



NMUN • NY

ORGANIZATION OF AMERICAN STATES  
BACKGROUND GUIDE 2012

Written By: Nayab Khan, Kaitlin Justice, Omar Torres-Vasquez, Natalie Keller



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## CONTACT THE NMUN

Please consult the FAQ section of [nmun.org](http://nmun.org) for answers to your questions. If you do not find a satisfactory answer you may also contact the individuals below for personal assistance. They may answer your question(s) or refer you to the best source for an answer.

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### NMUN•NY 2012 Important Dates

**IMPORTANT NOTICE:** To make hotel reservations, you must use the forms at [nmun.org](http://nmun.org) and include a \$1,000 deposit. Discount rates are available until the room block is full or one month before the conference – whichever comes first. **PLEASE BOOK EARLY!**

31 January 2012	<ul style="list-style-type: none"> <li>• Confirm Attendance &amp; Delegate Count. (Count may be changed up to 1 March)</li> <li>• Make Transportation Arrangements - DON'T FORGET! (We recommend confirming hotel accommodations prior to booking flights.)</li> </ul>
15 February 2012	<ul style="list-style-type: none"> <li>• Committee Updates Posted to <a href="http://www.nmun.org">www.nmun.org</a></li> </ul>
1 March 2012	<ul style="list-style-type: none"> <li>• Hotel Registration with FULL PRE-PAYMENT Due to Hotel - Register Early! Group Rates on hotel rooms are available on a first come, first served basis until sold out. Group rates, if still available, may not be honored after that date. See hotel reservation form for date final payment is due.</li> <li>• Any Changes to Delegate Numbers Must be Confirmed to: <a href="mailto:outreach@nmun.org">outreach@nmun.org</a></li> <li>• Preferred deadline for submission of Chair / Rapp applications to Committee Chairs</li> <li>• All Conference Fees Due to NMUN for confirmed delegates. (\$125 per delegate if paid by 1 March; \$150 per delegate if received after 1 March. Fee is not refundable after this deadline.</li> <li>• Two Copies of Each Position Paper Due via E-mail (See Delegate Preparation Guide for instructions).</li> </ul>
NATIONAL MODEL UNITED NATIONS 2012	<p>1 - 5 April – Sheraton New York 3 - 7 April - New York Marriott Marquis</p> <p>The 2013 National Model UN Conference 17 - 21 March &amp; 24 - 28 March (both at Sheraton; Sun-Thurs)</p>

## POSITION PAPER INSTRUCTIONS

**Two copies of each position paper should be sent via e-mail by 1 MARCH 2012**

### 1. TO COMMITTEE STAFF

A file of the position paper (.doc or .pdf) for each assigned committee should be sent to the committee e-mail address listed below. Mail papers by 1 March to the e-mail address listed for your particular venue. These e-mail addresses will be active when background guides are available. Delegates should carbon copy (cc:) themselves as confirmation of receipt. Please put committee and assignment in the subject line (Example: GAPLEN\_Greece).

### 2. TO DIRECTOR-GENERAL

- Each delegation should send one set of all position papers for each assignment to the e-mail designated for their venue: positionpapers.sheraton@nmun.org or positionpapers.marriott@nmun.org.

This set (held by each Director-General) will serve as a back-up copy in case individual committee directors cannot open attachments.

*Note:* This e-mail should only be used as a repository for position papers.

- The head delegate or faculty member sending this message should cc: him/herself as confirmation of receipt. (Free programs like Adobe Acrobat or WinZip may need to be used to compress files if they are not plain text.)

- Because of the potential volume of e-mail, only one e-mail from the Head Delegate or Faculty Advisor containing all attached position papers will be accepted.

Please put committee, assignment and delegation name in the subject line (Example: Cuba\_U\_of\_ABC). If you have any questions, please contact the Director-General at dirgen@nmun.org.

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for more information

### COMMITTEE

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General Assembly Third Committee.....	ga3rd.sheraton@nmun.org
Human Rights Council.....	hrc.sheraton@nmun.org
ECOSOC Plenary .....	ecosoc.sheraton@nmun.org
Commission on the Status of Women .....	csw.sheraton@nmun.org
Commission on Narcotic Drugs.....	cnd.sheraton@nmun.org
Economic and Social Commission for Western Asia .....	escwa.sheraton@nmun.org
United Nations Children's Fund.....	unicef.sheraton@nmun.org
Conference on Sustainable Development (Rio+20) .....	csustd.sheraton@nmun.org
Food and Agriculture Organization.....	fao.sheraton@nmun.org
UN Educational, Scientific and Cultural Organization .....	unesco.sheraton@nmun.org
African Union.....	au.sheraton@nmun.org
Organization of American States .....	oas.sheraton@nmun.org
Organisation of Islamic Cooperation .....	oic.sheraton@nmun.org
Asia-Pacific Economic Cooperation .....	apec.sheraton@nmun.org
Security Council A.....	sca.sheraton@nmun.org
Security Council B.....	scb.sheraton@nmun.org
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Peacebuilding Commission.....	pbcs.sheraton@nmun.org
Conference on the Arms Trade Treaty .....	att.sheraton@nmun.org

### COMMITTEE

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Commission on the Status of Women .....	csw.marriott@nmun.org
Commission on Narcotic Drugs.....	cnd.marriott@nmun.org
Economic and Social Commission for Western Asia .....	escwa.marriott@nmun.org
United Nations Children's Fund.....	unicef.marriott@nmun.org
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Organization of American States .....	oas.marriott@nmun.org
Organisation of Islamic Cooperation .....	oic.marriott@nmun.org
Asia-Pacific Economic Cooperation .....	apec.marriott@nmun.org
Security Council A .....	sca.marriott@nmun.org
Security Council B.....	scb.marriott@nmun.org
International Criminal Court .....	icc.marriott@nmun.org
Peacebuilding Commission.....	pbcs.marriott@nmun.org
Conference on the Arms Trade Treaty .....	att.sheraton@nmun.org

### OTHER USEFUL CONTACTS

Entire Set of Delegation Position Papers .....	positionpapers.sheraton@nmun.org
(send only to e-mail for your assigned venue).....	positionpapers.marriott@nmun.org
Secretary-General .....	secgen.ny@nmun.org
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NMUN Office .....	info@nmun.org



# THE 2012 NATIONAL MODEL UNITED NATIONS

SPONSORED BY THE NATIONAL COLLEGIATE CONFERENCE ASSOCIATION

1 – 5 April (Sheraton) & 3 – 7 April (Marriott) • [www.nmun.org](http://www.nmun.org)

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Dear Delegates,

Welcome to the 2012 National Model United Nations (NMUN) conference. We are very pleased to be serving as your Directors for the Organization of American States (OAS).

We would like to take this opportunity to introduce ourselves, as we will be your first contacts for questions, concerns, and suggestions. Nayab Khan, a graduate of Syracuse University Maxwell School of Citizenship & Public Affairs majored in International Relations and Middle Eastern Studies with a focus in international law & organizations will be serving as Director for the Sheraton venue. This is her third year on NMUN Staff and she has been involved with MUN for over 10 years. She currently works as a Director for Boys & Girls Club of America and resides in Pennsylvania. Kaitlin Justice will be serving as your Director for the Marriott venue. She is from Boise, Idaho, but currently lives in Indonesia. She graduated from The College of Idaho in 2010 with a B.A. in International Political Economy and a minor in Asian Studies. She has been involved with NMUN for five years with two years on staff. Omar Torres, who will be serving as the Assistant Director at Sheraton venue, currently works for Wells Fargo as a personal banker and attends CSU Fullerton in California where he is studying Political Science and will graduate this spring. Natalie Keller will be serving as your Assistant Director at Marriott venue and currently lives in Germany where she studies law at the University of Bonn with a focus on private international law.

This year's topics will be as follows:

1. Migrant Workers: Protection of Labor Rights
2. Integrated Water Resource Management in a Changing Environment
3. The Role of Culture in Promoting Social Inclusion and Economic Development

The OAS operates with the same mission it had since its inception—to promote democracy for all, defend human rights, and above all foster development among its Member States. As a major regional intergovernmental organization with 35 Member States, OAS works on many fronts to create an order of peace and justice, promote solidarity, strengthen collaboration and respect sovereignty of each member state as outlined in the OAS charter. We invite you in the coming months not only to learn about this body, but to become well versed in your government's policies.

Given the many months before the conference begins, the topics of your committee are likely to be affected by current events. Therefore, we highly recommend that you constantly observe these developments in order to keep yourself up to date. This guide will aid you in developing a basic understanding of the topics. Consider it as a starting point for future research. Every delegation is required to submit a position paper prior to attending the conference. NMUN will accept position papers via e-mail until March 15, 2012 for both the Sheraton as well as the Marriott Venue. Please refer to the message from your Director-General explaining NMUN's position paper requirements and restrictions, as adherence to these guidelines is of utmost importance.

Your experience in the OAS will be challenging, but also very rewarding. We understand that your preparation for the conference will be demanding and as such encourage you to please contact us with any questions or concerns. We are confident that through a collaborative and compassionate effort, every one of you will have a hand in ensuring the success of this committee. We look forward to meeting you in New York and wish you all the best!

Sincerely,

*Sheraton Venue*  
Nayab Khan  
Director

Omar Torres-Vasquez  
Assistant Director  
[oas.sheraton@nmun.org](mailto:oas.sheraton@nmun.org)

*Marriott Venue*  
Kaitlin Justice  
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## Message from the Directors-General Regarding Position Papers for the 2012 NMUN Conference

At the 2012 NMUN New York Conference, each delegation submits one position paper for each committee to which it is assigned. Delegates should be aware that their role in each committee affects the way a position paper should be written. While most delegates will serve as representatives of Member States, some may also serve as observers, NGOs, or judicial experts. To understand these differences, please refer to the Delegate Preparation Guide.

Position papers should provide a concise review of each delegation's policy regarding the topic areas under discussion and should establish precise policies and recommendations about the topics before the committee. International and regional conventions, treaties, declarations, resolutions, and programs of action of relevance to the policy of your State should be identified and addressed. Making recommendations for action by your committee should also be considered. Position papers also serve as a blueprint for individual delegates to remember their country's position throughout the course of the Conference. NGO position papers should be constructed in the same fashion as position papers of countries. Each topic should be addressed briefly in a succinct policy statement representing the relevant views of your assigned NGO. You should also include recommendations for action to be taken by your committee. It will be judged using the same criteria as all country position papers, and is held to the same standard of timeliness.

Please be forewarned, delegates must turn in entirely original material. *The NMUN Conference will not tolerate the occurrence of plagiarism.* In this regard, the NMUN Secretariat would like to take this opportunity to remind delegates that although United Nations documentation is considered within the public domain, the Conference does not allow the verbatim re-creation of these documents. This plagiarism policy also extends to the written work of the Secretariat contained within the Committee Background Guides. Violation of this policy will be immediately reported to faculty advisors and it may result in dismissal from Conference participation. Delegates should report any incident of plagiarism to the Secretariat as soon as possible.

Delegation's position papers can be awarded as recognition of outstanding pre-Conference preparation. In order to be considered for a Position Paper Award, however, delegations must have met the formal requirements listed below. Please refer to the sample paper on the following page for a visual example of what your work should look like at its completion. The following format specifications are **required** for all papers:

- All papers must be typed and formatted according to the example in the Background Guides
- Length must **not** exceed two single-spaced pages (one double-sided paper, if printed)
- Font must be Times New Roman sized between 10 pt. and 12 pt.
- Margins must be set at one inch for whole paper
- Country/NGO name, School name and committee name clearly labeled on the first page,
- The use of national symbols is highly discouraged
- Agenda topics clearly labeled in separate sections

To be considered timely for awards, please read and follow these directions:

1. **A file of the position paper** (.doc or .pdf format required) **for each assigned committee** should be sent to the committee email address listed in the Background Guide. These e-mail addresses will be active after November 15, 2011. Delegates should carbon copy (cc:) themselves as confirmation of receipt.
2. Each delegation should also send **one set of all position papers** to the e-mail designated for their venue: [positionpapers.sheraton@nmun.org](mailto:positionpapers.sheraton@nmun.org) or [positionpapers.marriott@nmun.org](mailto:positionpapers.marriott@nmun.org). This set will serve as a back-up copy in case individual committee directors cannot open attachments. These copies will also be made available in Home Government during the week of the NMUN Conference.

Each of the above listed tasks needs to be completed no later than **March 1, 2012 (GMT-5) for delegations attending the NMUN conference at either the Sheraton or the Marriott venue.**

**PLEASE TITLE EACH E-MAIL/DOCUMENT WITH THE NAME OF THE COMMITTEE, ASSIGNMENT AND DELEGATION NAME (Example: AU\_Namibia\_University of Caprivi)**

*A matrix of received papers will be posted online for delegations to check prior to the Conference. If you need to make other arrangements for submission, please contact Amanda D'Amico, Director-General, Sheraton venue, or Nicholas Warino, Director-General, Marriott venue at [dirgen@nmun.org](mailto:dirgen@nmun.org). There is an option for delegations to submit physical copies via regular mail if needed.*

Once the formal requirements outlined above are met, Conference staff use the following criteria to evaluate Position Papers:

- Overall quality of writing, proper style, grammar, etc.
- Citation of relevant resolutions/documents
- General consistency with bloc/geopolitical constraints
- Consistency with the constraints of the United Nations
- Analysis of issues, rather than reiteration of the Committee Background Guide
- Outline of (official) policy aims within the committee's mandate

Each delegation can submit a copy of their position paper to the permanent mission of the country being represented, along with an explanation of the Conference. Those delegations representing NGOs do not have to send their position paper to their NGO headquarters, although it is encouraged. This will assist them in preparation for the mission briefing in New York.

Finally, please consider that over 2,000 papers will be handled and read by the Secretariat for the Conference. Your patience and cooperation in strictly adhering to the above guidelines will make this process more efficient and it is greatly appreciated. Should you have any questions please feel free to contact the Conference staff, though as we do not operate out of a central office or location, your consideration for time zone differences is appreciated.

Sincerely yours,

*Sheraton Venue*  
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[damico@nmun.org](mailto:damico@nmun.org)

*Marriott Venue*  
Nicholas Warino  
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**Delegation from  
The United Mexican States**

**Represented by  
(Name of College)**

### ***Position Paper for the General Assembly Plenary***

The issues before the General Assembly Plenary are: The Use of Economic Sanctions for Political and Economic Compulsion; Democracy and Human Rights in Post-Conflict Regions; as well as The Promotion of Durable Peace and Sustainable Development in Africa. The Mexican Delegation first would like to convey its gratitude being elected and pride to serve as vice-president of the current General Assembly Plenary session.

#### **I. The Use of Economic Sanctions for Political and Economic Compulsion**

The principles of equal sovereignty of states and non-interference, as laid down in the Charter of the United Nations, have always been cornerstones of Mexican foreign policy. The legitimate right to interfere by the use of coercive measures, such as economic sanctions, is laid down in Article 41 of the UN-charter and reserves the right to the Security Council.

Concerning the violation of this principle by the application of unilateral measures outside the framework of the United Nations, H.E. Ambassador to the United Nations Enrique Berruga Filloy underlined in 2005 that the Mexico strongly rejects “the application of unilateral laws and measures of economic blockade against any State, as well as the implementation of coercive measures without the authorization enshrined in the Charter of the United Nations.” That is the reason, why the United Mexican States supported – for the 14th consecutive time – Resolution (A/RES/60/12) of 2006 regarding the *Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba*.

In the 1990s, comprehensive economic sanctions found several applications with very mixed results, which made a critical reassessment indispensable. The United Mexican States fully supported and actively participated in the “Stockholm Process” that focused on increasing the effectiveness in the implementation of targeted sanctions. As sanctions and especially economic sanctions, pose a tool for action “between words and war” they must be regarded as a mean of last resort before war and fulfill highest requirements for their legitimate use. The United Mexican States and their partners of the “Group of Friends of the U.N. Reform” have already addressed and formulated recommendations for that take former criticism into account. Regarding the design of economic sanctions it is indispensable for the success to have the constant support by all member states and public opinion, which is to a large degree dependent the humanitarian effects of economic sanctions. Sanctions must be tailor-made, designed to effectively target the government, while sparing to the largest degree possible the civil population. Sanction regimes must be constantly monitored and evaluated to enable the world-community to adjust their actions to the needs of the unforeseeably changing situation. Additionally, the United Mexican States propose to increase communication between the existing sanction committees and thus their effectiveness by convening regular meetings of the chairs of the sanction committees on questions of common interest. An example is the case of negative spill-over effects of economic sanctions on neighboring countries, in which affected countries additionally need to be enabled to voice their problems more effectively, as addressed in the resolution *Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions* (A/RES/54/107). Non-state actors have in the last years tremendously grown in their political importance, especially with regard to the international fight against terrorism. Their position and the possibilities of the application of economic sanction on non-state actors is another topic that urgently needs to be considered.

#### **II. Democracy and Human Rights in Post-Conflict Regions**

As a founding member of the United Nations, Mexico is highly engaged in the Promotion of Democracy and Human Rights all over the world, as laid down in the *Universal Declaration on Human Rights (UDHR)* in 1948. Especially since the democratic transition of Mexico in 2000 it is one of the most urgent topics to stand for Democratization and Human Rights, and Mexico implements this vision on many different fronts.

