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Background Guide

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I. Climate Change Economics

Climate Change – A Harsh Reality with Global Consequences

Although the international community has been debating climate change since 1979, much of that debate has been devoted to the question, whether climate change is a real phenomenon and if it is a good or a bad development. By the mid 1990s the world finally came to accept the reality of climate change – the globe is getting warmer due to the greenhouse effect. The consequences of global warming are numerous and manifold; ranging from a rise in the sea level, an increase in natural disasters, to desertification and increased extinction of numerous plant and animal species.¹ However, it was not until recently that politicians and scientists alike came to accept the fact that the consequences of climate change spread far beyond natural and environmental science. With the publication of former World Bank Chief Economist Sir Nicholas Stern's 2007 *Review on the Economics of Climate Change*² it became clear that climate change also has lasting and devastating economic repercussions. "The Stern Review finally closes a chasm that has existed for 15 years between the precautionary concerns of scientists, and the cost-benefit views of many economists."³ The purpose of this background guide is to highlight the United Nations (UN) function in the fight against climate change from an economic perspective. To understand this role it is first necessary to look at the most important institutions, actors and conventions in the UN system responsible for addressing climate change. Additionally the economic consequences of climate change for the international community will be discussed. Finally, the background guide will pose the question of the role of the possibility of economic solutions and the role of the General Assembly in this debate.

The International Effort – Climate Policy in the UN Framework

The Evolution of the Climate Change Debate

Although the General Assembly's Second Committee passed resolution A/RES/43/53 on the *Protection of Global Climate for Present and Future Generations* as early as 1988, in which concern "that certain human activities could change global climate patterns, threatening present and future generations with potentially severe economic and social consequences"⁴ was voiced, it would be another four years before the international community began to address the necessity of fighting climate change by reducing greenhouse gas (GHG) emissions. With the signing of the *United Nations Framework Convention on Climate Change* (UNFCCC) in Rio de Janeiro at the 1992 United Nations Conference on Environment and Development an overall framework for intergovernmental cooperation to combat climate change was developed.⁵ Due to its lack of enforcement mechanisms and legally binding objectives, 192 countries have ratified the UNFCCC regardless of the ambitious goal for developed countries to reduce carbon dioxide (CO₂) emissions to 1990 levels by 2000.⁶ Aware of the necessity of continued debate on this topic, the parties to the Convention agreed to meet annually at the Conferences of the Parties (COP) starting in 1995.

Once it became clear, that the goals of the UNFCCC were not only insufficient but would also most likely not be met, the COP decided to revise the treaty at its third meeting in 1997 by introducing legally binding targets.⁷ In the *Kyoto Protocol* 37 developed countries,⁸ as well as the European Community, commit to reducing GHG emissions by 5.2% below 1990 levels over a five year period (2008-2012). To date all Annex B countries, except the United States, have ratified and begun implementation of the Protocol.⁹ At COP 13 in Bali 2007 the *Bali Road Map* was adopted. Encompassing the Bali Action Plan, this resolution laid out the negotiation process that would lead up to the 2009 United Nations Climate Change Conference (COP 15) in Copenhagen.¹⁰ The conference, preceded by great expectations, concluded with the non-binding *Copenhagen Accord*.

Relevant Institutions in the UN System

¹ Gmelch, Heinz *Globale Umweltprobleme – Dimensionen, Ursachen, Lösungsansätze* in: *Weltprobleme*; 6th Edition. Ferdowsi, Mir A (Ed.) Bayerische Landeszentrale für Politische Bildungsarbeit: Munich 2007, p. 244-46

² Hitherto referred to as "the Stern Review"

³ Grubb, Michael. Expert reaction to Stern review. BBC News, Business. BBC MMX. 30.10.2006 retrieved: 09.01.10 <http://news.bbc.co.uk/2/hi/business/6098612.stm>

⁴ United Nations General Assembly, Protection of Global Climate for Present and Future Generations of Mankind (A/RES/43/53), 1988

⁵ United Nations Framework Convention on Climate Change, 1992.

