to be addressed as the projects invested in these countries help their growth and self-reliance.<sup>131</sup> The MDGs are a global priority, implying that all countries must take part in establishing a better future.<sup>132</sup> While the MDGs expire in 2015, the Post-2015 Development Agenda will be a global priority that will involve all nations, non-state actors, and organizations.<sup>133</sup> The UN bodies and agencies will work closely with domestic governments, NGO’s, the World Bank, and donors to focus on addressing the gaps between each stage.<sup>134</sup> The UNDP must address the gaps that exist in the transition from relief to development and establish the proper role of the UNDP regarding the transitional problem.<sup>135</sup> The UNDP must focus on how to improve the transition from one stage to the other, where relief begins to progress onto development.<sup>136</sup> This involves establishing clearer mandates, funding, and risk reduction strategies and projects that will establish a better process of moving from one stage to the next.<sup>137</sup> The UNDP must further position itself for a more definitive role in the relief to development process.<sup>138</sup>

### Questions to consider:

1. What role does your state play in the transition from relief to development? What resources has your State contributed to development efforts?
2. What can the UNDP do to address the transition from relief to development?
3. How can the UNDP aid individual states' capacity as they attempt to focus on sustainable development? What capacity-building measures has your State engaged in, both internally and externally?

<sup>125</sup> Strategy Note HIV, Health and Development. *United Nations Development Programme*, 5.

<sup>126</sup> *Ibid.*, 5.

<sup>127</sup> *Ibid.*, 3.

<sup>128</sup> Strategy Note HIV, Health and Development. *United Nations Development Programme*, 5-8.

<sup>129</sup> “Transition From Relief To Development: Key Issues Related to Humanitarian and Recovery/Transition Programmes.” United Nations (8 May 2006): 2.

<sup>130</sup> *Ibid.*, 2-7.

<sup>131</sup> UN-OHRLLS Mandate For LDCs. *UN Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States*.

<sup>132</sup> The Millennium Development Goals Report 2013. *United Nations*, 7.

<sup>133</sup> *Ibid.*, 7.

<sup>134</sup> Transition From Relief To Development: Key Issues Related to Humanitarian and Recovery/Transition Programmes.” United Nations (8 May 2006): 2-7.

<sup>135</sup> *Ibid.*, 1-2.

<sup>136</sup> *Ibid.*, 2.

<sup>137</sup> *Ibid.*, 2-3.

<sup>138</sup> *Ibid.*, 2-3.

4. Under the assumption that funding has been addressed, how should this funding be used to address these problems? How has your State allocated its resources on the subject?
5. What actions can the UNDP take to ensure that individual states will begin to develop self-reliance as opposed to reliance on UN, or other organizations', help?
6. How can the international community increase cooperation and communication for the transition from relief to development? How does your particular State argue that the various gaps should be addressed?

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