In the Convoking Group of the intergovernmental Community of Democracies (GC), the United Mexican States uphold an approach that fosters international cooperation to promote democratic values and institution-building at the national and international level. To emphasize the strong interrelation between human rights and the building of democracy and to fortify democratic developments are further challenges Mexico deals with in this committee. A key-factor for the sustainable development of a post-conflict-region is to hold free and fair election and thus creating a democratic system. Being aware of the need of post-conflict countries for support in the preparation of democratic elections, the United Mexican States contribute since 2001 to the work of the International Institute for Democracy

and Electoral Assistance (IDEA), an intergovernmental organization operating at international, regional and national level in partnership with a range of institutions. Mexico's foreign policy regarding human rights is substantially based on cooperation with international organizations. The Inter American Commission of Human Rights is one of the bodies, Mexico is participating, working on the promotion of Human Rights in the Americas. Furthermore, the Inter-American Court of Human Rights is the regional judicial institution for the application and interpretation of the *American Convention of Human Rights*.

The objectives Mexico pursues are to improve human rights in the country through structural changes and to fortify the legal and institutional frame for the protection of human rights on the international level. Underlining the connection between democracy, development and Human Rights, stresses the importance of cooperation with and the role of the High Commissioner on Human Rights and the reform of the Human Rights Commission to a Human rights Council.

Having in mind the diversity of challenges in enforcing democracy and Human Rights, Mexico considers regional and national approaches vital for their endorsement, as Mexico exemplifies with its *National Program for Human Rights* or the *Plan Puebla Panama*. On the global level, Mexico is encouraged in working on a greater coordination and interoperability among the United Nations and regional organizations, as well as the development of common strategies and operational policies and the sharing of best practices in civilian crisis management should be encouraged, including clear frameworks for joint operations, when applicable.

### **III. The Promotion of Durable Peace and Sustainable Development in Africa**

The United Mexican States welcome the leadership role the African Union has taken regarding the security problems of the continent. Our delegation is furthermore convinced that The New Partnership for Africa's Development (NEPAD) can become the foundation for Africa's economic, social and democratic development as the basis for sustainable peace. Therefore it deserves the full support of the international community.

The development of the United Mexican States in the last two decades is characterized by the transition to a full democracy, the national and regional promotion of human rights and sustainable, economic growth. Mexico's development is characterized by free trade and its regional integration in the North American Free Trade Agreement. Having in mind that sustainable development is based not only on economic, but as well on social and environmental development, President Vicente Fox has made sustainable development a guiding principle in the Mexican Development Plan that includes sustainability targets for all major policy areas.

The United Nations Security Council has established not less than seven peace-keeping missions on the African continent, underlining the need for full support by the international community. In post-conflict situations, we regard national reconciliation as a precondition for a peaceful development, which is the reason why Mexico supported such committees, i.e. in the case of Sierra Leone. The United Mexican States are convinced that an other to enhance durable peace in Africa is the institutional reform of the United Nations. We therefore want to reaffirm our full support to both the establishment of the peace-building commission and the Human Rights Council. Both topics are highly interrelated and, having in mind that the breach of peace is most often linked with severest human rights' abuses, thus need to be seen as two sides of one problem and be approached in this understanding.

As most conflicts have their roots in conflicts about economic resources and development chances, human development and the eradication of poverty must be at the heart of a successful, preventive approach. Lifting people out of poverty must be seen as a precondition not only for peace, but for social development and environmental sustainability.

The United Mexican States want to express their esteem for the decision taken by the G-8 countries for a complete debt-relief for many African Highly-Indebted-Poor-Countries. Nevertheless, many commitments made by the international community that are crucial for Africa's sustainable development are unfulfilled. The developed countries agreed in the *Monterrey Consensus of the International Conference on Financing for Development* (A/CONF.198/11) to increase their Official Development Aid (ODA) "towards the target of 0,7 per cent of gross national product (GNP) as ODA to developing countries and 0,15 to 0,20 per cent of GNP of developed countries to least developed countries". Furthermore, the United Mexican States are disappointed by the result of the Hong Kong Ministerial conference of the World Trade Organization, which once more failed to meet the needs of those, to whom the round was devoted: developing countries and especially African countries, who today, more than ever, are cut off from global trade and prosperity by protectionism.

With regard to the African Peer Review Mechanism, the United Mexican States want to underline that good governance is an integral part of sustainable development. Therefore, we support all efforts by African countries to make the mechanism obligatory to increase transparency and accountability in all African countries.



## Committee History

### *Introduction*

The Organization of American States (OAS) was established in 1948 with the signing of the Charter of the OAS in Bogotá, Colombia.<sup>1</sup> That makes the OAS the world's oldest regional organization being founded even before the United Nations (UN).<sup>2</sup> Although the establishment of such a regional system was discussed before, the OAS dates back to the First International Conference of American States, held in Washington D.C., from October 1889 to April 1890.<sup>3</sup>

The OAS has evolved since its inception. Originally known as the International Union of American Republics its name was changed into the Pan American Union until it was renamed Organization of American States in 1948.<sup>4</sup> As stated in the Charter of the OAS, its goal is to achieve amongst its Member States “an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence.”<sup>5</sup>

### *Member States and Functions*

Eighteen American states took part in the First International Conference of American States.<sup>6</sup> Today all 35 independent states of the Americas are Member States of the OAS along with 62 states with observer status as well as the European Union.<sup>7</sup> The Government of Cuba had been excluded from its participation in the inter-American system in 1962.<sup>8</sup> This changed in 2009 when a resolution was adopted which stated that the 1962 resolution would cease to have effect in the OAS.<sup>9</sup> It does not mean that Cuba is participating though, but rather that the participation will be a result of a process of dialogue.<sup>10</sup>

The OAS is a main political, juridical, and social governmental forum in the Western Hemisphere seeing that all independent states of the Americas are Member States. It has four main pillars: democracy, human rights, security, and development.<sup>11</sup> These cannot be seen as single goals, but rather complimentary of each other.<sup>12</sup> The Charter of the OAS was amended by different Protocols several times between 1967 and 1993.<sup>13</sup> Chapter I of the Charter states the purpose and also describes the status of the OAS within the UN as a regional agency.<sup>14</sup> This is also consistent with Chapter VIII of the Charter of the United Nations concerning regional arrangements.<sup>15</sup> When it comes to local disputes, the Member States of the UN and OAS should make every effort to achieve pacific settlement through the OAS before referring it to the UN Security Council (UNSC), which can also use the OAS to enforce action under its authority.<sup>16</sup> Nevertheless, the OAS cannot generally be seen as a regional agency, this is only the case within the UN.<sup>17</sup> The Charter of the UN talks about regional obligations of the OAS, but the relationship between the OAS and the UN is just one aspect of its nature.<sup>18</sup> In this context it becomes clear, that within this relationship the United Nations has priority when it comes to international peace and security and this explains why the OAS has the status of a regional agency within the UN.<sup>19</sup>

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<sup>1</sup> Organization of American States, *Who we are*.

<sup>2</sup> Bloom, *The Organization of American States*, 2008, p. 12.

<sup>3</sup> Organization of American States, *Our History*.

<sup>4</sup> Organization of American States, *Our History*.

<sup>5</sup> Organization of American States, *Multilateral Treaties*.

<sup>6</sup> Organization of American States, *Our History*.

<sup>7</sup> Organization of American States, *Member States*.

Organization of American States, *Who we are*.

<sup>8</sup> Bloom, *The Organization of American States*, 2008, p. 21.

<sup>9</sup> Organization of American States, *Member States*.

<sup>10</sup> Organization of American States, *Member States*.

<sup>11</sup> Organization of American States, *What we do*.

<sup>12</sup> Organization of American States, *What we do*.

<sup>13</sup> Organization of American States, *Multilateral Treaties*.

<sup>14</sup> Organization of American States, *Multilateral Treaties*.

<sup>15</sup> United Nations, *Charter of the United Nations*.

<sup>16</sup> United Nations, *Charter of the United Nations*.

<sup>17</sup> Connell-Smith, *The inter-American system*, 1966, p. 214.

<sup>18</sup> Connell-Smith, *The inter-American system*, 1966, p. 214.

<sup>19</sup> Connell-Smith, *The inter-American system*, 1966, p. 214.

The Inter-American Democratic Charter was adopted by the General Assembly of the OAS at its special session held in Lima, Peru, on September 11, 2001.<sup>20</sup> It states that “The peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it.”<sup>21</sup> This Charter sets representative democracy as a hemispheric standard that should be followed.<sup>22</sup> It therefore mentions various essential elements of a representative democracy with respect for human rights and periodic, free and fair elections being two of them. To defend democracy in the region, the Charter presents incentives as well as sanctions and Member States may request assistance from the Secretary-General or the General Assembly of the OAS.<sup>23</sup>

### ***Structure of the OAS***

Promoting democracy, defending human rights, ensuring a multidimensional approach to security, fostering integral development and prosperity, and supporting inter-American legal cooperation are the organizations main working areas. These areas are also represented by the different organs of the OAS amongst others, the Inter-American Commission on Human Rights and the Inter-American Juridical Committee.<sup>24</sup> The main organ of the OAS is the General Assembly.<sup>25</sup> The functions of the General Assembly are described in Chapter IX of the Charter of the OAS. Article 54 states that it is the “supreme organ of the Organization of American States.”<sup>26</sup> The General Assembly consists of the delegations of all the Member States and each State has the right to one vote as stated in Article 56.<sup>27</sup> Participation is a right for all Member States of the OAS.<sup>28</sup> The General Assembly decides the general action and policy of the OAS as is stated in the Charter of the OAS.<sup>29</sup> The Permanent Council and the Inter-American Council for Integral Development report to the General Assembly.<sup>30</sup> The Permanent Council consists of several different committees and assists Member States in the peaceful settlement of disputes.<sup>31</sup> Each Member State has a representative in this Council.<sup>32</sup> The Inter-American Council for Integral Development consists of different committees and advances the cooperation amongst its Member States to eliminate extreme poverty as one of its main goals.<sup>33</sup>

### ***Current Challenges***

The OAS faces many different challenges. The General Assembly of the OAS declared the year 2011 as the Inter-American Year of Culture.<sup>34</sup> Draft resolution 2011 from the Forty-first Regular Session of the General Assembly calls upon the Member States to fully participate in the Inter-American Year of Culture.<sup>35</sup> The Sixth Summit of the Americas will be held in 2012 in Colombia.<sup>36</sup> The Member States of the OAS already started negotiations in order to address the most important and urgent topics at the summit.<sup>37</sup> A topic that is in discussion right before the summit is the topic of natural disasters.<sup>38</sup> Therefore regional experts gathered at the OAS headquarters to discuss ways to cope with natural disasters as well as risk management.<sup>39</sup>

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<sup>20</sup> Organization of American States, *Democratic Charter*.

<sup>21</sup> Organization of American States, *Democratic Charter*.

<sup>22</sup> Levitt, *A Desultory Defense of Democracy*, 2006, p. 95.

<sup>23</sup> Levitt, *A Desultory Defense of Democracy*, 2006, p. 96.

<sup>24</sup> Organization of American States, *Our Structure*.

<sup>25</sup> Organization of American States, *General Assembly*.

<sup>26</sup> Organization of American States, *Multilateral Treaties*.

<sup>27</sup> Organization of American States, *Multilateral Treaties*.

<sup>28</sup> Ball, *The OAS in transition*, 1969, p.123.

<sup>29</sup> Organization of American States, *Multilateral Treaties*.

<sup>30</sup> Organization of American States, *Councils*.

<sup>31</sup> Organization of American States, *Councils*.

<sup>32</sup> Organization of American States, *Councils*.

<sup>33</sup> Organization of American States, *Councils*.

<sup>34</sup> Organization of American States, *About the Year*.

<sup>35</sup> Organization of American States, *General Assembly*.

<sup>36</sup> Organization of American States, *Media Center*. Press Release E-843/11.

<sup>37</sup> Organization of American States, *Media Center*. Press Release E-843/11.

<sup>38</sup> Organization of American States, *Media Center*. Press Release E-881/11.

<sup>39</sup> Organization of American States, *Media Center*. Press Release E-881/11.

Another current challenge for the OAS today is inequality in Latin America as stated by José Miguel Insulza, Secretary General of the OAS.<sup>40</sup> Democracy in Latin America is much more developed and present than before, but nevertheless inequality as well as racial and gender discrimination are problems that persist.<sup>41</sup> This inequality poses a challenge, because it is incompatible with democracy.<sup>42</sup>

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*This Web site gives access to various kinds of current and older information. It is possible to read press releases as well as speeches that were held by the Secretary General and other authorities or OAS officials. Delegates can follow the latest news about the OAS and topics that are discussed at the moment. Furthermore there are news clips concerning the OAS that can be accessed through this site.*

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*This Web site states the history of the OAS in detail and helps to get a better understanding of this organization. It also outlines the changes the organization went through and its role in history. It mentions different conferences that were of importance for the development of the OAS as it is known today.*

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<sup>40</sup> Organization of American States, *Media Center*. Press Release E-849/11.

<sup>41</sup> Organization of American States, *Media Center*. Press Release E-849/11.

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## I. Migrant Workers: Protection of Labor Rights

*“Migration is today, as it has always been, a function of the search for greater opportunity. Throughout human history, migration has been a courageous expression of the individual’s will to overcome adversity and to live a better life.”*<sup>43</sup>

### **Introduction**

The United Nations Educational, Scientific and Cultural Organization (UNESCO) defines a migrant as “any individual who lives temporarily or permanently in a country where he or she was not born, and has acquired some significant social ties to this country.”<sup>44</sup> The Organization of American States (OAS) describes migrant workers as individuals who are in a working environment other from their own country.<sup>45</sup> However, the reality of migrant workers and their situation transcends far beyond these definitions.<sup>46</sup>

In the OAS region alone, there were approximately 28-29 million migrant workers in 2010.<sup>47</sup> Each year millions of migrant workers leave their home countries to seek work in other countries. It is estimated that “economically active migrants and their families comprise of 90% of the total migrant population,” with the number of migrant workers currently totaling 214 million globally.<sup>48</sup>

### **Terminology**

There is specific terminology associated with migration and migrant workers. The country that migrant workers migrate from is described as the “country of origin” or the “home country.”<sup>49</sup> Often times before migrant workers reach their destination, they temporarily reside in a “transit country,” and the final destination of migration is known as the “receiving country” or a “host country.”<sup>50</sup>

A host country can most often be a neighboring country; sometimes migration can take place from rural to urban areas within a country or vice versa, and in some instances migrant workers move inter-regionally.<sup>51</sup> Migrant workers are in transition till migration from home country to host country is complete. Often migrant workers work in different host countries, until they find a permanent job or housing arrangement, which makes counting how many migrant workers exist difficult.<sup>52</sup> As a majority of the migration does not occur legally, this only adds to the burden that is placed on host countries that have migrant workers both enter the workforce both legally and illegally.<sup>53</sup>

The issue of migrant workers is twofold: the undocumented number of migrant workers that arrive to the host country and those that arrive legally.<sup>54</sup> Properly counting migrant workers who enter a host country’s workforce legally does not present as much of the same problems as those counting those who arrive illegally. The international community has voiced its criticism on the issue of illegal migration as stated in the Copenhagen Programme of Action, “Governments are urged to cooperate in reducing the causes of undocumented migration, safeguarding the basic human rights of undocumented migrants and preventing their exploitation.”<sup>55</sup>

The ebb and flow of migration is ever increasing with greater influx of migrant workers leaving their home countries yearly.<sup>56</sup> Migrant workers leave home for different reasons, but one of the main reasons cited for their departure is

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<sup>43</sup> International Labour Organization, *Protecting the Rights of Migrant Workers: A Shared Responsibility*, 2009.

<sup>44</sup> United Nations Educational, Scientific and Cultural Organization, *Social and Human Sciences International Migration*.

<sup>45</sup> Organization of American States, *Rights of Migrant Workers*, 2008.

<sup>46</sup> Organization of American States, *Rights of Migrant Workers*, 2008.

<sup>47</sup> Organization of American States, *Rights of Migrant Workers*, 2008.

<sup>48</sup> Migration for Development, *E-Discussion: Protecting migrant workers human and labour rights: Ensuring effective redress*, 2010.

<sup>49</sup> Salvador, *Migrant Workers: Protection of Labor Rights and Labor Market Programs*, 2006.

<sup>50</sup> Salvador, *Migrant Workers: Protection of Labor Rights and Labor Market Programs*, 2006.

<sup>51</sup> International Labour Organization, *Migrant Workers*, 2011.

<sup>52</sup> International Labour Organization, *Migrant Workers*, 2011.

<sup>53</sup> Smith, *Protecting the Labor Rights of all Migrant Workers in the Americas*, 2006.

<sup>54</sup> The People’s Movement for Human Rights Education, *Human Rights and Migrant Workers*.

<sup>55</sup> The People’s Movement for Human Rights Education, *Human Rights and Migrant Workers*.