⁶ Article 4, Paragraph 2 United Nations Framework Convention on Climate Change, 1992

⁷ *International Action*. In: Climate Change 101: Understanding and Responding to Global Climate Change. Pew Center on Global Climate Change. January 2009, p. 3

⁸ Commonly referred to as Annex-B countries, they are the 37 industrialized countries identical with the Annex-I of the UNFCCC

⁹ United Nations Framework Convention on Climate Change, *Kyoto Protocol*, 1997

http://unfccc.int/kyoto_protocol/items/2830.php

¹⁰ United Nations Climate Change Conference in Bali. UNFCCC, 2007. retrieved: 09.01.10

http://unfccc.int/meetings/cop_13/items/4049.php

Within the UN system there are many institutions, whose work directly influences or is influenced by international efforts to combat climate change. The first institution to promote research and debate on global warming was the World Meteorological Organization (WMO). As a specialized agency of the UN, the WMO is the main international organization responsible for research and expertise regarding weather, climate, hydrology and water resources.¹¹ In 1979 the WMO hosted the first conference on global warming.¹² Another important actor in the debate on climate change is the United Nations Environment Program (UNEP). Established in 1972 UNEP functions especially as a coordinating agent between the various environmental agencies in the UN system as well as host to secretariats for multiple conventions, including the UNFCCC.¹³

The most prominent institution engaged in the debate on climate change in the UN framework is the Intergovernmental Panel on Climate Change (IPCC). A joint collaboration of the WMO and the UNEP, the IPCC was founded with the goal “to provide the world with a clear scientific view on the current state of climate change and its potential environmental and socio-economic consequences”.¹⁴ The IPCC is a scientific body that solely focuses on analyzing and gathering research on climate change that is then published in assessment reports. It is these reports that form the basis for contemporary debate on the effects and consequences of climate change.¹⁵

Economic Consequences and Effects of Climate Change

The Theory of Ecological Economics

As indicated above, in the past decade it has become quite clear that climate change has, and will continue to have, serious economic consequences. To understand how one goes about expressing the consequences of climate change in economic terms, it is necessary to take a closer look at what is often called ecological economics. “The major goal of ecological economics is to determine when the benefits of continued growth in the economic subsystem are outweighed by the increasing opportunity costs of encroaching on the sustaining ecosystem.”¹⁶ Ecological economics recognizes first that the world’s resources are finite and secondly, that the planet provides certain ecological services, which are essential for the life and growth of mankind.¹⁷ In this context, the goal is to identify when the consequences of unhampered economic development impair these natural services so severely, that the costs outweigh the benefits.

To achieve this, one must consider the economic value of services provided by nature. This is best explained with an example: Consider the regulation of gas in the atmosphere (i.e. Oxygen and Carbon-Dioxide) by vegetation through photosynthesis as a service provided by nature. In one study this service is assigned an economic value of \$1.3 trillion per year.¹⁸ Consequently, the removal of vegetation (i.e. deforestation) hinders the continued regulation of gas and therefore produces costs. Ecological economics argues that these services must be incorporated in contemporary cost/benefit analyses as well as in the calculation of social welfare. Only when one takes these factors into account, can the true costs and benefits of an action be expressed.

The Stern Review introduces Economics to the International Debate

The aforementioned *Stern Review* uses this logic to calculate the cost of climate change; to be more specific, the cost of global warming as a result of rising GHG emissions levels. In his report Sir Nicholas Stern comes to the conclusion, that “the benefits of strong, early action on climate change outweigh the costs”.¹⁹ In the *Stern Review* mitigation is considered an investment and if the international community acts quickly this investment will most likely to be profitable.²⁰ While taking measures to reduce GHG emissions is very expensive (approximately 1% of the annual global GDP), should the international community fail to act the costs induced by climate change will exceed 5% of the global GDP.²¹ And although climate change is a global phenomenon that affects all nations, the *Stern Review* argues

¹¹ World Meteorological Organization. *About us, WMO in Brief*. Retrieved: 10.01.10

http://www.wmo.int/pages/about/index_en.html

¹² World Meteorological Organization. *About us, Milestones*. Retrieved: 10.01.10

http://www.wmo.int/pages/about/milestones_en.html

¹³ Gmelch, *Globale Umweltprobleme – Dimensionen, Ursachen, Lösungsansätze* 2007, p. 259 -260

¹⁴ Intergovernmental Panel on Climate Change. *Organization*. World Meteorological Organization & United Nations Environment Program. Retrieved: 09.01.10 <http://www.ipcc.ch/organization/organization.htm>

¹⁵ Intergovernmental Panel on Climate Change. *Procedures*. World Meteorological Organization & United Nations Environment Program. Retrieved: 09.01.10 http://www.ipcc.ch/organization/organization_procedures.htm

¹⁶ Daly and Farley, *Ecological Economics. Principles and Applications*. Island Press: Washington D.C. 2004, p. 61

¹⁷ Hussen, Ahmed M. *Principles of environmental economics: economics, ecology and public policy*. 2nd Edition. Routledge: Cambridge, 2004 p.84-5

¹⁸ Costanza, Robert et al., *The Value of the World's Ecosystem Services and Natural Capital*, in: *Nature*. Vol 387, 15 May 1997.