<sup>56</sup> Salvador, *Migrant Workers: Protection of Labor Rights and Labor Market Programs*, 2006.

because of the lack of financial security at home.<sup>57</sup> Among other reasons why migrant workers emigrate from their homeland is to provide for their families, flee from political persecution, and for medical purposes to provide better health care for a family member.<sup>58</sup> In addition, to those who voluntarily emigrate there are still many more migrant workers who are smuggled and trafficked into host countries unknowingly and are forced into prostitution, crime, and begging.<sup>59</sup>

Those who migrate from the inter-American region account for many of the nearly 200 million international migrants in the world, which is about 3% of the world's population.<sup>60</sup> A majority of migrant workers do not cross borders with official visas or proper documentation, entering neighboring countries illegally, classifying them as illegal migrant workers.<sup>61</sup> It is estimated that between 2.5 to 4 million migrant workers enter other countries without the host country's knowledge.<sup>62</sup> The desolate living conditions and economical hardship in the home country causes many migrant workers to leave.<sup>63</sup> The desire to seek work by migrants leads to migration to other countries, which results in migrant workers illegally becoming a part of a host country's workforce. The migrants who enter the workforce illegally cause many problems for both migrant workers and the host country.

A high unemployment rate and rampant poverty further exacerbate migrant workers living situation, which is why they leave their home countries to seek work elsewhere. Salvador Medina, President of the OAS Trade Union Technical Advisory Council (COSATE) stated on the situation of migrant workers,

“We are witnessing a second great international migration flow due to economic globalization, which intensifies the inequality in income, welfare and opportunities for progress, and therefore the reasons to abandon one country, attracted by the opportunities of another. Economic integration processes are determinant factors that generate labor migration flows, despite the fact that still today a fair and adequate regulatory framework is missing.”<sup>64</sup>

The problem surrounding the situation of migrant worker's labor rights is complex. Their situation is further complicated by social, cultural, political, and above all economical limitations that stem in the home country because of lack of opportunity which continues to be an issue in the host country.<sup>65</sup>

### ***The Impact of Migration***

Migration and development plays a vital role in why labor migration occurs.<sup>66</sup> The term development is used strictly in the context of labor migration as meaning it encompasses economic, social, cultural, political, and human development and refers to the development of both the country of origin and host country, as well as the welfare and full development of the capabilities of migrant workers and their families.<sup>67</sup>

The impact migrant workers can and do have had on development can be observed at various levels. For example, migrant workers can help their country of origin by sending remittances back home and by leaving the workforce they create more job opportunities for those who choose not to migrate.<sup>68</sup> A remittance is a private monetary transfer from a migrant worker residing in a host country for more than a year to recipients in their country of origin.<sup>69</sup> Furthermore, “in countries of origin, migration for employment can contribute through remittances, return migration, and engagement of transnational communities (diaspora).”<sup>70</sup> World Bank estimates that migrant workers sent a total of \$240 billion in formal remittances across the world in 2007.<sup>71</sup>

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<sup>57</sup> Salvador, *Migrant Workers: Protection of Labor Rights and Labor Market Programs*, 2006.

<sup>58</sup> Grant, *International migration and human rights*, 2005.

<sup>59</sup> Grant, *International migration and human rights*, 2005.

<sup>60</sup> Smith, *Protecting the Labor Rights of all Migrant Workers in the Americas*, 2006.

<sup>61</sup> Smith, *Protecting the Labor Rights of all Migrant Workers in the Americas*, 2006.

<sup>62</sup> Smith, *Protecting the Labor Rights of all Migrant Workers in the Americas*, 2006.

<sup>63</sup> The People's Movement for Human Rights Education, *Human Rights and Migrant Workers*.

<sup>64</sup> Salvador, *Migrant Workers: Protection of Labor Rights and Labor Market Programs*, 2006

<sup>65</sup> Joint Migration and Development Initiative, *Migration for Development: a Bottom-Up Approach*, 2011, p. 88.

<sup>66</sup> International Labour Organization, *Protecting the Rights of Migrant Workers: A Shared Responsibility*, 2009.

<sup>67</sup> International Labour Organization, *Protecting the Rights of Migrant Workers: A Shared Responsibility*, 2009.

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<sup>69</sup> Trading Economics, *Workers' Remittances and compensation of Employees; Paid (US Dollar) in Brazil*.

<sup>70</sup> International Labour Organization, *Women and Men Migrant Workers: Moving Towards Equal Rights and Opportunities*.

<sup>71</sup> International Labour Organization, *Women and Men Migrant Workers: Moving Towards Equal Rights and Opportunities*.

As a whole it appears, “Latin American countries sent home substantially more money at the beginning of 2011 than they did a year earlier, signaling the economic recovery in the U.S. and other developed countries has improved prospects for foreign workers.”<sup>72</sup> Therefore, protecting the labor rights of migrant workers is essential not only to ensure safety and well being of migrant workers, but also to preserve the potential long-term benefits for all.<sup>73</sup> Country of origin, transit countries, and host countries within OAS Member States Guatemala, Honduras, El Salvador, and Mexico received between 6% and 16% more revenue from remittances in January of 2011 as compared to January of 2010 as reported by the International Fund for Agricultural Development.<sup>74</sup>

OAS reports a continual rise in the number of migrant workers. “Migration flows can be observed in most of our countries, and includes transit and relocation of people and sometimes entire families, who are searching better opportunities than the ones they have in their countries. Today’s invisible geographic, political, and cultural frontiers pose a big challenge for international organizations, governments, organizations, and people.”<sup>75</sup>

### ***Types of Migrant Workers***

Migrant workers exist partly because of the lack of economic opportunity that exists in a migrant worker’s country of origin and partly due to the shift in development and migration patterns that have been seen post globalization.<sup>76</sup> There are different types of migrant workers and most them belong in one of three categories—skilled labor, unskilled labor, and service professionals.<sup>77</sup> Since migrant workers migrate due to labor reasons their migration is classified as ‘economic migration,’ which is defined as “moving to find work or follow a particular career path.”<sup>78</sup>

Some migrant workers leave their home country with the intention to migrate to another country and to work temporarily and then return home.<sup>79</sup> Such migrant workers are termed as temporary foreign workers and within this category, there is even further division. There are legal and illegal temporary foreign workers; legal temporary foreign workers are often brought to a country to work for a designated time period and then the worker is expected to return home.<sup>80</sup> Canada, an OAS Member State, has its own temporary foreign workers program for migrant laborers.<sup>81</sup> However, there are still those who illegally migrate to a host country and work for a short period of time and then return to their country of origin.<sup>82</sup> Illegal temporary foreign workers go undocumented and are not accounted for in the host country’s labor force, which makes it difficult to protect labor rights of migrant workers.

Apart from temporary workers there is also those who are in transit and have not completed the migration from their country of origin to their final destination.<sup>83</sup> Other types of migrant workers include: frontier workers, seafarers, short-term professionals, farm workers, post-war workers, refugees, internally displaced people who have entered the workforce, and labor migrants.<sup>84</sup> All of these types of workers leave home for different reasons migrating from both small villages and big cities alike in search for a better life for themselves and their families. With an increase in migration patterns and shifts in development of countries migrant workers have become increasingly more mobile.<sup>85</sup> Their international status is up for questioning and because they are employed in other countries they are potentially subject to harsh working conditions, can be underpaid for their work or not paid at all, abused, degraded, and neglected their basic labor rights.<sup>86</sup>

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<sup>72</sup> Wall Street Journal, Buoyed by Recovery, *Migrants Send Home More Money*, 2011.

<sup>73</sup> Wall Street Journal, Buoyed by Recovery, *Migrants Send Home More Money*, 2011.

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## ***Migrant Workers and Protection of Rights***

Protecting the labor rights of migrant workers is no longer an economic concern for host and home countries, but also a human rights issue.<sup>87</sup>

Often times migrant workers labor rights go unnoticed and are continuously violated because they are not considered to be part of the actual workforce.<sup>88</sup> This is an ethical and moral dilemma and because “countries are more apt to focus on issues of border security, employer sanctions and criminalization of migration as ways to address their migration issues this approach ignores the human rights of migrants themselves, as well as a powerful tool to reduce employer incentives to hire and exploit migrant workers.”<sup>89</sup>

### ***OAS Measures & International Legal Frameworks to protect labor rights***

The Organization of American States (OAS) was created to promote unity and collaboration amongst Member States and to protect sovereignty, human rights, and independence of states in the region.<sup>90</sup> Many migrant workers migrate to and from across the Inter-American region and from one OAS Member State to another.<sup>91</sup> Protections of Migrant Workers are high on the OAS agenda. Migrant workers are identified as a vulnerable group of workers and the International Labor Organization (ILO) constitution, several UN Human Right instruments such as the Convention on the Rights of Migrant Workers call for their protection.<sup>92</sup> The International Convention on the Protection of the Rights of All Migrant Workers and their families entered into force July 1, 2003, and it states that protection of the interests of workers when employed in other countries other than their own is imperative in Part I, Article 1 and Part III of the Convention, which applies to all migrant workers and their families.<sup>93</sup> The purpose of the convention is to protect the human and labor rights of migrant workers.<sup>94</sup>

The issue of migrant workers and protection of their labor rights is a region wide concern and hundreds and thousands of workers who go undocumented each year makes protecting them rights even harder.<sup>95</sup> Unauthorized immigration, the smuggling and trafficking of people, and the protection of the rights of migrant workers are primary political and policy problems for almost every country in the hemisphere.<sup>96</sup> As a measure to protect the labor rights of migrant workers and their families the OAS Department of International Law has created an Inter-American Program for the promotion and protection of the Human Rights of Migrants, including protection of migrant workers and their families.

Other OAS actions include calling for increasing standards of work so that all migrant workers can have ‘decent work,’ as described in the outcome document from the 4<sup>th</sup> Summit of Americas (2005).<sup>97</sup> As already mentioned, the protection of the rights of migrant workers is a priority on the OAS agenda, and for this purpose, the OAS has dedicated an entire committee to protect the labor rights of migrant workers.<sup>98</sup> The OAS has various functioning bodies, among which is the Permanent Council of the OAS Committee on Juridical and Political Affairs (CAJP).<sup>99</sup> This body has done substantial amount of work on the protection of labor rights of migrant workers.<sup>100</sup> The CAJP, an OAS initiative was created exclusively for the protection against human rights violation of migrants and also played an integral role in the creation of the Inter-American Program for the Promotion and the Protection of the Human Rights of Migrants.<sup>101</sup> Namely, *Resolution 2593* protects migrant workers and their families against human rights

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<sup>87</sup> The People’s Movement for Human Rights Education, *Human Rights and Migrant Workers*.

<sup>88</sup> International Labor Organization. *Protecting the Rights of Migrants Workers A Shared Responsibility*, 2009.

<sup>89</sup> Smith, *Protecting the Labor Rights of all Migrant Workers in the Americas*, 2006.

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<sup>98</sup> Organization of American States Committee on Juridical and Political Affairs, *Special Committee on Migration*.

<sup>99</sup> Organization of American States Committee on Juridical and Political Affairs, *Special Committee on Migration*.

<sup>100</sup> Organization of American States Committee on Juridical and Political Affairs, *Special Committee on Migration*.

<sup>101</sup> Organization of American States, *Political Processes Juridical and Political Affairs Committee (CAJP)*, 2011.

violations and *Resolution 2597* help protect asylum seekers and refugees in the region who may fall under the workforce.<sup>102</sup>

International legal instruments that protect the labor rights of migrant workers include the Convention on the Rights of Migrant Workers (2003), which safeguards against any violation of migrant workers' labor rights.<sup>103</sup> Other means to protect migrant workers labor rights is the ILO Convention No. 111, which helps prevent discrimination practices that are abundant in OAS Member States.<sup>104</sup> Specifically, it protects workers who are subjected to discrimination, and minority workers are also protected under the UN Declaration on Minorities (1992).<sup>105</sup> However, the implementation and efficacy of all these various international legal instruments varies in each sub-region within the OAS. For example in the Caribbean "undocumented migrants constitute a group that often has few rights under domestic law and a lack of recourse to domestic law, makes it difficult to claim the rights they may have."<sup>106</sup>

### ***Discrimination Against Migrant Workers***

Migrant workers face discrimination in host countries. Often they are not looked at favorably by citizens of host countries and are perceived as a threat by citizens. Since there are different types of migrant workers they also face the possibility of discrimination and exploitation by their prospective employers and co-workers because of not having any rights. The lack of basic human rights makes migrant workers vulnerable to abuse and discrimination. OAS General Assembly *Resolution 1712* calls for action against racism and an end to all forms of discrimination and intolerance.<sup>107</sup> Valter Pecly Moreira, Permanent Representative of Brazil at the meeting of the CJAP, called for the fight against racism and discrimination be inclusive against all forms of intolerance including protection against the labor rights of migrant workers.<sup>108</sup>

### ***A Gender Analysis of Female Chilean Migrant Workers and Protection of their Rights***

The ILO reports that an approximate 214 million "migrants worldwide are workers, with women representing almost half of the total and increasingly migrating on their own account rather than as dependents."<sup>109</sup> With more and more women migrating across borders, it has become necessary to highlight concerns surrounding female migrant workers. For women, like men "the driving forces of migration in today's globalized world are disparities in incomes and wealth, decent work opportunities, human security, demographic trends, and social networks."<sup>110</sup>

In Chile alone there was a total of 35,547 migrant in workers in 1992 of which women accounted for 30%.<sup>111</sup> In the Chilean case, while the numbers show a higher percentage of male migrant workers than women, globally women account for half of total international migrants today and data on migration is still gender blind.<sup>112</sup> Female migrant workers heavily populate ILO reports in the domestic work sector. In Chile, 92% of female migrant workers are employed in the domestic sector. Chile is home to some of the highest percentages of female migrant workers who migrate in search for better economic opportunities within the OAS region.

### ***Conclusion***

Protecting the labor rights of migrant workers remains a high priority on the OAS agenda. Both in the past and in the future, the OAS as the regional body moves forward collectively as it seeks to address this issue. Creation of the Inter-American Program for the promotion and protection of the Human Rights of Migrants, including protection of

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<sup>102</sup> Organization of American States, *Political Processes Juridical and Political Affairs Committee (CAJP)*, 2011.

<sup>103</sup> University of Minnesota Human Rights Library, *International Convention on the Protection of the Rights of All Migrant Workers and Their Families*, 2003.

<sup>104</sup> Minority Rights Group, *Migration in the Caribbean: Haiti, the Dominican Republic and Beyond*.

<sup>105</sup> Minority Rights Group, *Migration in the Caribbean: Haiti, the Dominican Republic and Beyond*.

<sup>106</sup> Minority Rights Group, *Migration in the Caribbean: Haiti, the Dominican Republic and Beyond*.

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<sup>110</sup> International Labour Organization, *Women and Men Migrant Workers: Moving Towards Equal Rights and Opportunities*.

<sup>111</sup> International Labour Organization, *Women and Men Migrant Workers: Moving Towards Equal Rights and Opportunities*.

<sup>112</sup> International Labour Organization, *Women and Men Migrant Workers: Moving Towards Equal Rights and Opportunities*.



migrant workers and their families is a positive step forward. The OAS is not working alone to protect the labor rights of migrants' workers as it collaborates with the ILO, UN, and other regional bodies in cooperation with its Member States.<sup>113</sup>

More recently, OAS Member States have begun negotiations towards the sixth Summit of Americas 2012 to discuss prevalent themes and matters of importance for the region.<sup>114</sup> It is hoped that protection of migrant workers' labor rights are discussed and as OAS Secretary General, Jose Miguel Insulza said, "that the process of negotiation and consensus in this political body starts now, in order to ensure that during the Sixth Summit we will make a hemispheric agenda that addresses the most pressing problems of our society."<sup>115</sup>

Moving forward, in order to properly address protection of labor rights of migrant workers, delegates should examine how migrant workers be assimilated into the labor force of a host country without being perceived as a threat to the citizens of said host country. What can be done to create more opportunities for migrant workers in their home countries to avoid migration? That said, how has the work of the OAS and its respective bodies helped in protecting the labor rights of migrant workers? What impact have they had on individual OAS Member States? Knowing that the possibility that migrant workers face discrimination, psychical and verbal abuse, and the possibility of working and living in less than optimal conditions, what can the OAS and its Member States do to address this?

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### ***I. Migrant Workers: Protection of Labor Rights***

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*This brief was published as part of the American University Washington College of Law's regular Human Rights series that deals specifically the rights of migrant workers all across Americas. It provides a general overview on the problem of migrant workers and the gross violation of their rights that occur in the region. Specifically, this brief is beneficial for delegates to read as it provides information from other regions who face similar problem as OAS Member States and data from other International organizations such as International Labor Organization.*

International Labour Organization. (2009). *Protecting the Rights of Migrant Workers: A Shared Responsibility*. ILO: Geneva.