¹⁹ Stern, Sir Nicholas. *The Economics of Climate Change – Executive Summary*, HM Treasury: Cambridge 2006, p.1

²⁰ *Mitigation* meaning taking decisive action to reduce emission, *investment* implies the act of incurring costs now and in the near future with the expectation of even higher benefits in the long run. Stern, *The Economics of Climate Change*, 2006, p. 191.

²¹ Sinn, Hans-Werner. *Das Grüne Paradoxon*. Econ: Berlin 2008, p. 55

that due to a geographic disadvantage, a dependency on agriculture and poor infrastructure the economic impact of climate change will be most fatal in developing countries.²² In this light, it can be argued that poor underdeveloped countries are and will pay the price for problems that were primarily caused by industrialized nations.

However, even from an economic perspective it is neither against the interests of developing countries nor those of industrialized countries to join in the fight against climate change. Although it is a common belief that one can either fight climate change or pursue economic growth, scientists and economist alike have begun to promote the idea, that (1) by threatening the basic elements of life – food production, access to water, and land usage – climate change actually poses a direct threat to economic growth; and (2) the pursuit of reducing GHG emissions and fighting climate change is not only consistent with economic growth but would benefit it.²³

The Question of how?

After decades of debating the existence of climate change and global warming, the contemporary debate has shifted its focus to a new question, *how*? How can climate change be effectively and efficiently combated? Two main economic mechanisms are already frequently promoted when discussing GHG emissions reduction; first, taxation and secondly, rationing carbon emissions to create a global carbon market.²⁴ However, applying ecological economics opens the debate for an even wider range of tools to address the shortcomings in the global market.

Acting under the assumption that “[climate change] is the greatest and widest-ranging market failure ever seen”,²⁵ delegates of the United Nations General Assembly (GA) are asked to contribute to the debate on how to combat climate change by taking an economic angle. This encompasses not only identifying the economic consequences, but introducing economic solutions. To do so, delegates are expected to be well versed in the economic and environmental policy in their countries and the impact of climate change on their people, as well as to study the international legal framework in the fight against climate change. In light of the unsatisfying results of the United Nations Climate Change Conference in Copenhagen, debate in the GA will be crucial for a more encompassing and more successful global climate policy.

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Peston, Robert. *Report's stark warning on climate*. BBC News: Business. BBC MMX. 29.10.2006 retrieved: 11.01.10 <http://news.bbc.co.uk/2/hi/business/6096594.stm>

²² Stern *The Economics of Climate Change*, 2006, p.265

²³ *ibid* p. 185

²⁴ Peston, Robert. *Report's stark warning on climate*. BBC News: Business. BBC MMX. 29.10.2006 retrieved: 11.01.10 <http://news.bbc.co.uk/2/hi/business/6096594.stm>

²⁵ Stern *The Economics of Climate Change – Executive Summary* 2006, p.1

Pew Center on Global Climate Change. *International Action*. In: Climate Change 101: Understanding and Responding to Global Climate Change. Pew Center on Global Climate Change. January 2009

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http://unfccc.int/kyoto_protocol/items/2830.php

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II. Protecting Human Rights in the Fight against Terrorism

Introduction

Terrorism is unquestionably a serious threat to international peace and the whole international community. Thus various countries have taken enormous measures in order to protect their citizens from terrorist attacks. Terrorism brings pain and suffering to many innocent people all over the world. Fighting this menace is in the interest of all nations and therefore the issue of combating terrorism has been on the agenda of the United Nations for decades. Several resolutions, frameworks and strategies have been developed by the international community, and also the Security Council has been dealing with the issue. There are a number of programmes and agencies the UN has established in order to fight terrorism and assist Member States in their counter-terrorism efforts.²⁶ As terrorism knows no borders, it is even more important to find ways to respond to it collectively.

However, the fight against terrorists has also lead to a weakening of the framework of international human rights. Measures of investigation and interrogation that have been long prohibited are used again and justified in the name of national security.²⁷ This is a dangerous development that could lead to a dilution of the elementary human rights and thus undermine democratic institutions and values. In order to prevent that, the United Nations and the international community have to strengthen the importance of the adherence to human rights, the principle of tolerance, and the promotion of multiculturalism. Measures that help to combat terrorism in accordance to the *Universal Declaration of Human Rights* have to be developed and supported.