*This brochure put out by ILO provides an excellent overview on the situation of migrant workers and specifically why protecting their labor rights is important. This brochure is neatly categorized in multiple sections explaining different stages of labor migration and the role it plays in overall development and migration patterns. Furthermore, it breaks down the linkage between the rights of migrant workers and development. It is strongly recommended that delegates use this brochure in the course of their research as it explains how it is the shared responsibility of the home, transit, and host countries to protect the labor rights of migrant workers.*

Organization of Americas States Department of International law. (2011). *Inter-American Program for the Promotion and Protection of the Human Rights of Migrants, Including Migrant Workers and their Families*. Retrieved from September 18, 2011, from [http://www.oas.org/dil/migrant\\_workers\\_inter\\_american\\_program.htm](http://www.oas.org/dil/migrant_workers_inter_american_program.htm)

*This is an extremely useful source for delegates and they are strongly encouraged to make use of this site. Here the OAS Department of international law delegates will find links and actual documents to CAJP. While all links and resources here will help delegates, the Inter-American Program for the Promotion and Protection of the Human Rights of Migrants document will of most*

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<sup>113</sup> Organization of American States, *OAS Member States begin negotiations Towards the Sixth Summit of the Americas 2012*, 2011.

<sup>114</sup> Organization of American States, *OAS Member States begin negotiations Towards the Sixth Summit of the Americas 2012*, 2011.

<sup>115</sup> Organization of American States, *OAS Member States begin negotiations Towards the Sixth Summit of the Americas 2012*, 2011.

*use to delegates. As it explains specific program objectives, actions, and program background and how it helps protect the rights of migrant workers.*

Organization of American States Permanent Council. (2011, August). *Proposal on the cooperation Project: "Development of the Inter-American Network for Cooperation in Migration (INCOM)."* Retrieved on August 9, 2011, from <http://scm.oas.org/IDMS/Redirectpage.aspx?class=CE/AM&classNum=169&lang=e>

*This document was put out by the Special Committee on Migration and was originally proposed by Paraguay. It calls for greater cooperation among OAS Member States to strengthen migration as a whole and also address concerns surrounding migrant rights. Paraguay proposes that OAS Member States need to have more dialogue in order to foster better understanding of the various migration trends that impact migrant workers. Overall, this document is an excellent source for delegates, which they should utilize as it helps outline OAS specific recommendations on how to work on migration and protecting rights of migrant workers.*

Organization of American States Permanent Council. (n.d.). *Special Committee on Migration Issues.* Retrieved July 28, 2011, from <http://www.oas.org/consejo/specialcommittees/Special%20Committe%20Migration.asp>

*This section of the Organization of American States Web site is officially part of the Juridical and Political Affairs Committee of OAS that decides on joint political and legal issues in the region. Specifically within the Juridical and Political Affairs division is a committee dedicated to migration, which would be a great asset for delegates to utilize during the course of their research. Delegates should take advantage of this section as it provides a wealth of information on migration and within the general umbrella of migration delegates will find specific information on migrant workers.*

People's Movement for Human Rights Education. (n.d.) *Human Rights of Migrant Workers.* Retrieved August 16, 2011, from <http://www.pdhre.org/rights/migrants.html>

*The People's Movement for Human Rights Education is a non-profit organization that raises awareness about human rights issues at the grassroots level. Through their efforts the organization tries to bring important human rights issues to the forefront before mass audiences including the United Nations. The organization utilizes dialogue and teaching material to raise awareness about human rights violations and this particular portion of their website provides basic definition of what is a migrant worker and a compilation of various international documents to protect the rights of migrant workers.*

Trading Economics. (2011). *Worker's Remittances and compensation of employees paid (US dollar) in Brazil.* Retrieved August 15, 2011, from <http://www.tradingeconomics.com/brazil/workers-remittances-and-compensation-of-employees-paid-us-dollar-wb-data.html>

*This article provides delegates with informative charts and graphs to better understand the remittances and compensation. Specifically, this article highlights remittances sent to Brazil by migrant workers who work in United States; delegates can use this example as a basis to investigate their own national indicators and economic impact the departure and the arrival of migrant workers has on the labor force. In particular, understanding remittances and what role they play in the economic implications will allow Member States to better gauge their policies protecting the rights of migrant workers.*

United Nations Educational, Scientific and Cultural Organization. (n.d.). *Social and Human Sciences Migrant/Migration.* Retrieved on July 29, 2011, from <http://www.unesco.org/new/en/social-and-human-sciences/themes/social-transformations/international-migration/glossary/migrant/>

*This section of the United Nations Educational, Scientific and Cultural Organization (UNESCO) helps provide a brief overview on migration and what is a migrant. Delegates are encouraged to read the definitions and explanations provided on this website to have a general understanding of how a migrant is defined. Knowing definitions will allow students to adequately analyze the extent of the situation of migrant workers' violation of labor rights in their respective Member States and resolve the situation accordingly.*

United Nations General Assembly. (1992, December 18). *Resolution 47/135 (1992).* Retrieved September 16, 2011, from <http://www.un.org/documents/ga/res/47/a47r135.htm>

*Resolution 47/135 deals with addressing the concerns surrounding the Declaration on the Rights of Persons belonging to National or Ethnic, Religious, and Linguistic Minorities. This resolution calls for protection of minorities against discriminatory practices that occur and also addressing discrimination in the work place. Delegates will find that actions called for in this resolution are in line with OAS agenda to protect labor rights of migrant workers.*

Wall Street Journal. (2011). *Buoyed by Prospects, Migrants Send More Money Home*. Retrieved on September 12, 2011, from <http://online.wsj.com/article/SB10001424052748704027504576198631328024912.html>

*This article is useful for delegates during the course of their research as it provides updated information on immigrants who send home money. This is relevant for this topic as it helps present a benefit of having migrant workers and marks an improvement overall for migrant workers. Specifically, this article provides data by the Inter-American Development Bank, which notes progress in remittance flows. It is encouraged delegates use this article as a base to learn about their own country's remittance flows and how this can help to protect the labor rights of migrant workers.*

## **II. Integrated Water Resource Management in a Changing Environment**

### ***Introduction***

Water is intrinsic to all life on earth, and is fundamental in meeting basic human, economic, and environmental needs.<sup>116</sup> Member States of the Organization of American States (OAS) have come to the consensus that water is a vital and essential resource for sustainable economic and social development and the preservation of the earth's ecosystem.<sup>117</sup> There are many social, environmental, and economic variables negatively impacted by ineffectual water resource management on the hemisphere, including the environmental impact of health, vulnerable population's access to clean water, and productivity in the agricultural and industrial sectors.<sup>118</sup> The results of unsustainable water management, e.g. water scarcity and poor water quality, affect human populations in the areas of food security, human health, livelihood choices, educational opportunities, economic opportunities, and degree of disturbance natural disasters have on communities.<sup>119</sup>

The threat of securing and sustaining water supplies is exacerbated by climate change. The changing climate enhances water security issues in the hemisphere by causing changes in rainfall patterns and increasing extreme weather events, as well as the threat of depletion of water supply stored in glaciers and snow cover.<sup>120</sup> Tropical regions and low-income countries are most vulnerable to the challenges hindering water management due to erratic weather patterns, specifically vulnerability to severe drought, and inadequate infrastructure.<sup>121</sup> Variability in precipitation is very likely to continue to increase.<sup>122</sup> Costly adjustments in water infrastructure, usage patterns, and institutions will likely be required in order to adapt to changes in the frequency and timing of seasonal water availability.<sup>123</sup>

### ***Definition Integrated Water Resource Management (IWRM)***

The widely accepted definition of Integrated Water Resource Management (IWRM), as put forth by the Global Water Partnership (GWP), is "a process, which promotes the coordinated development and management of water, land and related resources in order to maximize the resultant economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems."<sup>124</sup> IWRM is a cross-sector policy approach based on

<sup>116</sup> United Nations International Decade for Action Water for Life 2005-2015, *Integrated Water Resources Management*, 2011.

<sup>117</sup> OAS. *First Inter-American Meeting of Ministers and High-Level Authorities on Sustainable Development*, 2007.

<sup>118</sup> OAS. *First Inter-American Meeting of Ministers and High-Level Authorities on Sustainable Development*, 2007.

<sup>119</sup> United Nations International Decade for Action Water for Life 2005-2015, *Integrated Water Resources Management*, 2011.

<sup>120</sup> United Nations International Decade for Action Water for Life 2005-2015, *Integrated Water Resources Management*, 2011.

<sup>121</sup> United Nations International Decade for Action Water for Life 2005-2015, *Integrated Water Resources Management*, 2011.

<sup>122</sup> IPCC, *Linking Climate Change and Water Resources: Impacts and Responses*, 2008, p. 44.

<sup>123</sup> IPCC, *Linking Climate Change and Water Resources: Impacts and Responses*, 2008, p. 44.

<sup>124</sup> Global Water Partnership, *Perspectives on Water and Climate Change Adaptation: Better water resources management – Greater resilience today, more effective adaptation tomorrow*, 2008.

the concept that the different uses of finite water resources are interdependent.<sup>125</sup> It is useful to view the goods and services water provides in terms of tradeoffs.<sup>126</sup> For example, a high demand for water for irrigation and polluted drainage flows from the agricultural sector means less freshwater for drinking or water used for fisheries and to protect the ecosystem cannot be diverted for crops.<sup>127</sup> In an effort to address the conflicting demands for water, the IWRM approach strives to achieve a sustainable balance between water for people, water for food, water for nature, and water for industry and other uses.<sup>128</sup> The concept became more popular after Agenda 21 and the World Summit on Sustainable Development in Rio de Janeiro in 1992 when the discussions started among experts how it could be implemented.<sup>129</sup> Today, IWRM is accepted as an efficient, equitable and sustainable development and management approach of limited water resources to deal with conflicting demands.<sup>130</sup>

### ***Promoting IWRM***

Using an IWRM approach for improving management of water resources potentially supports the Millennium Development Goals (MDGs).<sup>131</sup> MDG 7 which is concerned with ensuring environmental sustainability also addresses problems connected with water. One of the targets is to halve by 2015 the proportion of the population without sustainable access to safe drinking water and basic sanitation.<sup>132</sup> The United Nations World Water Development Report 3 outlines the correlation between improved water management and achieving the MDGs, and recommends water policy changes be linked to MDGs targets and goals.<sup>133</sup>

The objective of OAS's Integral Water Resource Management Initiative is "to support Member States to improve the management, conservation and sustainable use of water resources, within the framework of social and economic growth as a fundamental element of peace and democracy."<sup>134</sup> Specifically, "the promotion of water governance, assistance in the development of policies, laws and regulations for Integrated Water Resource Management, capacity building in regional, national and local institutions, and promotion of the exchange of information through the IWRN (Inter-American Water Resources Network)."<sup>135</sup>

The OAS's General Secretariat facilitates IWRM in three stages: "support the definition of policies by developing forums" and sponsoring the Inter-American Dialogues for the Administration of Water Resources; "facilitate the exchange of information, exchange, and capabilities;" and "continue to provide technical assistance to its Member States by carrying out priority projects, especially in transboundary basins."<sup>136</sup>

As water quantity decreases and water quality degrades the competition over water resources intensifies making river basins that cross political boundaries the biggest potential areas for destabilization.<sup>137</sup> The countries of the OAS share over 70 major transboundary river basin, which makes Integrated Water Resources Management an important issue for Member States in the hemisphere.<sup>138</sup> The Seventh Inter-American Dialogue on Water Management (D7) will take place on November 13-19 in Medellin hosted by the government of Colombia. The focus of the conference will be inter-generational dialogue concerning water management challenges with the goal to establish an inter-generational compromise to take care of water.<sup>139</sup>

The OAS is currently focusing on potential solutions to bolster implementation of water governance mechanisms.<sup>140</sup> Two of the four key priorities to be addressed at the 6<sup>th</sup> World Water Forum, to be held in March of 2012 in Marseille, France, are Water and Adaption to Climate Change and IWRM: Enabling Institutions, Legislation, and

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<sup>125</sup> Roy/Barr/Venema, *Ecosystem Approaches in Integrated Water Resources Management (IWRM)*, 2011, p. 12.

<sup>126</sup> Houston/Kline/Alig, *Economic Research Supporting Water Resource Stewardship in the Pacific Northwest*, 2002, p. 16.

<sup>127</sup> OAS Department of Sustainable Development, *Integrated Water Resources Management*, 2011.

<sup>128</sup> OAS Department of Sustainable Development, *Integrated Water Resources Management*, 2011.

<sup>129</sup> United Nations International Decade for Action Water for Life 2005-2015, *Integrated Water Resources Management*, 2011.

<sup>130</sup> United Nations International Decade for Action Water for Life 2005-2015, *Integrated Water Resources Management*, 2011.

<sup>131</sup> Hassing, *Integrated Water Resource Management in Action*, 2009, p. 9.

<sup>132</sup> United Nations, *Millennium Development Goals*, 2000.

<sup>133</sup> Hassing, *Integrated Water Resource Management in Action*, 2009, p. 9.

<sup>134</sup> OAS Department of Sustainable Development. *Strengthening our Partnership for Sustainable Development*. 2010.

<sup>135</sup> Organization of American States Department of Sustainable Development, *Integrated Water Resource Management*, 2010.

<sup>136</sup> Diaz, *Climate and Water: transboundary challenges in the Americas*, 2003, p. 55-56.

<sup>137</sup> UN Water – International Decade for Action Water for Life 2005-2015, *Integrated Water Resources Management*, 2011.

<sup>138</sup> OAS Department of Sustainable Development, *Integrated Water Resources Management*, 2011.

<sup>139</sup> Inter-American Water Resources Network, *The Seventh Inter-American Dialogue on Water Management*, 2011.

<sup>140</sup> Water Forum of the Americas, *Regional Process 6<sup>th</sup> World Water Forum*, 2011.

Financial Instruments.<sup>141</sup> In preparation for the 6<sup>th</sup> World Water Forum, the OAS, the World Bank, and the GWP are working to identify practical solutions and regional targets relevant to the topic IWRM: Enabling Institutions, Legislation, and Financial Instruments.<sup>142</sup> The goal of the World Water Forum is to mobilize creativity, innovation, competence and know-how focusing on water; the first World Water Forum took place in 1997 and has since been conducted every three years.<sup>143</sup>

### ***Contextualizing Climate Change***

Climate variability and change are severely affecting both the quality and quantity of water resources.<sup>144</sup> Precipitation, temperature, and evaporative demand are the most dominant climate-related drivers to affect future water availability.<sup>145</sup> According to the Intergovernmental Panel on Climate Change (IPCC), the changing climate is predicted to adversely affect future freshwater resources in several ways, including: exacerbating many forms of water pollution, lowering water quality in lakes and reservoirs, increasing salinization in groundwater, increasing rates of soil erosion and sedimentation, decreasing the effectiveness of storm-water drainage and sewer disposal, and altering river discharge impacting water availability for in stream usage.<sup>146</sup> Hydrological changes are also predicted, including increased water run-off, which strengthens flood risk and the probability of areas with shallow water tables being damaged.<sup>147</sup> Changing water supply levels will not only cause disturbances in the agricultural sector, but also has potential to damage the effectiveness of water supply infrastructures, making improved access to safe drinking water more difficult to achieve.<sup>148</sup>

The IPCC defines five types of limits on climate change adaption: physical or ecological; technical, political, or social; economic; cultural and institutional; and cognitive and informational.<sup>149</sup> Weak governance and poverty pose the most serious obstacles to effective adaption to changes in the water cycle.<sup>150</sup> In many sub-regions of the Americas, the effects of climate change on freshwater resources are predicted to negatively affect sustainable development.<sup>151</sup> Climate change is expected to have adverse effects on populations lacking adequate water and sanitation infrastructure.<sup>152</sup> The Americas are affected by shrinking glaciers and rising sea levels, which will reduce the availability of fresh water.<sup>153</sup> IWRM has been identified as an important climate-adoption strategy by the IPCC as it becomes a critical management priority for transboundary watersheds in the context of climate change.<sup>154</sup>

### ***IWRM in the OAS***

The OAS has realized the importance of water resource management, but many challenges and barriers still exist that need to be addressed. Many Member States lack the policy, regulation, and institutional capacity to implement effective water resource management.<sup>155</sup> The Preparatory Workshop on Integrated Water Resource Management held in Quito, Ecuador in 2006 outlines five core issues that need to be addressed: “(a) governance; (b) access to information; (c) financing-related aspects; (d) aspects concerning policy and legislation; and, (e) elements to do with public participation.”<sup>156</sup> Inadequate infrastructure, investment, and institutional and regulatory framework have significant ramifications on several uses of water including energy, health and sanitation, food production, and environmental uses.<sup>157</sup> These inadequacies, along with insufficient institutional capacities, legal framework, and

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<sup>141</sup> OAS, *Preparatory Workshop Integrated Management of Water Resources*, 2006, p. 2.

<sup>142</sup> Water Forum of the Americas, *Regional Process 6<sup>th</sup> World Water Forum*, 2011.

<sup>143</sup> Water Forum of the Americas, *Regional Process 6<sup>th</sup> World Water Forum*, 2011.

<sup>144</sup> UNDP, *Adaption to Climate Change*, 2011.

<sup>145</sup> IPCC, *Linking Climate Change and Water Resources: Impacts and Responses*, 2008, p. 44.

<sup>146</sup> IPCC, *Linking Climate Change and Water Resources: Impacts and Responses*, 2008, p. 38-48.

<sup>147</sup> IPCC, *Linking Climate Change and Water Resources: Impacts and Responses*, 2008, p. 44.