Fight against terrorism

One of the reasons why the fight against terrorism is such a big challenge for the international community is the lack of consensus about what actually constitutes a terrorist activity. There is no universal definition that all Member States could agree upon. Therefore, it is hard to find general measures in order to prevent terrorist attacks.²⁸ Besides, terrorism and the threat it poses have changed throughout the last years. This is due to globalization and the ascent of religious fundamentalism and extremism.²⁹ Still, terrorism is evident in different forms, from physical attacks to the

²⁶ United Nations, UN Action to Counter Terrorism (2008). Retrieved January 30, 2010, from UN Web site:
<http://www.un.org/terrorism/>

²⁷ Amnesty International, Counter terror with justice. Retrieved January 30, 2010, from amnesty international Web site:
<http://www.amnesty.org/en/counter-terror-with-justice>.

²⁸ Martyn, Angus, The Right of Self-Defense under International Law – the Response to the Terrorist Attacks of 11 September, (2002, February 12). Retrieved January 30, 2010, from: <http://www.aph.gov.au/library/Pubs/CIB/2001-02/02cib08.htm>.

²⁹ Victoroff, Jeff, The Mind of the Terrorist: A review and Critique of Psychological Approaches, in: Journal of Conflict Resolution, 49(2005)1, p. 3-42, p. 6.

psychological impact. The United Nations has therefore responded to this threat by developing several mechanisms to combat terrorism.

However, not only the UN is concerned with this topic. Different countries and organizations have developed strategies in order to fight terrorism. On the agenda of NATO for example, the fight against terrorism is one of the top priorities. At the *Riga Summit in 2006*, NATO declared that terrorism, together with the spread of weapons of mass destruction, are likely to be the principal threats to the Alliance over the next 10 to 15 years. Therefore, NATO contributes to the international fight against terrorism in multiple areas. All activities are in strict accordance to UN principles such as human rights and international law. As NATO is a transatlantic consultation forum, it is capable of transforming discussions into collective decisions. It is furthermore backed by military capabilities, and is a large network of partnerships with states and international organizations.³⁰

Due to the great interest of media and world public there are also independent institutes that conduct analysis and research in the area of counter-terrorism, and deliver this information to private firms and governments. One of those institutes is the *Terrorism Research Center, Inc.* (TRC), which was founded in 1996. It provides core expertise in various fields such as terrorism, counterterrorism, and national security and defense policy. It also maintains a network of specialists drawn from different sectors and countries.³¹

Protecting human rights

As stated in Article 5 of the *Universal Declaration of Human Rights* (UDHR), everyone has the right to be free from torture and cruel, inhuman or degrading treatment or punishment.³² In the fight against terrorism, states are using practices that have been forbidden for a long time by international law. At the end of 2007, there were more than 600 people detained without charge, trial or judicial review of their detentions at the US air base in Bagram, Afghanistan, 25,000 held by Multinational Force in Iraq, and US authorities continued to hold 270 people in Guantanamo Bay, Cuba. Hundreds more are feared to have been unlawfully detained and transferred, usually in secret, to countries where they face further human rights violations.³³

The violations of human rights in the fight against terrorism can be, and often are, the limitation of the freedom of religion, the freedom of expression or the freedom of assembly. For example there was a growing distrust and hostility against a number of religious communities in the OSCE in the aftermath of September 11, 2001 and March 11, 2004. As the fear of religious extremism has increased, public debate has focused on religious groups that seem suspicious to some people. Therefore, they have been the target of discrimination and often felt stigmatized or abused because of their religious beliefs. Also the right of a fair trial has been limited by certain legislations and practices. It is important to find ways that allow states to enhance their efforts against terrorism and still respect human rights.³⁴ Another problem is the transfer of detainees to countries where they are at a real risk of torture.³⁵ Usually states only allow transfers after certain undertakings by the receiving states, saying that the person concerned will be treated according to international human rights standards. However, these diplomatic assurances are not legally binding and therefore, in many cases, the receiving states do not follow the agreements made.³⁶

The Organization of Security and Co-operation in Europe (OSCE) developed mechanisms in order to counter the international threat of terrorism. The OSCE's *Office for Democratic Institutions and Human Rights* (ODIHR) is conducting a series of training sessions on counter-terrorism in accordance with human rights standards for senior public officials, who are involved in developing anti-terrorist strategies.³⁷ The ODIHR has also initiated programmes to

³⁰ North Atlantic Treaty Organization, NATO and the fight against terrorism. Retrieved January 30, 2010, from NATO Web site: http://www.nato.int/cps/en/natolive/topics_48801.htm.

³¹ Terrorism Research Center, (2010). Retrieved January 30, 2010, from: <http://www.terrorism.com/content/about-trc>.

³² United Nations, The Universal Declaration of Human Rights, (1948, December 10). Retrieved January 30, 2010, from UN Web site: <http://www.un.org/en/documents/udhr/>.