<sup>148</sup> IPCC, *Linking Climate Change and Water Resources: Impacts and Responses*, 2008, p. 45.

<sup>149</sup> IPCC, *Linking Climate Change and Water Resources: Impacts and Responses*, 2008, p. 49.

<sup>150</sup> IPCC, *Linking Climate Change and Water Resources: Impacts and Responses*, 2008, p. 69.

<sup>151</sup> IPCC, *Linking Climate Change and Water Resources: Impacts and Responses*, 2008, p. 47.

<sup>152</sup> IPCC, *Linking Climate Change and Water Resources: Impacts and Responses*, 2008, p. 69.

<sup>153</sup> UNDP Human Development Report, *Beyond scarcity: Power, poverty and the global water crisis*, 2006, p. 159.

<sup>154</sup> Roy/Barr/Venema, *Ecosystem Approaches in Integrated Water Resources Management (IWRM)*, 2011, p. 6.

<sup>155</sup> OAS Department of Sustainable Development, *Objectives and Challenges*, 2011

<sup>156</sup> OAS, *First Inter-American Meeting of Ministers and High-Level Authorities on Sustainable Development*, 2007, p. 6.

<sup>157</sup> Water Forum of the Americas, *Regional Process 6<sup>th</sup> World Water Forum*, 2011.

financial resources exemplify the major obstacles facing regional implementation of an IWRM approach for water security.<sup>158</sup>

The Department of Sustainable Development (DSD) of the OAS aims at supporting Member States with the design and implementation of such policies, programs and projects and also supports the execution of multiple country projects.<sup>159</sup> It is responsible for the implementation of IWRM actions. The DSD serves as a regional executing agency for different water resource management projects that are carried out in transboundary, multi-country river basins and aquifers; these actions are carried out in partnership with the United Nations Environment Programme (UNEP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Bank and the Global Environment Facility.<sup>160</sup> In the context of climate change, coping with variability and changing conditions in the water cycle is at the core of water resource management.<sup>161</sup> The Department of Sustainable Development (DSD) of OAS supports the Member States to develop and strengthen environmental laws, policies and institutions as the foundation for the sustainable development in the region.<sup>162</sup>

### ***Case Study: IWRM in the La Plata River Basin***

The La Plata River Basin covers an extensive part of the areas of five member of the OAS: it stretches from northern and central Argentina, southeast Bolivia, almost all the southern part of Brazil, the whole of Paraguay and over a large part of Uruguay.<sup>163</sup> It makes up 17 percent of the surface of the South American continent and represents an important concentration of economic development in the region.<sup>164</sup> Because of the climatic conditions in the La Plata River Basin, rainfed agriculture such as the production of soybean, maize and wheat is very common; animal husbandry and fisheries also make it an important source for food.<sup>165</sup> The quality and the quantity of the water in the rivers in the La Plata River Basin have been affected by several developments: i) extraordinary variations in the hydrological regime, partly linked to variations and changes in the climate, ii) factors connected with land use changes, population growth, urbanization, and agricultural, industrial and infrastructure development.<sup>166</sup>

#### *Environmental Problems*

Measurements over a long period of time prove that the effects of climate change have severe environmental impacts in the La Plata River Basin. Evidence shows an increase in rainfall and runoff after 1970; also, the temperatures are increasing by about 1°C per century.<sup>167</sup> These changes have an impact on the social and environmental development of the region. Infrastructure and economic production are damaged frequently, especially in the Paraná and Uruguay sub-basins because of severe flooding.<sup>168</sup>

In addition to severe flooding the water and land in the La Plata River Basin also suffers from other problems, for example water quality degradation, sedimentation, biodiversity alteration, unsustainable management of fisheries resources as well as unsafe water and sanitation conditions.<sup>169</sup> Soil loss in agricultural areas stems from organic and chemical contamination resulting from agriculture and animal husbandry and pollutants and heavy metals from mining operations and inadequately treated urban sewage; intense deforestation and degradation is caused by population growth, road development expanding agricultural frontiers, mining and large-scale hydraulic engineering.<sup>170</sup> Due to the construction of dams and reservoirs in the region, some rivers have transformed into standing waters, enlarged other water bodies and inundated terrestrial ecosystems which severely affects the environment: 30 percent of the river length is lost, fish communities and structures change, wildlife habitats are destroyed.<sup>171</sup> This emphasis on hydropower in the La Plata River Basin demonstrates a lack of transboundary-level

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<sup>158</sup> Water Forum of the Americas, *Regional Process 6<sup>th</sup> World Water Forum*, 2011.

<sup>159</sup> OAS Department of Sustainable Development, *Objectives and Challenges*, 2011.

<sup>160</sup> OAS Department of Sustainable Development, *Integrated Water Resources Management*, 2011.

<sup>161</sup> UNDP, *Adaption to Climate Change*, 2011.

<sup>162</sup> OAS Department for Sustainable Development, *Environmental Law, Policy and Governance*, 2011.

<sup>163</sup> UNESCO, *3rd UN World Water Development Report*, 2009, p. 498.

<sup>164</sup> OAS, *La Plata River Basin*, 2005, p. 1.

<sup>165</sup> UNESCO, *3rd UN World Water Development Report*, 2009, p. 498.

<sup>166</sup> OAS, *La Plata River Basin*, 2005, p. 2.

<sup>167</sup> UNESCO, *3rd UN World Water Development Report*, 2009, p. 498.

<sup>168</sup> UNESCO, *3rd UN World Water Development Report*, 2009, p. 498.

<sup>169</sup> Bello, *Confronting the Challenges of Climate Variability and Change through an Integrated Strategy for the Sustainable Management of the La Plata River Basin*, 2009, p. 4-5.

<sup>170</sup> UNESCO, *3rd UN World Water Development Report*, 2009, p. 498-499.

<sup>171</sup> Roy/Barr/Venema, *Ecosystem Approaches in Integrated Water Resources Management (IWRM)*, 2011, p. 40.

attention to less conventional watershed and wetland services such as carbon sequestration, food production, water storage and flood prevention.<sup>172</sup>

### *Water and Health*

In the La Plata River Basin there is a vast difference between the percentage of people with access to safe drinking water and basic sanitation in rural and urban areas<sup>173</sup>. In high-income parts of urban areas the population often has easy access to water for a low price by public utilities whereas the people living in poor urban areas of the same country or region do not have access to 20 liters of water a day per person which would be required for the most basic human need.<sup>174</sup> Poor people mostly live in informal settlements with often no access to safe drinking water and basic sanitation, which makes them more vulnerable to waterborne diseases such as diarrhea, cholera, malaria and dengue, which are the most common in the La Plata River Basin<sup>175</sup>

### *Managing the La Plata River Basin*

A Macro-Transboundary Diagnostic Analysis conducted in the region to identify the main barriers that potentially limit an effective response to the risks in the La Plata River Basin outlined the following problems: lack of planning capacity to manage the diverse demands for shared resources, weak institutions, lack of an IWRM vision, inappropriate land and soil use, technological limitations on agricultural production, uncoordinated models for dam management at the Basin scale, interferences in fluvial ecosystem dynamics, urban development models with low levels of resource allocations and marginal and poor settlements.<sup>176</sup>

It is increasingly recognized that management of water in a transboundary context is crucial even though it is even more complex than the management on the national level.<sup>177</sup> Managing the resources of the La Plata River Basin on a regional level is not a new idea. In 1967 the Ministers of Foreign Affairs of the five countries concerned established the Intergovernmental Coordinating Committee of the Countries of La Plata Basin (CIC).<sup>178</sup> The La Plata Treaty was adopted in 1969 which included agreements on jurisdictional matters, navigation, fishing, pollution prevention and scientific research.<sup>179</sup> The CIC institutionalized the management of the La Plata River Basin in order to promote, coordinate and follow up with multinational integrating development programs; it receives technical and financial assistance from international agencies such as UNEP and executes the decisions approved by the Ministers of Foreign Affairs.<sup>180</sup> The Plata Treaty established common goals that emphasize hydroelectricity generation and navigation but relate much less to water quality and other issues.<sup>181</sup> International management of the La Plata River Basin continued with the formation of FONPLATA in 1976, a banking mechanism to ensure stable, non-contentious funding, and in 1991 the creation of the Technical Projects Unit by CIC to link the Basins technical and financial institutions.<sup>182</sup>

### *Challenges and Lessons Learned*

The implementation of joint projects in the region significantly improved the economies of the member countries, especially by generating electricity for domestic use and export but the environmental, financial and human costs of these developments became increasingly visible in the mid-2000s leading to the integration of environmental concerns in new treaties and projects.<sup>183</sup> The biggest challenges right now for the countries in the La Plata River Basin are meeting safe water and sanitation needs and fighting the extensive environmental deterioration caused by rapid population growth, expanding industrial, agricultural and mining activities as well as large-scale hydraulic engineering.<sup>184</sup> The La Plata River Basin is also an important fresh groundwater reservoir for portions of Argentina,

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<sup>172</sup> Roy/Barr/Venema, *Ecosystem Approaches in Integrated Water Resources Management (IWRM)*, 2011, p. 7.

<sup>173</sup> UNESCO, *3rd UN World Water Development Report*, 2009, p. 499.

<sup>174</sup> UNDP Human Development Report, *Beyond Scarcity: Power, poverty and the global water crisis*, 2006, p. 2.

<sup>175</sup> UNESCO, *3rd UN World Water Development Report*, 2009, p. 499.

<sup>176</sup> Bello, *Confronting the challenges of climate variability through an integrated strategy for the sustainable management of the La Plata River Basin*, 2009, p. 4-5.

<sup>177</sup> Roy/Barr/Venema, *Ecosystem Approaches in Integrated Water Resources Management (IWRM)*, 2011, p. 13.

<sup>178</sup> UNESCO, *3rd UN World Water Development Report*, 2009, p. 501.

<sup>179</sup> OAS, *La Plata River Basin*, 2005, p. 2.

<sup>180</sup> OAS Department for Sustainable Development, *Sustainable Management of the Water Resources of the La Plata Basin with respect to the Effects of Climate Variability and Change*, 2011.

<sup>181</sup> Roy/Barr/Venema, *Ecosystem Approaches in Integrated Water Resources Management (IWRM)*, 2011, p. 40.

<sup>182</sup> Roy/Barr/Venema, *Ecosystem Approaches in Integrated Water Resources Management (IWRM)*, 2011, p. 41.

<sup>183</sup> Roy/Barr/Venema, *Ecosystem Approaches in Integrated Water Resources Management (IWRM)*, 2011, p. 41.

<sup>184</sup> UNESCO, *3rd UN World Water Development Report*, 2009, p. 501.

Brazil, Paraguay and Uruguay and provides water for approximately 15 million inhabitants; nevertheless, an international legal framework for the management of transboundary groundwater resources currently does not exist in the region.<sup>185</sup>

Between 1946 and 2006, 15 treaties were signed to create new projects in the La Plata River Basin but some of these have faced problems with the equitable sharing of the benefits resulting from the production of electricity of shared dams.<sup>186</sup> Also, these dams have caused severe environmental problems. But, because of these treaties mechanisms by which a measure of cooperation can be achieved have been established between the countries; politically, the CIC and the La Plata Treaty provide a sound basis for international cooperation.<sup>187</sup>

In 2001, representatives of the La Plata River Basin countries agreed on the preparation of an IWRM Program during the IV Inter-American Water Management Dialogue.<sup>188</sup> This IWRM Framework Program should aim at the following goals: coordination of common interest projects, carrying out IWRM projects and selection of concrete prioritized actions, highlighting the importance of flood and drought phenomena, definition of sustainable hydrology, promotion of regional initiatives identified as priorities by two or more countries of the La Plata Treaty,<sup>189</sup> But even though IWRM strategies have been incorporated in the framework program and in bi-, tri- and multilateral treaties, the implementation of these measures is not well established.<sup>190</sup>

### **Conclusion**

Rivers and wetlands provide important ecological services, these include waste assimilation, floodwater storage and erosion control.<sup>191</sup> Over the last years, IWRM has been increasingly recognized as an effective tool to coordinate the development and management of water, land and related resources to maximize the resulting economic and social welfare in equal shares and at the same time ensure the sustainability of ecosystems.<sup>192</sup>

The biggest challenges for the Member States of OAS are population growth and climate change. Delegates should consider what answers IWRM provide for these problems? What actions need to be taken to move from incorporation of these strategies in treaties to actual implementation? How can a balance be created between economic benefits and environmental protection, or do measurements for environmental protection include potential for economic benefits?

## **Annotated Bibliography**

### **II. Integrated Water Resource Management in a Changing Environment**

Inter-American Water Resources Network (IWRN). (2011). *D7 Announced: Colombia will be the venue for the Seventh Inter-American Dialogue on Water Management in 2011*. Retrieved on August 5, 2011, from [http://www.iwrn.org/index.php?option=com\\_content&view=article&id=69%3Ad7-announced&catid=45&lang=en](http://www.iwrn.org/index.php?option=com_content&view=article&id=69%3Ad7-announced&catid=45&lang=en)

*Delegates should consult this Web site regularly of the course of the next months as it provides current information about the discussion on water management in the Americas. The Inter-American Dialogue on Water Management is the main event for the hemisphere on water management for 2011 and might bring forward new developments in IWRM policy for OAS Member States. The goal is to find further agreements on collaborative mechanisms for transboundary water resources management.*

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<sup>185</sup> UNESCO, *3rd UN World Water Development Report*, 2009, p. 500-501.

<sup>186</sup> Roy/Barr/Venema, *Ecosystem Approaches in Integrated Water Resources Management (IWRM)*, 2011, p. 41-42.

<sup>187</sup> Roy/Barr/Venema, *Ecosystem Approaches in Integrated Water Resources Management (IWRM)*, 2011, p. 42.

<sup>188</sup> OAS Department of Sustainable Development, *Sustainable Management of the Water Resources of the La Plata Basin with respect to the Effects of Climate Variability and Change*, 2011.

<sup>189</sup> OAS Department of Sustainable Development, *Sustainable Management of the Water Resources of the La Plata Basin with respect to the Effects of Climate Variability and Change*, 2011.

<sup>190</sup> Roy/Barr/Venema, *Ecosystem Approaches in Integrated Water Resources Management (IWRM)*, 2011, p. 6.

<sup>191</sup> Roy/Barr/Venema, *Ecosystem Approaches in Integrated Water Resources Management (IWRM)*, 2011, p. 6.

<sup>192</sup> Roy/Barr/Venema, *Ecosystem Approaches in Integrated Water Resources Management (IWRM)*, 2011, p. 12.



Intergovernmental Panel on Climate Change (IPCC). (2008). *Climate Change and Water*. IPCC Technical Paper VI. Retrieved on August 5, 2011, from <http://www.ipcc.ch/pdf/technical-papers/climate-change-water-en.pdf>

*This technical paper was written at the request of the IPCC Plenary in response to the World Climate Programme - Water, the Dialogue on Water. The paper provides a thorough account of observed and future predictions of the changing climates impact on freshwater resources. It looks at the current and potential future impacts and the widespread consequences for human societies and ecosystems. The paper provides regional analyses, giving a good foundation of the water issues currently facing the Americas and what might digress in future years.*

Organization for American States (2011). *2011 OAS Cooperation Catalog: Strengthening Partnerships for the Americas*. Executive Secretariat for Integral Development. Retrieved on August 5, 2011, from [http://www.oas.org/en/cidi/XVI\\_Ordinaria\\_2011.asp](http://www.oas.org/en/cidi/XVI_Ordinaria_2011.asp)

*The purpose of this catalog is to outline the work of the OAS to support the implementation of the agenda of development in key sectors. It gives an overview of the work done between 2008 and 2010 within the framework of the Executive Secretariat. It lists the programs to Integrated Water Resource Management and Environmental Law and Governance and relevant to the topic at hand.*

Organization of American States Department of Sustainable Development. (2010). *Integrated Water Resources Management*. Retrieved on August 7, 2011, from <http://www.oas.org/dsd/waterresources.htm>

*This Web site provides a useful overview of the OAS DSD main objectives and priorities in promoting integrated water resources management. It also provides a summary for ongoing projects and links for further information. It also provides useful data concerning OAS collaboration with other institutions and their water legislation database. From this Web site delegates can access information on other relevant sections of the Department of Sustainable Development.*

Organization of American States.(2005). *La Plata River Basin. A Framework for the Sustainable Management of Its Water Resources with Respect to the Hydrological Effects of Climatic Variability and Change*. Retrieved on November 4, 2011, from [http://www.oas.org/dsd/Events/english/Documents/OSDE\\_6LaPlata.pdf](http://www.oas.org/dsd/Events/english/Documents/OSDE_6LaPlata.pdf)

*This document is an excellent source for delegates to access specific information about an IWRM project in the region. It outlines what actions were taken in the course of the project and provides information on the funding by international organizations. Delegates are provided with general information on the status, preliminary results and follow-up activities regarding the project implementation.*

Roy, D./Barr, J./Venema, H. (2011). *Ecosystem Approaches in Integrated Water Resources Management (IWRM). A Review of Transboundary River Basins*. Retrieved on November 4, 2011 from <http://www.unepdhi.org/~media/59C14F60A009473E9105BA9D9ADB03C0.ashx>