³³ Amnesty International, Amnesty International Report 2008. Retrieved January 30, 2010, from amnesty international Web site: <http://archive.amnesty.org/air2008/global-themes/counter-terror-with-justice.html>.

³⁴ Organization of Security and Co-operation in Europe, Supplementary Human Dimension Meeting, (2005). Retrieved January 30, 2010, from OSCE Web site: http://www.osce.org/documents/odihhr/2005/06/15210_en.pdf.

³⁵ Amnesty International, No justification for torture. Retrieved January 30, 2010, from amnesty international Web site: <http://www.amnesty.org/en/campaigns/counter-terror-with-justice/issues/no-justification-for-torture>.

³⁶ United Nations High Commissioner for Refugees, UNHCR Note on Diplomatic Assurances and International Refugee Protection, (August 2006). Retrieved January 30, 2010, from UNHCR Web site: http://www.unhcr.se/Pdf/protect/Diplomatic_assurances_Int_Ref_protection.pdf.

³⁷ Organization of Security and Co-operation in Europe, Upholding Human Rights in the fight against terrorism, (2005, November 29). Retrieved January 30, 2010, from OSCE Web site: <http://www.osce.org/item/17108.html>.

ensure the protection of human rights and fundamental freedoms, the promotion of democratic institutions, and the support of the rule of law. Therefore the ODIHR provides technical assistance to participating states with respect to UN Resolutions *S/RES/1373 (2001)* and *S/RES/1456 (2003)* on combating terrorism. The main OSCE documents concerning the fight against terrorism are the *Bucharest Plan of Action (2001)* and the OSCE *Charter on Preventing and Combating Terrorism (2002)*. The Bucharest Plan of Action established a framework for action in accordance with international law and human rights. It especially focuses on the strengthening of democratic values and the respect for human rights, tolerance, and multiculturalism.³⁸ The OSCE participating States have agreed in 2004, when the Ministerial Council adopted the *Sofia Ministerial Statement on Preventing and Combating Terrorism*, to take all necessary measures in order to fight terrorism in all its forms with respect for the rule of law, international law and the adherence to human rights. At the *Supplementary Human Dimension Meeting* in Vienna, in July 2005, the protection of human rights in the fight against terrorism was further discussed.³⁹

Another essential factor is the development of a strong and active civil society in the combat against terrorism. Therefore, it is important to support and strengthen NGOs that fight for human rights and tolerance.⁴⁰ Non-Governmental organizations and human rights groups such as amnesty international demand that all states speak out against all forms of torture and against all governments that use illegitimate practices in the fight against terrorism.⁴¹

UN efforts towards combating terrorism and protecting human rights

In the *UN Convention against Torture (1984)*, the definition of torture is “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining (...) information or a confession, punishing him (...), or intimidating or coercing him (...) at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”⁴²

The Office of the High Commissioner for Human Rights (OHCHR) plays an especially significant role in protecting human rights in the combat of terrorism.⁴³ In 2006, the Office of the High Commissioner and the ODIHR, with the support of the government of Liechtenstein, jointly organized a *Workshop on Human Rights and International Cooperation in Counter-Terrorism*. The objectives of the workshop were to identify and discuss the obligations of ensuring human rights in the fight against terrorism and helping states to find measures in accordance to these obligations. One of the major topics was the transfer of individuals and the non-refoulement principle in international law. Diplomatic assurances are always under criticism as they give way for torture and ill-treatments in many cases.⁴⁴

One of the most important actions taken by the UN to combat terrorism is the *United Nations Global Counter-Terrorism Strategy*, established in September 2006 through A/RES/60/288.⁴⁵ This strategy is the first attempt to develop a global framework in this matter.⁴⁶ It is the first time that all member States have agreed on a common strategic approach. The human rights aspect is involved in the strategy as it is strengthened that human rights need to be protected at all times and that there is absolutely no justification of torture or ill-treatment.⁴⁷ It is important that even while prosecuting terrorist activities, justice and respect for human rights is maintained in compliance with A/RES/60/158.⁴⁸ Several UN departments and agencies have taken action either in their own capacity or through the *Counter Terrorism Implementation Task Force (CTITF)*. The Task Force was established in 2005 by the Secretary-General to ensure the coordination among the different UN bodies in their fight against terrorism.⁴⁹ CTITF members

³⁸ Office for Democratic Institutions and Human Rights, Human rights in fight against terrorism. Retrieved January 30, 2010, from Web site: <http://www.osce.org/odihr/13456.html>.

³⁹ Organization of Security and Co-operation in Europe, Supplementary Human Dimension Meeting, (2005).

⁴⁰ Ibid.

⁴¹ Amnesty International, No justification for torture.

⁴² United Nations, Convention against torture and other cruel, inhuman or degrading treatment or punishment, (1984, December 10). Retrieved January 30, 2010, from UN Web site: http://untreaty.un.org/unts/60001_120000/23/10/00044455.pdf.

⁴³ United Nations, UN Action to Counter Terrorism, Fact Sheet: Implementing the Global Counter-Terrorism Strategy, (2009). Retrieved January 30, 2010, from UN Web site: http://www.un.org/terrorism/pdfs/CT_factsheet_March2009.pdf.

⁴⁴ Organization of Security and Co-operation in Europe, Expert Workshop on Human Rights and International Co-operation in Counter-Terrorism, (November 2006). Retrieved January 30, 2010, from OSCE Web site: http://www.osce.org/documents/odihr/2007/02/23424_en.pdf.

⁴⁵ United Nations, UN Action to Counter Terrorism, Global Counter-Terrorism Strategy, (2006, September 8). Retrieved January 30, 2010, from UN Web site: <http://www.un.org/terrorism/strategy-counter-terrorism.shtml>.

⁴⁶ United Nations, UN Action to Counter Terrorism, Fact Sheet: Implementing the Global Counter-Terrorism Strategy, (2009).

⁴⁷ United Nations, UN Action to Counter Terrorism, Global Counter-Terrorism Strategy, (2006, September 8).

⁴⁸ United Nations, UN Action to Counter Terrorism, Fact Sheet: Implementing the Global Counter-Terrorism Strategy, (2009).

⁴⁹ Ibid.

have pursued efforts collectively through a working group on 'Protecting Human Rights While Countering Terrorism'. In this frame practical tools have been developed such as a compilation of documents, relevant treaties, and best practice examples, as well as easily accessible checklists that will help Member States in their fight against terrorism.⁵⁰

Case studies

Many governments have taken measures against terrorist threats after September 11, 2001 and other attacks. Some of those measures are incompatible with human rights. Especially the US government has been subject to criticism. Photographs of US soldiers humiliating inmates in Abu Ghraib shocked the world public. Even though officials condemned these actions, the investigations on this case were only limited and did not result in accountability of all those responsible, reparation for the victims, or adequate measures to prevent such human rights violations from being repeated. Furthermore, the US administration has authorized interrogation methods that are more than problematic to international law, such as the so-called water boarding, which simulates drowning. Other countries where torture was widely spread even before September 11, are now encouraged to continue their practices.⁵¹

Spanish law allows terrorism suspects to be held in incommunicado for up to 13 days without their families knowing about the arrest. Mohammed Fahsi was arrested near Barcelona in 2006 on suspicion of terrorism-related offences and was held incommunicado for four days. He says he was blindfolded the whole time and forced to remain standing with his hands on the wall. During interrogations he was told that his wife and children were sent off to the Moroccan desert and that he would never see them again. Three years later he remained in detention awaiting his trial. His complaints of torture were never investigated.⁵²

Conclusion

The fight against terrorism is important in order to protect innocent civilians and ensure the security of international peace. However, it cannot be the justification of the violation of human rights. States have to act according to international law. Therefore it shall be the task of the international community to find ways to combat terrorism without using inhuman measures. Delegates should ask themselves, what measures their countries are taking in order to fight terrorism and whether these measures are compatible with human rights standards. What strategies have been effective and could be adopted by other countries? How can governments balance security concerns, while allowing their citizens to live out their religious beliefs without restrictions? What could be improved in the coordination of UN agencies dealing with counter-terrorism? Should the role of the UN be strengthened? How? What can be done to reduce the risk of torture or cruel, inhuman treatment in the fight against terrorism? How can one find a common definition of terrorism? What role can civil society play in the protection of human rights?

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⁵⁰ United Nations, UN Action to Counter Terrorism, Protecting Human Rights While Countering Terrorism. Retrieved February 7, 2010, from UN Web site: <http://www.un.org/terrorism/workgroup9.shtml>.

⁵¹ Amnesty International, No justification for torture.

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III. International Drug Control Mechanisms

“Drug trafficking does not respect borders. Most of all, it does not respect people. It is a menace to the health of societies and individuals alike. It is associated with horrific abuse of women in particular. Those who run trafficking operations are ruthless and often murderous. We must pursue them and thwart them with the full force of the law and international resolve.”