*This study was conducted by UNEP and the International Institute for Sustainable Development and was published in August 2011. It provides delegates with the most recent developments in IWRM policy around the world outlining progress, barriers and challenges in the use of IWRM for the protection of the ecosystem. The study thoroughly examines the IWRM policy in the La Plata River Basin and identifies successes and failures.*

United Nations Development Program. (2011). *Water and Ocean Governance*. Retrieved on August 15, 2011, from <http://www.undp.org/water/climate-change.shtml>

*This Web site provides a useful introduction to the affects climate change has on water resources and the consequent impacts on societies and ecosystems. It also provides summaries and links to UN publications on water right and governance. Delegates are provided with an overview of water projects by UNDP especially those with a focus on IWRM in the Americas and other regions. It is an essential source for information about the UN's policy on IWRM.*

United Nations Environment Programme. (2011). *Vital Water Graphics Report*. Retrieved November 10, 2011, from <http://www.unep.org/dewa/vitalwater/>

*This report focuses on the critical issues of water quantity, quality, and availability. It contains many maps, graphs, and charts relating to water issues around the world, including the Americas. Specifically, it provides information on freshwater availability, problem areas, and regional water*

*quantity distributions. Delegates should pay special attention to the chapter on water management, which focuses on the challenges caused by the water competition between cities and agriculture.*

UNESCO. (2009). *The 3rd United Nations World Water Development Report: Water in a Changing World*. Retrieved on August, 2011, from <http://www.unesco.org/water/wwap/wwdr/wwdr3/>

*The World Water Development Report addresses a number of themes related to water: climate change, the MDGs, groundwater, biodiversity, water and migration, water and infrastructure, and biofuels among others. All these issues have relevance for IWRM policies in OAS Member States. Delegates should pay special attention to the case study of the La Plata River Basin which addresses specific issues of countries in the Americas.*

Water Forum of the Americas. (2011). *Regional Process 6<sup>th</sup> World Water Forum Marseille, France, March 2012: Americas Region Preparatory Process*. Retrieved on November 4, 2011, from <http://www.worldwaterforum6.org/en/commissions/regional/americas-region/>

*This document provides a short background of the Americas regional processes for past World Water Forums, as well as the process for the 6<sup>th</sup> World Water Forum. It outlines key thematic regional topics and targets for the 2012 forum, and the institution and information that will be produced in preparation for the upcoming forum. It provides a useful summary of the key water issues currently facing the Americas.*

### **III. The Role of Culture in Promoting Social Inclusion and Economic Development**

#### ***Culture's Impact on Traditionally Marginalized Groups***

The Organization of American States (OAS) has increasingly become aware of the role culture plays in promoting economic development and social inclusion.<sup>193</sup> Member States of the OAS such as Mexico, Brazil, and others, have been working to further enhance cultural identities and industries that have proven to become a reliable source of income for developing countries by creating cultural tourism, as well as creative industries that brings in thousands of tourists every year.<sup>194</sup> Additionally, the OAS has endorsed culture as a “fundamental and integral component” for the development of the Americas and has deemed culture a priority in the promotion of “cultural diversity, disseminating and protecting cultural heritage,” and further enhancing social inclusion of marginalized groups.<sup>195</sup> The OAS Secretary-General Jose Miguel Insulza states, “I share the view that culture is not only a source of employment and revenue, but also the basic element of our social fabric and the strength of our democratic institutions. Culture is a determining factor for the development of human potential, equality, and understanding between our peoples.”<sup>196</sup> Considering that the OAS encompasses a variety of ethnicities and cultures, there is great potential for further developing cultural protection and cultural industries within every OAS Member State. For example, Mexico’s National Council for Culture and the Arts of Mexico (CONACULTA) has collaborated with various inter-governmental agencies and private businesses in promoting cultural tourism programs such as “Pueblos Magicos” throughout Mexico.<sup>197</sup> “Pueblos Magicos” was created by national and local governments of Mexico in order to spur tourism in cities or towns that are rich in culture and heritage.<sup>198</sup> These communities benefit greatly in terms of economic development because the local government is granted millions of dollars in funds that will be used to establish new businesses and improve tourism infrastructure, thereby creating new jobs and opportunities for

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<sup>193</sup> Inter-American Program of Culture, *Culture and Development*, 1996.

<sup>194</sup> Ishmael, *Cultural Industries Growing in Significance in Latin America and the Caribbean*, 2009.

<sup>195</sup> Inter-American Program of Culture, *Culture and Development*, 1996.

<sup>196</sup> Organization of American States, *Inter-American Committee on Culture Intro*, 2007.

<sup>197</sup> Organization of American States, *Culture as an engine of economic growth and social inclusion in the Americas*, 2007.

<sup>198</sup> Mexico’s Secretary of Tourism, “Pueblos Magicos” Program Boosts Growth and development in different communities around the country, 2011.

groups of society that normally would have been marginalized.<sup>199</sup> Programs such as “Pueblos Magicos” promote the role of culture as a tool for social inclusion and economic development.<sup>200</sup>

Another example of social inclusion that impacts local economies is the role women and indigenous groups have on cultural industries. Both groups greatly contribute to cultural industries by producing tradable commodities and services that are dependent on their cultural skills, skills that they have acquired by the preservation of traditions.<sup>201</sup> Furthermore, cultural industries offer opportunities for acquiring skills and creating jobs to traditionally marginalized groups, including the youth, which consist of about 16% of the unemployed rate in the Americas.<sup>202</sup> Cultural industries have proven to be an effective contributor to the development of the global GDP and equally important for the development of national economies.<sup>203</sup> The chairman of the Inter-American Committee on Culture agrees, “cultural entrepreneurship represents an important and growing area of opportunity for our youth. Culture can indeed be an engine for growth, development and economic opportunity.”<sup>204</sup>

### ***Challenges to Cultural Industries***

However, economic development continues to be hindered by “constant poverty and inequality in terms of access to education and health as well as the growing phenomena of violence among youth,” which has become a major problem in promoting culture.<sup>205</sup> The Inter-American Developmental Bank (IDB) has declared it is ready and willing to help OAS Member States in financing cultural industries.<sup>206</sup> The IDB stated in one report the “need for countries’ representatives to express their interest of having cultural industries as a constant and structured topic within the action spectrum of the IDB and other international organizations.”<sup>207</sup> For instance, OAS Member States that would like the assistance from the IDB must demonstrate their interest by creating projects that will rehabilitate cultural centers such as archeological sites, historical architecture, and/or cultural traditions.<sup>208</sup> Furthermore, Member States have to create policies that will orientate local residents to fully participate in the promotion of cultural projects for the best outcome for social inclusion and economic development.<sup>209</sup> Additionally, the IDB will coordinate its efforts with the private sector in order to enhance investment in new cultural industries.<sup>210</sup>

The OAS and the IDB have been working together for a number of years in creating dialogue among inter-government agencies and Member States so that their collaborative efforts may be enhanced in combating logistical problems.<sup>211</sup> In addition, the OAS Secretary-General has encouraged the development of creative industries that naturally includes the youth and indigenous groups.<sup>212</sup> While economic development is mired by some of the problems mentioned above, the promotion of culture in social inclusion has problems of its own.<sup>213</sup> For instance, some Member States of the OAS still have certain groups, for example – indigenous people, that continue to be marginalized and discriminated against.<sup>214</sup> Indigenous groups as well as other groups that are excluded from society are propelled into social violence, higher unemployment rates, less access to formal education, and less than standard health benefits.<sup>215</sup> Third, Indigenous Leaders at the fifth Summit of the Americas had declared that:

“We, the Indigenous Peoples, Nations and organizations from South, Central and North America and the Caribbean hereby set forth this Declaration with the vision of a future for Indigenous Peoples throughout the Americas where all rights and fundamental freedoms are respected and

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<sup>199</sup> Mexico’s Secretary of Tourism, “*Pueblos Magicos*” Program Boosts Growth and development in different communities around the country, 2011.

<sup>200</sup> Mexico’s Secretary of Tourism, “*Pueblos Magicos*” Program Boosts Growth and development in different communities around the country, 2011.

<sup>201</sup> Ishmael, *Cultural Industries Growing in Significance in Latin America and the Caribbean*, 2009.

<sup>202</sup> Frenette, *Fourth Regular Meeting of the Inter-American Committee on Culture (CIC)*, 2009.

<sup>203</sup> Organization of American States, *Culture as an engine of economic growth and social inclusion in the Americas*, 2007.

<sup>204</sup> Frenette, *Fourth Regular Meeting of the Inter-American Committee on Culture (CIC)*, 2009.

<sup>205</sup> Organization of American States, *Culture as an Engine of Economic Growth and Social Inclusion in the Americas*, 2007.

<sup>206</sup> Organization of American States, *Culture as an Engine of Economic Growth and Social Inclusion in the Americas*, 2007.

<sup>207</sup> Organization of American States, *Culture as an Engine of Economic Growth and Social Inclusion in the Americas*, 2007.

<sup>208</sup> Inter-American Development Bank, *Cultural Industries in Latin America and the Caribbean: Challenges and Opportunities*, 2007.

<sup>209</sup> Inter-American Development Bank, *Cultural Industries in Latin America and the Caribbean: Challenges and Opportunities*, 2007.

<sup>210</sup> Inter-American Development Bank, *Cultural Industries in Latin America and the Caribbean: Challenges and Opportunities*, 2007.

<sup>211</sup> Organization of American States, *Culture as an Engine of Economic Growth and Social inclusion in the Americas*, 2007.

<sup>212</sup> Organization of American States, *Culture as an Engine of Economic Growth and Social Inclusion in the Americas*, 2007.

<sup>213</sup> Organization of American States, *Culture as an Engine of Economic Growth and Social Inclusion in the Americas*, 2007.

<sup>214</sup> Organization of American States, *Culture as an Engine of Economic Growth and Social Inclusion in the Americas*, 2007.

<sup>215</sup> Organization of American States, *Culture as an Engine of Economic Growth and Social Inclusion in the Americas*, 2007.

fully realized. Indigenous Peoples, including women and youth must be full effective participants and partners in the implementation of these rights and fundamental freedoms.”<sup>216</sup>

OAS Secretary-General Jose Miguel Insulza had reiterated his commitment to the full realization of including rights of indigenous peoples, as the Third Indigenous Leaders had proposed, within the dialogue of the fifth Summit of the Americas.<sup>217</sup> The promotion of culture as a tool for social inclusion and economic development has gained some attention from OAS Member States as an effective way to enhance their economies, but there still remain many challenges that stifle the promotion of culture.<sup>218</sup> One remaining challenge is the lack of equity that has long plagued the hemisphere.<sup>219</sup> While equity is considered a priority for democracy to develop, it is also necessary for social inclusion and economic development because equity presupposes that all individuals should have equal access to job opportunities and the opportunity to benefit from economic growth within their communities.<sup>220</sup> Existing discrimination makes it difficult to include all members of society within any economic gains from cultural industries.<sup>221</sup> The International Labour Organization (ILO) and the OAS have been collaborating to promote standards and fundamental rights at work that would “create greater opportunities for woman” and other marginalized social groups such as the youth and indigenous communities.<sup>222</sup>

### ***Creating Dialogue and Regional Collaboration***

Within the framework of the third Regular Meeting of the Inter-American Committee on Culture (CIC), the IDB and the Global Foundation for Democracy and Development have been coordinating workshops that facilitate dialogue among Member States and other international organizations that promote culture and economic development.<sup>223</sup> As a result from these workshops, 2011 had been designated the Inter-American Year of Culture; it will serve to emphasize the importance of culture in promoting social inclusion respecting the diversity of cultures in the Americas and reinforcing the role of culture as an economic driver.<sup>224</sup> The IDB has determined that cultural industries contribute to the “creation, production, and distribution of goods and services that are cultural in nature,” which in economic terms translates to about 3.5% to 4% average to the GDP of Latin American countries.<sup>225</sup> Furthermore, according to “*The Role that Culture Plays in Social Development and Economic Integration in our Hemisphere*,” cultures impact on economic growth represents between 1% and 7% of the GNP’s of OAS Members while it also helps to generate employment by newly established or expanded businesses within local communities.<sup>226</sup>

OAS members have declared their principles for the promotion of culture as a driver for economic development and social inclusion. At the first Summit of the Americas in Miami OAS members agreed to the preservation of democratic values and eradicating poverty by including marginalized populations within any framework.<sup>227</sup> Recently, the Inter-American Democratic Charter established 28 articles that defend and promote culture as a tool to eradicate inequalities and discrimination by including all members of society in the democratic process.<sup>228</sup> For instance, OAS Member States are dedicated to eliminating all forms of discrimination and promote human rights of indigenous peoples.<sup>229</sup> Additionally, the OAS has recognized education as “key to strengthening democratic institution, promoting the development of human potential, and alleviating poverty and fostering greater understanding” among people.<sup>230</sup>

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<sup>216</sup> Organization of American States, *Implementing the Rights of the Indigenous Peoples of the Americas for Present and Future Generations*, 2009.

<sup>217</sup> Organization of American States, *Remarks by the OAS Secretary General, Jose Miguel Insulza*, 2009.

<sup>218</sup> Organization of American States, *Culture as an Engine of Economic Growth and Social Inclusion in the Americas*, 2007.

<sup>219</sup> Organization of American States, *Implementing the Rights of the Indigenous Peoples of the Americas for Present and Future Generations*, 2009.

<sup>220</sup> Organization of American States, *Implementing the Rights of the Indigenous Peoples of the Americas for Present and Future Generations*, 2009.

<sup>221</sup> Organization of American States, *Culture as an Engine of Economic Growth and Social Inclusion in the Americas*, 2007.

<sup>222</sup> Organization of American States, *Culture as an Engine of Economic Growth and Social Inclusion in the Americas*, 2007.

<sup>223</sup> Organization of American States, *Culture as an engine of economic growth and social inclusion in the Americas*, 2007.

<sup>224</sup> U.S. Permanent Mission to the Organization of American States, *Development*, 2011.

<sup>225</sup> Inter-American Development Bank, *Cultural Industries in Latin America and the Caribbean: Challenges and Opportunities*, 2007.

<sup>226</sup> Organization of American States, *The Role that Culture Plays in Social Development and Economic Integration in our Hemisphere*, 2004.

<sup>227</sup> Organization of American States, *First Summit of the Americas*, 1994.

<sup>228</sup> Organization of American States, *Inter-American Democratic Charter*, 2001.

<sup>229</sup> Organization of American States, *Inter-American Democratic Charter*, 2001.

<sup>230</sup> Organization of American States, *Inter-American Democratic Charter*, 2001.

The Inter-American Program of Culture was created to help OAS Member States with strategic action for the promotion of culture, the dissemination and protection of cultural heritage, the promotion of cultural tourism, and a forum for Inter-American dialogue on development.<sup>231</sup> For example, the CIC was created to facilitate workshops and dialogue among Ministries of Culture and highest appropriate authorities of the Americas that will serve in mandating Declarations of Plans of Actions of their meetings.<sup>232</sup> Some of the major issues that the CIC is currently working in is the preservation and protection of cultural heritage; culture and the strengthening of dignity and identity; and the role of culture in creating decent jobs and overcoming poverty.<sup>233</sup> Culture and the role of indigenous peoples are among some of the major initiatives being mandated by the CIC.<sup>234</sup> Specifically, Member States such as Guatemala, Nicaragua, and Bolivia have been working on the protection of cultural heritage sites by establishing agreements that would restrict the importing of cultural property. The OAS in collaboration with the CIC and the Inter-American Program of Culture has enhanced the role of culture in social inclusion and economic development. It is important to highlight that the last Summit of the Americas was in 2009, held in the Trinidad and Tobago, in which promoting human prosperity and strengthening democratic governance were some of the major topics outlined by the fifth Summit of the Americas.<sup>235</sup> Additionally, at the fifth Summit it was realized that culture plays an important role in building social inclusion and promotes dialogue and understanding between the different cultures in the hemisphere.<sup>236</sup> Furthermore, support for indigenous peoples was recognized during the fifth Summit of the Americas by declaring that the OAS is dedicated to promoting the rights of indigenous peoples by allowing the full participation in all national activities and creating the conditions that would allow indigenous peoples to “overcome poverty, social exclusion and inequality.”<sup>237</sup> Due to the rich culture that indigenous communities contain, these indigenous groups can especially contribute to the promotion of culture as a tool to social inclusion and economic development because of their traditional knowledge, skills, and expressions.<sup>238</sup> Finally, it is noteworthy to know that a sixth Summit of the Americas is already being prepared to take place in Cartagena, Colombia 2012, in which the role of culture in social inclusion and economic development will be highlighted.<sup>239</sup>

### ***Case Study: Jamaican Music Industry***

While the Caribbean Islands consist of an array of cultures and ethnicities that may contribute to their national cultural industries, the Caribbean is hampered by major problems that make it difficult to promote their already established cultural industries to flourish.<sup>240</sup> For instance, Jamaica has a well-established music industry that contributes about 10% of the national GDP, an estimated \$60-100 million in exports.<sup>241</sup> In addition, there are an estimated 15,000 persons who are involved with the Jamaican music industry and over 100 different occupations.<sup>242</sup> While Jamaica is a great example of an OAS Member State utilizing its unique cultural style of music and arts in promoting social inclusion and economic development, there still remain a number of problems that need to be tackled.<sup>243</sup> Jamaica’s Prime Minister Bruce Golding had stated that “If you look at how world trade is moving from product to services and to more exotic areas of endeavors, the creative industries represents one important area that we will now have to pay more attention to.”<sup>244</sup> In the case of Jamaica, unlike other OAS Member States, the problem does not lie in the lack of willingness from its politicians for the promotion of culture as a tool for social inclusion and economic development, but instead the problems Jamaica faces is the lack of intellectual property rights.<sup>245</sup> There is a need to further develop national

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<sup>231</sup> Inter-American Program of Culture, *Culture and Development*, 1996.

<sup>232</sup> U.S. Permanent Mission to the Organization of American States, *Development*, 2011.

<sup>233</sup> Organization of American States, *Final Report of the Third Regular Meeting of the Inter-American Committee on Culture*, 2007.

<sup>234</sup> Organization of American States, *Final Report of the Third Regular Meeting of the Inter-American Committee on Culture*, 2007.

<sup>235</sup> Organization of the American States, *Fifth Summit of the Americas*, 2009.

<sup>236</sup> Organization of the American States, *Fifth Summit of the Americas*, 2009.

<sup>237</sup> Organization of the American States, *Fifth Summit of the Americas*, 2009.

<sup>238</sup> Organization of American States, *Implementing the Rights of the Indigenous Peoples of the Americas for Present and Future Generations*, 2009.

<sup>239</sup> Organization of the American States, *What will the Hemisphere’s Leaders discuss?*, 2011.

<sup>240</sup> Nurse, *The Creative Economy and Caribbean Development: Challenges and Opportunities*, 2007.

<sup>241</sup> United Nations Educational, Scientific, and Cultural Organization, *Jamaican Music Industry*, 2004.

<sup>242</sup> Stanbury, *An Overview of the Jamaican Music Industry*, 2007.

<sup>243</sup> Nurse, *The Creative Economy and Caribbean Development: Challenges and Opportunities*, 2007.

<sup>244</sup> Scott, *Cultural Industries will move Jamaica forward, says PM*, 2011.

<sup>245</sup> Nurse, *The Creative Economy and Caribbean Development: Challenges and Opportunities*, 2007.

policies that would promote and protect the music industry from infringement.<sup>246</sup> Jamaica's Intellectual Property Office (JIPO) has emphasized its commitment in further developing "proper protection, administrative and enforcement of Intellectual Property Rights (IPRs)."<sup>247</sup> JIPO's contribution would enhance and greatly augment national economic growth and development by assisting "Jamaica and Jamaicans" recover revenues owed to them by "international organizations and countries" for the use of Jamaican intellectual and other property.<sup>248</sup> In addition, JIPO is also dedicated in protecting artist and investors in facilitating protection of their IPRs on international level, especially since trade technologies are constantly influx and changing to meet the demands of a globalized world.<sup>249</sup> At the regional level, the OAS and other Inter-Governmental Organizations, such as the IDB, need to further collaborate in outlining international frameworks that protect IPRs, "to develop creative entrepreneurship for artisans/artist," the developing of partnerships between private sector and creators, and "to upgrade the quality and supply of competitive products."<sup>250</sup>

Jamaica also faces more complex issues that other members of the region deal with such as the assistance needed for "economic agents, particularly micro, small and medium-sized enterprises (MSMEs), women and vulnerable groups to benefit from expanded markets for their goods and services."<sup>251</sup> In order for social inclusion to be effective in Jamaica, it will need to make sure that its economic success reaches all groups of its society, including the youth that can play a major role in future development of cultural industries.<sup>252</sup> In effort to include the youth in cultural industries, Jamaica has implemented social programs that are currently being headed by the Ministries of Education in promoting integration of culture within the various activities of education to include "fostering greater cultural awareness within the school community" in the hopes that the seeds of culture will encourage present and future creative industries.<sup>253</sup>

### ***Case Study: Trinidad and Tobago's Cultural Tourism and Creative Industries***

Equally, it is important to mention the huge impact cultural tourism has in realizing greater social inclusion and economic development for OAS Member States.<sup>254</sup> For Trinidad and Tobago, cultural tourism takes on the form of annual carnivals and cultural festivals that according to one report, generate \$14 million and about 40,000 visitors from the promotion of its Carnival.<sup>255</sup> Trinidad and Tobago's Carnival begins in January and runs through Mid-April, the same time as the Carnival in Rio de Janeiro, Brazil and Mardi Gras in New Orleans, United States.<sup>256</sup> Due to its unique creative industries, Trinidad and Tobago has been relatively successful in exporting its creative talent by marketing its Carnival.<sup>257</sup> Not only is this form of cultural tourism generating income for Trinidad and Tobago, but it is also positively affecting various groups of society.<sup>258</sup> For example, "it is estimated that over ten percent of the population is directly involved in terms of playing masquerade and performing on Carnival Tuesday."<sup>259</sup> Additionally, cultural industries within Trinidad and Tobago also benefit from the Carnival and cultural festivals due to the fact that musical art forms like calypso, steelpan, and masquerade surround the events of the Carnival, which these art forms have even propelled in the international scene because of their growing popularity.<sup>260</sup> All of these Carnival festivities enhance social inclusion within the musical and performance arts, which also helps to bring in revenue to that sector of the economy.<sup>261</sup>

Although, Trinidad and Tobago still face challenges that hamper the development of its cultural industries that would otherwise exponentially bring in far more profit to its national GDP and create greater jobs.<sup>262</sup> For example, Trinidad

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<sup>246</sup> Nurse, *The Creative Economy and Caribbean Development: Challenges and Opportunities*, 2007.

<sup>247</sup> Cultural Division Ministry of Education, Youth and Culture, *Towards Jamaica the Cultural Superstate*, 2003.

<sup>248</sup> Cultural Division Ministry of Education, Youth and Culture, *Towards Jamaica the Cultural Superstate*, 2003.

<sup>249</sup> Cultural Division Ministry of Education, Youth and Culture, *Towards Jamaica the Cultural Superstate*, 2003.

<sup>250</sup> Organization of American States, *Culture as an engine of economic growth and social inclusion in the Americas*, 2007.

<sup>251</sup> Insulza, *Secretary General of the OAS at Caribbean Investment Forum*, 2011.

<sup>252</sup> Cultural Division Ministry of Education, Youth and Culture, *Towards Jamaica the Cultural Superstate*, 2003.

<sup>253</sup> Cultural Division Ministry of Education, Youth and Culture, *Towards Jamaica the Cultural Superstate*, 2003.

<sup>254</sup> Organization of American States, *The Role that Culture Plays in Social Development and Economic Integration in our Hemisphere*, 2004.

<sup>255</sup> Organization of American States, *The Role that Culture Plays in Social Development and Economic Integration in our Hemisphere*, 2004.

<sup>256</sup> Nurse, *The Economics of Bacchanal: The Economic Impact of Trinidad and Tobago Carnival*, 2007.

<sup>257</sup> Nurse, *The Creative Economy and Caribbean Development: Challenges and Opportunities*, 2007.

<sup>258</sup> Nurse, *The Economics of Bacchanal: The Economic Impact of Trinidad and Tobago Carnival*, 2007.

<sup>259</sup> Nurse, *The Economics of Bacchanal: The Economic Impact of Trinidad and Tobago Carnival*, 2007.

<sup>260</sup> Nurse, *The Economics of Bacchanal: The Economic Impact of Trinidad and Tobago Carnival*, 2007.

<sup>261</sup> Nurse, *The Economics of Bacchanal: The Economic Impact of Trinidad and Tobago Carnival*, 2007.

<sup>262</sup> Ministry of Trade and Industry, *Strategic Plan for the Entertainment Industry of Trinidad and Tobago*, 2006.

and Tobago could improve its human capital if it had greater investors to its cultural industries, but the lack of policies aimed at promoting investment in the cultural sector greatly reduces the effectiveness of Trinidad and Tobago's support for the performing arts, as well as impeding the creation of new and sustainable cultural industries.<sup>263</sup> In 2000, Trinidad and Tobago established the "Tourism Development Act" in an attempt to foster greater investment in its tourism industry.<sup>264</sup> The "Tourism Development Act" outlines incentives such as tax benefits, customs and excise duty exemptions, and reliable and low cost energy; additionally, the Trinidad and Tobago's Ministry of Tourism has made the act available on their website, making it easily accessible to prospective investors.<sup>265</sup>

In addition, there is a need to further integrate inter-regional trade policies that would help to facilitate emerging markets, enhance pathways to creative innovations, and improve competitiveness.<sup>266</sup> In 2011, the Prime Minister of Trinidad and Tobago went on a trade mission to foster new markets for its goods and services.<sup>267</sup> The Prime Minister also enhanced the bilateral relationships with Brazil by benefiting from Brazil's model of development in technology, agribusiness, and entrepreneurship.<sup>268</sup> In order to widen the scope of multilateral trade between OAS Member States, the OAS is committed to "strengthening partnerships with multinational institutions such as the Inter-American Development Bank, government agencies, non-governmental organizations and international financial institutions," as well as responsible private partners.<sup>269</sup> Furthermore, the OAS collaborates with all Inter-American systems to create forums in which all groups that contribute to the promotion of culture are invited for dialogue and the formulation of cohesive and comprehensive policy.<sup>270</sup>

### **Conclusion**

The role culture plays in the promotion of social inclusion and economic development has met some success, particularly with some OAS Member States, but challenges remain. One such challenge is the treatment of cultural industries in "international trade agreements and the risk of being absorbed by globalization and losing local cultural contents and identity" which stems from the lack of intellectual property rights.<sup>271</sup> Additionally, lack of equity to any available resources to certain groups of society will most certainly make the further development of social inclusion much more difficult, thus marginalizing groups that could otherwise benefit from cultural industries.<sup>272</sup> Another related challenge is that of cultural barriers that have been created by out right discrimination between different groups of society.<sup>273</sup> Without the inclusion of all groups of society, the full potential for economic development will not be realized since not all groups would be contributing to creation of cultural creativities and the establishment of new cultural industries.<sup>274</sup> Furthermore, the OAS has taken further steps to partner with the private sector in addressing inequalities by demonstrating social responsibility and also "assisting in community development, job training and social empowerment."<sup>275</sup>

The IDB also estimates that improved infrastructure will "attract more investment and expand intra-regional trade," which at the moment totals 20% of trade compared to 75% in the European Union.<sup>276</sup> In an attempt to meet these challenges and more, what part do non-governmental organization and civil service groups play in enhancing social inclusion? How will the cooperation of government and the private sector characterize policy that will promote cultural industries? What mechanism will enforce any legal framework created to protect intellectual property rights?

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<sup>263</sup> Nurse, *The Creative Economy and Caribbean Development: Challenges and Opportunities*, 2007.

<sup>264</sup> Trinidad and Tobago's Ministry of Tourism, *Tourism Development Act*, 2000.

<sup>265</sup> Trinidad and Tobago's Ministry of Tourism, *Tourism Development Act*, 2000.

<sup>266</sup> Nurse, *The Creative Economy and Caribbean Development: Challenges and Opportunities*, 2007.

<sup>267</sup> Insulza, *Secretary General of the OAS at Caribbean Investment Forum*, 2011.

<sup>268</sup> Insulza, *Secretary General of the OAS at Caribbean Investment Forum*, 2011.

<sup>269</sup> Inter-American Committee on Culture, *Remarks by the OAS Assistant Secretary General, Second of the Inter-American Committee on Culture*, 2005.

<sup>270</sup> Inter-American Committee on Culture, *Remarks by the OAS Assistant Secretary General, Second of the Inter-American Committee on Culture*, 2005.

<sup>271</sup> Inter-American Development Bank, *Cultural Industries in Latin America and the Caribbean: Challenges and Opportunities*, 2007.

<sup>272</sup> Organization of American States, *The Role that Culture Plays in Social Development and Economic Integration in our Hemisphere*, 2004.

<sup>273</sup> Organization of American States, *The Role that Culture Plays in Social Development and Economic Integration in our Hemisphere*, 2004.

<sup>274</sup> Organization of American States, *The Role that Culture Plays in Social Development and Economic Integration in our Hemisphere*, 2004.

<sup>275</sup> Insulza, *Secretary General of the OAS at Caribbean Investment Forum*, 2011.

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And also, at the national and international level, what incentives can be offered to generate greater investment in the cultural sector?

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#### ***III. The Role of Culture in Promoting Social Inclusion and Economic Development***

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*This document is a quick guide to the development of cultural industries by introducing major international instruments already in place. It also details main policies that support the development of culture and heritage. In addition, it gives a few examples of cultural industries in Salvador de Bahia in which the Inter-American Development Bank has reinvested in the development of Salvador de Bahia. The report highlights statistics that help support the positive growth of cultural industries in Latin America.*

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*Dr. Ishmael, Guyana's Ambassador to Venezuela, expresses his view on the protection of heritage and culture as a resource to the ever-growing cultural industries. Dr. Ishmael reaffirms his belief that newly emerging cultural industries are becoming an important asset to Latin American economies by greatly contributing to their national GDP's. He also asserts that OAS Member States need to be more willing to invest in cultural industries within their nations.*

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*Dr. Keith Nurse is an expert on cultural industries and cultural tourism as tools for economic development and social inclusion. This document outlines specifics on Trinidad and Tobago's Carnival, particularly the positive affects on Trinidad and Tobago's national economy and social cohesion. Dr. Nurse emphasizes on the importance of the Carnival as a great source of investment for small and medium businesses.*

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*This report consists of the collected dialogue from a workshop scheduled by the Inter-American Committee of Culture (CIC) to further coordinate efforts with cultural authorities and government representatives in promoting culture as a key driver for economic and social development of Member States to the Organization of American States (OAS). Other collaborators to the workshop were representatives of the Inter-American Development Bank (IDB) and the Global Foundation for Democracy and Development (GFDD). In addition, representatives from Ministries of Culture and Tourism also presented their reports from their respective countries.*

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*This document outlines the Organization of American States' efforts to prioritize activities to enforce responsibilities of Member States to implement further cooperation in increasing hemispheric policy in promoting culture and the creation of new strategies that would provide additional resources. These new strategies would help in enhancing and establishing cultural industries. This document also emphasizes on the importance of protecting cultural diversity and cultural heritage among OAS Member States.*

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*This document sets the foundation for democratic values respected by OAS Member States. The promotion of human rights, culture as tool for development, and the preservation of democratic Institutions are emphasized in this document. It is also important to note that this charter also calls for fostering and strengthening education as a key factor for development.*

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*OAS Secretary-General Jose Miguel Insulza was unable to attend a forum hosted by the third Indigenous Leaders Summit of the Americas, but had made these remarks in response to the Declaration and Action plan formulated by the third Indigenous Leaders. Mr. Insulza reiterates the commitment of the OAS to further enhance the rights of Indigenous groups of the Americas by including this particular group in any dialogue and formulation of policy during the fifth Summit of the Americas. Furthermore, Mr. Insulza highlights the role of the Inter-American Human Rights System for its recent work in advancing the rights of the indigenous peoples in the Americas.*

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# **Rules of Procedure**

## **Organization of American States**

### ***Introduction***

1. These rules shall be the only rules which apply to the Organization of American States' General Assembly (hereinafter referred to as "the Assembly") and shall be considered adopted by the Assembly prior to its first meeting.
2. For purposes of these rules, the Plenary Director, the Assistant Director(s), the Under-Secretaries-General, and the Assistant Secretaries-General, are designates and agents of the Secretary-General and Director-General, and are collectively referred to as the "Secretariat."
3. Interpretation of the rules shall be reserved exclusively to the Director-General or her or his designate. Such interpretation shall be in accordance with the philosophy and principles of the National Model United Nations and in furtherance of the educational mission of that organization.
4. For the purposes of these rules, "President" shall refer to the chairperson or acting chairperson of the Assembly.

### **I. SESSIONS**

#### **Rule 1 - *Dates of convening and adjournment***

The Assembly shall meet every year in regular session, commencing and closing on the dates designated by the Secretary-General.

#### **Rule 2 - *Place of sessions***

The Assembly shall meet at a location designated by the Secretary-General.

### **II. AGENDA**

#### **Rule 3 - *Provisional agenda***

The provisional agenda shall be drawn up by the Secretary-General and communicated to the Members of the Assembly at least sixty days before the opening of the session.

#### **Rule 4 - *Adoption of the agenda***

The agenda provided by the Secretary-General shall be considered adopted as of the beginning of the session. The order of the agenda items shall be determined by a majority vote of those present and voting. Items on the agenda may be amended or deleted by the Assembly by a two-thirds majority of the members present and voting.

*The vote described in this rule is a procedural vote and, as such, observers are permitted to cast a vote. For purposes of this rule, those present and voting means those delegates, including observers, in attendance at the meeting during which this motion comes to a vote.*

#### **Rule 5 - *Revision of the agenda***

During a session, the Assembly may revise the agenda by adding, deleting, deferring or amending items. Only important and urgent items shall be added to the agenda during a session. Permission to speak on a motion to revise the agenda shall be accorded only to three representatives in favor of, and three opposed to, the revision. Additional items of an important and urgent character, proposed for inclusion in the agenda less than thirty days before the opening of a session, may be placed on the agenda if the Assembly so decides by a two-thirds majority of the members present and voting. No additional item may, unless the Assembly decides otherwise by a two-thirds majority of the members present and voting, be considered until a committee has reported on the question concerned.