(Ban Ki Moon, 2009)

Introduction

According to the United Nations Office on Drugs and Crime (UNODC), there are currently more than 200 million people worldwide who abuse illicit drugs at least once a year.⁵³ While illicit drug use affects all age groups, it continues to be a growing problem especially among the youth, who use drugs as a method of coping with violence neglect, unemployment, and sexual abuse. Drug⁵⁴ use among the young is more than twice as high as drug use among the general population and three times as high in the case of cannabis.⁵⁵ However the use of drugs, particularly illicit drugs, is not a new phenomenon and it has adversely affected human development throughout history. To counter this trend there has been substantial international cooperation on the control of drugs, beginning in 1909 with the *Shanghai Conference* and cumulating in the *World Drug Report* of 2009⁵⁶, marking the end of the first century of an international approach to agree on a topic of considerable sensitivity: the issue of substance abuse and addiction.

The United Nations and International Drug Control Mechanisms

To spur national efforts and strengthen international cooperation, the General Assembly adopted the *Political Declaration of the Special Session of the General Assembly on International Drug Control (A/RES/S-20/2)* in 1998.⁵⁷ Particularly this declaration emphasizes the common responsibility of all Member States to take effective means to reduce demand and supply of illicit drugs, and to enhance multilateral, regional, and sub-regional cooperation as an effort to tackle increasing violence and money laundering accompanying drug trafficking. The Secretary-General's report *“International cooperation against the world drug problem” (A/64/120)* provides an overview of the status of implementation of the mandates relating to international drug control by the Commission on Narcotic Drugs and by the United Nations Office on Drugs and Crime as well as an overview of the global drug situation.⁵⁸ Resolution *A/RES/61/183 International Cooperation Against the World Drug Problem*⁵⁹ by the General Assembly Plenary reaffirmed the UN's commitment to develop comprehensive strategies including alternative development measures. At the forefront of the United Nations' efforts to combat the abuse and trafficking of illicit drugs stands the UN Office on Drugs and Crime (UNODC), which has the tasks to provide leadership and expertise for the Secretariat and all other UN organs as well as its Member States, to monitor the implementation of drug control conventions, and to support national drug control structures. The UNODC inter alia consists of various national and regional field offices which consult national governments in law enforcement, drug control strategies, conduct research, and work on crime-related issues, for example corruption, transnational organized crime, and money laundering. The UNODC works in cooperation with various organizations to control the spread of illicit drugs. The Commission on Narcotic Drugs (CND), a functional commission of the Economic and Social Council (ECOSOC) adopted a Draft Political Declaration and Plan of Action on the future of drug control at the conclusion of its high-level segment on 12 March 2009.⁶⁰ The Political Declaration recognizes that countries have a shared responsibility for solving the world's drug problem, that a "balanced and comprehensive approach" is called for, and that human rights need to be recognized. The CND and the International Narcotics Control Board (INCB) are the two main bodies assigned to administer the three major UN drug

⁵³ http://www.unodc.org/pdf/research/wdr07/WDR_2007.pdf

⁵⁴ For definition see: <http://www.unodc.org/unodc/en/illicit-drugs/definitions/index.html>

⁵⁵ http://www.unodc.org/unodc/en/frontpage/2009/August/international-youth-day_-drug-use-twice-as-high-among-youth.html

⁵⁶ http://www.unodc.org/documents/wdr/WDR_2009/WDR2009_eng_web.pdf

⁵⁷ <http://www.un.org/documents/ga/res/20sp/a20spr02.htm>

⁵⁸ www.un.org/ga/third/64/documentslist.shtm

⁵⁹ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/505/41/PDF/N0650541.pdf?OpenElement>

⁶⁰ <http://www.unodc.org/unodc/en/press/releases/2009-12.03.html>

conventions: the 1961 *Single Convention on Narcotic Drugs*⁶¹, the 1971 *Convention on Psychotropic Substances*⁶², and the 1988 *Convention on the Illicit Traffic in Narcotic Drugs and Psychotropic Substances*.⁶³