*For purposes of this rule, the determination of an item of an important and urgent character is subject to the discretion of the Secretariat, and any such determination is final. If an item is determined to be of such a character, then it requires a two-thirds vote of the Assembly to be placed on the agenda. It will, however, not be considered by the Assembly until a committee has reported on the question. The votes described in this rule are substantive vote, and, as such, observers are not permitted to cast a vote. For purposes of this rule, the members present and voting means members (not including observers) in attendance at the session during which this motion comes to vote.*

#### **Rule 6 - *Explanatory memorandum***

Any item proposed for inclusion in the agenda shall be accompanied by an explanatory memorandum and, if possible, by basic documents.

### III. SECRETARIAT

#### ***Rule 7 - Duties of the Secretary-General***

1. The Secretary-General or her/his designate shall act in this capacity in all meetings of the Assembly.
2. The Secretary-General shall provide and direct the staff required by the Assembly and be responsible for all the arrangements that may be necessary for its meetings.

#### ***Rule 8 - Duties of the Secretariat***

The Secretariat shall receive, print, and distribute documents, reports, and resolutions of the Assembly, and shall distribute documents of the Assembly to the Members, and generally perform all other work which the Assembly may require.

#### ***Rule 9 - Statements by the Secretariat***

The Secretary-General, or her/his representative, may make oral as well as written statements to the Assembly concerning any question under consideration.

#### ***Rule 10 - Selection of the President***

The Secretary-General or her/his designate shall appoint, from applications received by the Secretariat, a President who shall hold office and, *inter alia*, chair the Assembly for the duration of the session, unless otherwise decided by the Secretary-General.

#### ***Rule 11 - Replacement of the President***

If the President is unable to perform her/his functions, a new President shall be appointed for the unexpired term at the discretion of the Secretary-General.

### IV. LANGUAGE

#### ***Rule 12 - Official and working language***

English shall be the official and working language of the Assembly.

#### ***Rule 13 - Interpretation (oral) or translation (written)***

Any representative wishing to address any body or submit a document in a language other than English shall provide interpretation or translation into English.

*This rule does not affect the total speaking time allotted to those representatives wishing to address the body in a language other than English. As such, both the speech and the interpretation must be within the set time limit.*

### V. CONDUCT OF BUSINESS

#### ***Rule 14 – Quorum***

The President may declare a meeting open and permit debate to proceed when representatives of at least one third of the members of the Assembly are present. The presence of representatives of a majority of the members of the Assembly shall be required for any decision to be taken.

*For purposes of this rule, members of the Assembly means the total number of members (not including observers) in attendance at the first night's meeting.*

#### ***Rule 15 - General powers of the President***

In addition to exercising the powers conferred upon him or her elsewhere by these rules, the President shall declare the opening and closing of each meeting of the Assembly, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President, subject to these rules, shall have complete control of the proceedings of the Assembly and over the maintenance of order at its meetings.

He or she shall rule on points of order. He or she may propose to the Assembly the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times the representative of each member may speak on an item, the adjournment or closure of the debate, and the suspension or adjournment of a meeting.

*Included in these enumerated powers is the President's power to assign speaking times for all speeches incidental to motions and amendment. Further, the President is to use her/his discretion, upon the advice and at the consent of the Secretariat, to determine whether to entertain a particular motion based on the philosophy and principles of the NMUN. Such discretion should be used on a limited basis and only under circumstances where it is necessary to advance the educational mission of the Conference. For purposes of this rule, the President's power to —propose to the Assembly entails her/his power to —entertain motions, and not to move the body on his or her own motion.*

#### **Rule 16**

The President, in the exercise of her or his functions, remains under the authority of the Assembly.

#### **Rule 17 - Points of order**

During the discussion of any matter, a representative may rise to a point of order, which shall be decided immediately by the President. Any appeal of the decision of the President shall be immediately put to a vote, and the ruling of the President shall stand unless overruled by a majority of the members present and voting.

*Such points of order should not under any circumstances interrupt the speech of a fellow representative. Any questions on order arising during a speech made by a representative should be raised at the conclusion of the speech, or can be addressed by the President, sua sponte, during the speech. For purposes of this rule, the members present and voting mean those members (not including observers) in attendance at the meeting during which this motion comes to vote.*

#### **Rule 18**

A representative may not, in rising to a point of order, speak on the substance of the matter under discussion.

#### **Rule 19 - Speeches**

1. No one may address the Assembly without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak.
2. Debate shall be confined to the question before the Assembly, and the President may call a speaker to order if her/his remarks are not relevant to the subject under discussion.
3. The Assembly may limit the time allowed to speakers and all representatives may speak on any question. Permission to speak on a motion to set such limits shall be accorded only to two representatives favoring and two opposing such limits, after which the motion shall be put to the vote immediately. When debate is limited and a speaker exceeds the allotted time, the President shall call her or him to order without delay.

*In line with the philosophy and principles of the NMUN, in furtherance of its educational mission, and for the purpose of facilitating debate, if the President determines that the Assembly in large part does not want to deviate from the limits to the speaker's time as it is then set, and that any additional motions will not be well received by the body, the President, in her/his discretion, and on the advice and consent of the Secretariat, may rule as dilatory any additional motions to change the limits of the speaker's time.*

#### **Rule 20 - Closing of list of speakers**

Members may only be on the list of speakers once but may be added again after having spoken. During the course of a debate the President may announce the list of speakers and, with the consent of the Assembly, declare the list closed. When there are no more speakers, the President shall declare the debate closed. Such closure shall have the same effect as closure by decision of the Assembly.

*The decision to announce the list of speakers is within the discretion of the President and should not be the subject of a motion by the Assembly. A motion to close the speakers' list is within the purview of the Assembly and the President should not act on her/his own motion.*

**Rule 21 - Right of reply**

If a remark impugns the integrity of a representative's State, the President may permit that representative to exercise her/his right of reply following the conclusion of the controversial speech, and shall determine an appropriate time limit for the reply. No ruling on this question shall be subject to appeal.

*For purposes of this rule, a remark that impugns the integrity of a representative's State is one directed at the governing authority of that State and/or one that puts into question that State's sovereignty or a portion thereof. All interventions in the exercise of the right of reply shall be addressed in writing to the Secretariat and shall not be raised as a point of order or motion. The reply shall be read to the Assembly by the representative only upon approval of the Secretariat, and in no case after voting has concluded on all matters relating to the agenda topic, during the discussion of which, the right arose.*

**Rule 22 - Suspension of the meeting**

During the discussion of any matter, a representative may move the suspension of the meeting, specifying a time for reconvening. Such motions shall not be debated but shall be put to a vote immediately, requiring the support of a majority of the members present and voting to pass.

**Rule 23 - Adjournment of the meeting**

During the discussion of any matter, a representative may move the adjournment of the meeting. Such motions shall not be debated but shall be put to the vote immediately, requiring the support of a majority of the members present and voting to pass. After adjournment, the Assembly shall reconvene at its next regularly scheduled meeting time.

*As this motion, if successful, would end the meeting until the Assembly's next regularly scheduled session the following year, and in accordance with the philosophy and principles of the NMUN and in furtherance of its educational mission, the President will not entertain such a motion until the end of the last meeting of the Assembly.*

**Rule 24 - Adjournment of debate**

A representative may at any time move the adjournment of debate on the topic under discussion. Permission to speak on the motion shall be accorded to two representatives favoring and two opposing adjournment, after which the motion shall be put to a vote immediately, requiring the support of a majority of the members present and voting to pass. If a motion for adjournment passes, the topic is considered dismissed and no action will be taken on it.

**Rule 25 - Closure of debate**

A representative may at any time move the closure of debate on the item under discussion, whether or not any other representative has signified her/his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall be put to the vote immediately. Closure of debate shall require a two-thirds majority of the members present and voting. If the Assembly favors the closure of debate, the Assembly shall immediately move to vote on all proposals introduced under that agenda item.

**Rule 26 - Order of motions** Subject to rule 23, the motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

- a) To suspend the meeting;
- b) To adjourn the meeting;
- c) To adjourn the debate on the item under discussion;
- d) To close the debate on the item under discussion.

**Rule 27 - Proposals and amendments**

Proposals and substantive amendments shall normally be submitted in writing to the Secretariat, with the names of twenty percent of the members of the Assembly would like the Assembly to consider the proposal or amendment. The Secretariat may, at its discretion, approve the proposal or amendment for circulation among the delegations. As a general rule, no proposal shall be put to the vote at any meeting of the Assembly unless copies of it have been circulated to all delegations. The President may, however, permit the discussion and consideration of amendments or of motions as to procedure, even though such amendments and motions have not been circulated. If the sponsors agree to the adoption of a proposed amendment, the proposal shall be modified accordingly and no vote shall be taken on the proposed amendment. A document modified in this manner shall be considered as the proposal pending before the Assembly for all purposes, including subsequent amendments.

*For purposes of this rule, all proposals shall be in the form of working papers prior to their approval by the Secretariat. Working papers will not be copied, or in any other way distributed, to the Assembly by the Secretariat. The distribution of such working papers is solely the responsibility of the sponsors of the working papers. Along these lines, and in furtherance of the philosophy and principles of the NMUN and for the purpose of advancing its educational mission, representatives should not directly refer to the substance of a working paper that has not yet been accepted as a draft resolution. After approval of a working paper, the proposal becomes a draft resolution and will be copied by the Secretariat for distribution to the Assembly. These draft resolutions are the collective property of the Assembly and, as such, the names of the original sponsors will be removed. The copying and distribution of amendments is at the discretion of the Secretariat, but the substance of all such amendments will be made available to all representatives in some form.*

**Rule 28 - Withdrawal of motions**

A proposal or a motion may be withdrawn by its sponsor at any time before voting has commenced, provided that it has not been amended. A motion thus withdrawn may be reintroduced by any representative.

**Rule 29 - Reconsideration of a topic**

When a topic has been adjourned, it may not be reconsidered at the same session unless the Assembly, by a two-thirds majority of those present and voting, so decides. Reconsideration can only be moved by a representative who voted on the prevailing side of the original motion to adjourn. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be put to the vote immediately.

*For purposes of this rule, those present and voting means those representatives, including observers, in attendance at the meeting during which this motion is voted upon by the body.*

## VI. VOTING

**Rule 30 - Voting rights**

Each member of the Assembly shall have one vote.

*This rule applies to substantive voting on amendments, draft resolutions, and portions of draft resolutions divided out by motion. As such, all references to member(s) do not include observers, who are not permitted to cast votes on substantive matters.*

**Rule 31 - Request for a vote**

A proposal or motion before the Assembly for decision shall be voted upon if any member so requests. Where no member requests a vote, the Assembly may adopt proposals or motions without a vote.

*For purposes of this rule, proposal means any draft resolution, an amendment thereto, or a portion of a draft resolution divided out by motion. Just prior to a vote on a particular proposal or motion, the President may ask if there are any objections to passing the proposal or motion by acclamation, or a member may move to accept the proposal or motion by acclamation. If there are no objections to the proposal or motion, then it is adopted without a vote.*

**Rule 32 - Majority required**

1. Unless specified otherwise in these rules, decisions of the Assembly shall be made by a majority of the members present and voting.
2. For the purpose of tabulation, the phrase “members present and voting” means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

*All members declaring their representative States as “present and voting” during the attendance role call for the meeting during which the substantive voting occurs, must cast an affirmative or negative vote, and cannot abstain.*

**Rule 33 - Method of voting**

1. The Assembly shall normally vote by a show of placards, except that a representative may request a roll call, which shall be taken in the English alphabetical order of the names of the members, beginning with the member whose name is randomly selected by the President. The name of each present member shall be called in any roll call, and one of its representatives shall reply “yes,” “no,” “abstention,” or “pass.”

*Only those members who designate themselves as present or present and voting during the attendance roll call, or in some other manner communicate their attendance to the President and/or Secretariat, are permitted to vote and, as such, no others will be called during a roll-call vote. Any representatives replying pass, must, on the second time through, respond with either yes or no. A pass cannot be followed by a second pass for the same proposal or amendment, nor can it be followed by an abstention on that same proposal or amendment.*

2. When the Assembly votes by mechanical means, a non-recorded vote shall replace a vote by show of placards and a recorded vote shall replace a roll-call vote. A representative may request a recorded vote. In the case of a recorded vote, the Assembly shall dispense with the procedure of calling out the names of the members.
3. The vote of each member participating in a roll call or a recorded vote shall be inserted in the record.

#### ***Rule 34 - Explanations of vote***

Representatives may make brief statements consisting solely of explanation of their votes after the voting has been completed. The representatives of a member sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended, and the member has voted against the proposal or motion.

*All explanations of vote must be submitted to the President in writing before debate on the topic is closed, except where the representative is of a member sponsoring the proposal, as described in the second clause, in which case the explanation of vote must be submitted to the President in writing immediately after voting on the topic ends.*

#### ***Rule 35 - Conduct during voting***

After the President has announced the commencement of voting, no representatives shall interrupt the voting except on a point of order in connection with the actual process of voting.

#### ***Rule 36 - Division of proposals and amendments***

Immediately before a proposal or amendment comes to a vote, a representative may move that parts of a proposal or of an amendment should be voted on separately. If there are calls for multiple divisions, those shall be voted upon in an order to be set by the President where the most radical division will be voted upon first. If objection is made to the motion for division, the request for division shall be voted upon, requiring the support of a majority of those present and voting to pass. Permission to speak on the motion for division shall be given only to two speakers in favor and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are involved shall then be put to a vote. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

*For purposes of this rule, most radical division means the division that will remove the greatest substance from the draft resolution, but not necessarily the one that will remove the most words or clauses. The determination of which division is most radical is subject to the discretion of the Secretariat, and any such determination is final.*

#### ***Rule 37 - Amendments***

An amendment is a proposal that does no more than add to, delete from, or revise part of another proposal.

*An amendment can add, amend, or delete operative clauses, but cannot in any manner add, amend, delete, or otherwise affect perambulatory clauses.*

#### ***Rule 38 - Order of voting on amendments***

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the amendment furthest removed in substance from the original proposal shall be voted on first and then the amendment next furthest removed there from, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted on.

*For purposes of this rule, furthest removed in substance means the amendment that will have the most significant impact on the draft resolution. The determination of which amendment is furthest removed in substance is subject to the discretion of the Secretariat, and any such determination is final.*

**Rule 39 - Order of voting on proposals**

If two or more proposals, other than amendments, relate to the same question, they shall, unless the Assembly decides otherwise, be voted on in the order in which they were submitted.

**Rule 40 - The President shall not vote**

The President shall not vote but may designate another member of her/his delegation to vote in her/his place.

## VII. CREDENTIALS

**Rule 41 - Credentials**

The credentials of representatives and the names of members of a delegation shall be submitted to the Secretary-General prior to the opening of a session.

**Rule 42**

The Assembly shall be bound by the actions of the General Assembly in all credentials matters and shall take no action regarding the credentials of any member.

## VII. PARTICIPATION OF NON-MEMBERS OF THE ASSEMBLY

**Rule 43 - Participation of non-Member States**

1. The Assembly shall invite any Member of the United Nations that is not a member of the Assembly and any other State, to participate in its deliberations on any matter of particular concern to that State.
2. A committee or sessional body of the Assembly shall invite any State that is not one of its own members to participate in its deliberations on any matter of particular concern to that State.
3. A State thus invited shall not have the right to vote, but may submit proposals which may be put to the vote on request of any member of the body concerned.

*If the Assembly considers that the presence of a Member invited according to this rule is no longer necessary, it may withdraw the invitation again. Delegates invited to the Assembly according to this rule should also keep in mind their role and obligations in the committee that they were originally assigned to. For educational purposes of the NMUN Conference, the Secretariat may thus ask a delegate to return to his or her committee when his or her presence in the Assembly is no longer required.*

**Rule 45 - Participation of national liberation movements**

The Assembly may invite any national liberation movement recognized by the General Assembly to participate, without the right to vote, in its deliberations on any matter of particular concern to that movement.

**Rule 46 - Participation of and consultation with specialized agencies**

In accordance with the agreements concluded between the United Nations and the specialized agencies, the specialized agencies shall be entitled: a) To be represented at meetings of the Assembly and its subsidiary organs; b) To participate, without the right to vote, through their representatives, in deliberations with respect to items of concern to them and to submit proposals regarding such items, which may be put to the vote at the request of any member of the Assembly or of the subsidiary organ concerned.

**Rule 47 - Participation of non-governmental organization and intergovernmental organizations**

Representatives of non-governmental organizations/intergovernmental organizations accorded consultative observer status by the General Assembly and other non-governmental organizations/intergovernmental organizations designated on an ad hoc or a continuing basis by the Assembly on the recommendation of the Bureau, may participate, with the procedural right to vote, but not the substantive right to vote, in the deliberations of the Assembly on questions within the scope of the activities of the organizations.