The History and Development of the International Drug Control Conventions

The *Single Convention on Narcotic Drugs*, adopted in 1961, attempts to limit the manufacturing, distribution, trade, possession, and use of narcotic drugs except for scientific and medical purposes. Its 1972 amending protocol underlined the importance of treatment and rehabilitation measures undertaken by Member States. The amended Convention currently has been ratified by 183 States. Article 36 requests Member States to penalize “subject to its constitutional limitations” the “cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs.” Especially two principles outlined in the Convention have been the reason for conflicts: the traditional chewing of coca leaves and the use of cannabis. The ban on narcotic drugs under the *Single Convention* led to a substitution effect in drug consumption in favor of hallucinogenic drugs, which prompted the International Community to adopt the *Convention on Psychotropic Substances* in 1971. Based on the principles of the 1961 *Single Convention* the treaty provides an international drug control system for psychotropic substances. The 1988 *United Nations Convention on the Illicit Traffic in Narcotic Drugs and Psychotropic Substances* intensified the measures against global drug trafficking by promoting “cooperation among the Parties so that they may address more effectively the various aspects of illicit traffic in narcotic drugs and psychotropic substances having an international dimension.” Such measures include the penalization of the intentional “possession, purchase, or cultivation of narcotic drugs or psychotropic substances for personal consumption” (Article 3), the confiscation of drugs and proceeds (Article 5), the extradition of suspects (Article 6) and the provision of “the widest measure of mutual legal assistance” (Article 7) in criminal investigations. The increasing connectivity between drug trafficking and other forms of uncivil behavior is reflected in international legal instruments such as the *UN Convention Against Corruption (A/RES/58/4)*⁶⁴, the *Convention Against Transnational Organized Crime (A/RES/55/25)*⁶⁵ and its Protocols and the *International Convention on the Suppression of the Financing for Terrorism (A/RES/54/109)*⁶⁶, all of which address various aspects of the international drug problem.

Case Study: Afghanistan

The connectivity between the economic dimension, instability and the financing for terrorism can best be analyzed by reflecting the recent development in Afghanistan. Instability and war have lead in the past to circumstances, in which the cultivation of illicit crops has remained the only viable option for farmers to secure their survival. Opium poppy cultivation in Afghanistan had been on a steady increase for the last twenty years⁶⁷, supported by the environmental conditions in Afghanistan which are good for opium cultivation⁶⁸. However, Afghanistan’s counter narcotics efforts have seen some remarkable successes in the last year, in particular in some specific aspects. The potential gross export value of Afghanistan’s opiates is down 18 per cent, from US\$3.4 billion in 2008 to US\$2.8 billion in 2009 - equivalent to around a quarter of the country’s GDP, down from a third last year. The number of people involved in opium cultivation (1.6 million) has dropped by one third, and the number of poppy-free provinces is up from 18 to 20. In 2009 opium cultivation in Afghanistan decreased by 22 per cent, and production fell by 10 per cent (to 6,900 tons).⁶⁹ In addition to destroying such crops, Afghanistan intends to concentrate its efforts on the promotion of other viable livelihoods, in the form of either replacement crops or economic development projects. Additionally, the anti-drug infrastructures and coordination have been improved under a national drug control strategy, a conference has been organized for the provincial governors, and an awareness-raising campaign has been launched. With regard to enforcement, a strengthened anti-drug law has been passed, and a special police force and a court have been created. The Afghan Government intends to focus its efforts on capacity-building, strengthening of institutions and improvement of the rule of law. Under the second UNODC initiative on regional communication, competence and training to combat trafficking, launched in May 2009, Afghanistan has also cooperated closely with neighboring countries such as the

⁶¹ http://www.incb.org/pdf/e/conv/convention_1961_en.pdf

⁶² http://www.incb.org/pdf/e/conv/convention_1971_en.pdf

⁶³ http://www.unodc.org/pdf/convention_1988_en.pdf

⁶⁴ <http://www.un-documents.net/a58r4.htm>

⁶⁵ http://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf

⁶⁶ <http://www.un.org/law/cod/finterr.htm>

⁶⁷ <http://www.unodc.org/pdf/execsummaryafg.pdf>

⁶⁸ http://www.unodc.org/pdf/research/2007_ORAS.pdf

⁶⁹ <http://www.unodc.org/unodc/en/press/releases/export-value-of-afghan-opium-is-falling-says-unodc.html>

Islamic Republic of Iran and Pakistan and other countries of the region. Those initiatives make it possible to give a regional and international dimension to the efforts in Afghanistan to combat drugs.

Conclusion

Although some advancement has been made during the first century of International Drug Control, the dimensions and diverse impacts of the global drug problem on the various people and States involved pose a multitude of challenges and affect all Member States of the United Nations. The cultivation of higher potent drugs; rising consumption levels in many parts of the world; and the connection between illicit drugs, organized crime, and terrorism remain pressing issues. Especially the availability and use of illicit drugs by the global youth continues to be a major problem. Delegates should consider both the way in which their State is involved in the spread of illicit drugs and in which way it is affected by drug consumption, as well as what measures it takes in order to counter these developments. Which international and regional drug conventions have been ratified by the States? What role can the international community play in reducing the supply and demand of illicit drugs? Which alternative development measures accompanied by other measures, such as eradication and law enforcement need to be promoted? How can reduction and rehabilitation measures be improved? Are there any lessons learnt to be shared with the international community, or developments that need to be tackled by international cooperation?

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